

STATE OF NEW YORK

S. 8306--C

A. 8806--C

SENATE - ASSEMBLY

January 17, 2024

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

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

AN ACT to amend the education law, in relation to contracts for excellence; to amend the education law, in relation to foundation aid; to amend the education law, in relation to allowable transportation expenses; to direct a foundation aid formula study by the Nelson A. Rockefeller institute; to amend the education law, in relation to transportation aid and the Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022; to amend the education law, in relation to transportation aid for zero-emission school buses and establishing the New York state zero-emission bus resource center; to amend the education law, in relation to academic enhancement aid; to amend the education law, in relation to high tax aid; to amend the education law, in relation to universal pre-kindergarten and the Statewide universal full-day pre-kindergarten program; directing a study on consolidation of pre-kindergarten funding; to amend the education law, in relation to implementation of the smart schools bond act of 2014; to amend the education law, in relation to special apportionments and grants-in-aid to school districts; to amend the education law, in relation to extending certain provisions of the teachers of tomorrow teacher recruitment and retention program; to amend the education law, in relation to maximum class sizes for special classes

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

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for certain students with disabilities; to amend chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; 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 2023-2024 school year withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the education law, in relation to funding for employment preparation education programs; to amend the education law, in relation to the financing of charter schools; to amend part A of chapter 56 of the laws of 2023 directing the education department to conduct a comprehensive study of alternative tuition rate-setting methodologies for approved providers operating school-age and preschool programs receiving state funding, in relation to extending the date for the submission of such recommendations; to amend chapter 537 of the laws of 1976 relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, in relation to a state subsidy; to amend chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, in relation to the effectiveness thereof; to amend subpart F of part C of chapter 97 of the laws of 2011, amending the education law relating to census reporting, in relation to the effectiveness thereof; providing for special apportionment for salary expenses; providing for special apportionment for public pension accruals; to amend chapter 121 of the laws of 1996 authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to an apportionment for salary expenses; providing for set-asides from the state funds which certain districts are receiving from the total foundation aid; providing for support of public libraries; to repeal certain provisions of the education law relating to phase-in foundation increase; to repeal certain provisions of the education law relating to foundation aid; and providing for the repeal of certain provisions upon the expiration thereof (Part A); to amend the education law, in relation to establishing evidence-based reading instructional best practices for students attending prekindergarten through grade three (Part B); to amend the education law, in relation to directing the commissioner of education to require the completion of a free application for federal student aid or a waiver of such requirement and requires school districts to issue annual reports on students completing the free application for federal student aid and the waiver (Part C); to amend the education law, in relation to eligibility for unrestricted aid to independent colleges and universities (Part D); intentionally omitted (Part E); to amend chapter 260 of the laws of 2011 amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part F); 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 G); 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 H); intentionally omitted (Part I); to amend the labor law, in relation to nursing employees' right to express breast milk (Part J); inten-

tionally omitted (Part K); intentionally omitted (Part L); to amend chapter 25 of the laws of 2020, relating to providing requirements for sick leave and the provision of certain employee benefits when such employee is subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19, in relation to providing for the expiration and repeal of such provisions (Part M); to utilize reserves in the mortgage insurance fund for various housing purposes (Part N); to amend the criminal procedure law and the penal law, in relation to the crime of deed theft; to amend the executive law, in relation to authorizing the attorney general to prosecute crimes involving deed theft; to amend the real property actions and proceedings law, in relation to the partition of heirs property; and to amend the real property law, in relation to allowing transfer on death deeds (Part O); intentionally omitted (Part P); to amend the multiple dwelling law, in relation to authorizing a city of one million or more to remove the cap on the floor area ratio of certain dwellings (Part Q); to amend the labor law and the real property tax law, in relation to the exemption from real property taxation of certain multiple dwellings in a city having a population of one million or more (Part R); to amend the multiple dwelling law, in relation to establishing a program to address the legalization of specified basement and cellar dwelling units and the conversion of other specified basement and cellar dwelling units in a city with a population of one million or more (Part S); to amend the real property tax law, in relation to eligible multiple dwellings under the affordable New York housing program (Part T); to amend the real property tax law and the labor law, in relation to enacting the affordable neighborhoods for New Yorkers tax incentive (Part U); to amend the executive law, in relation to requiring the state fire prevention and building code council to study and adopt uniform fire prevention and building code standards to promote fire safety and accessibility in certain single-exit, single stairway multi-unit residential buildings; and providing for the repeal of such provisions upon the expiration thereof (Part V); to amend the education law, in relation to permitting tuition assistance program awards to be made to part-time students enrolled in certain degree granting institutions chartered or authorized by the New York state board of regents (Part W); to amend the education law, in relation to increasing the income eligibility threshold for the tuition assistance program (Part X); to amend the social services law, in relation to establishing differential payment rates for child care services provided by licensed, registered or enrolled child care providers (Part Y); to amend chapter 277 of the laws of 2021 amending the labor law relating to the calculation of weekly employment insurance benefits for workers who are partially unemployed, in relation to the effectiveness thereof (Part Z); to amend the vehicle and traffic law, in relation to owner liability for failure of an operator to stop for a school bus displaying a red visual signal and stop-arm; and to amend chapter 145 of the laws of 2019, amending the vehicle and traffic law relating to school bus photo violation monitoring systems and owner liability for failure of operator to stop for a school bus displaying a red visual signal, in relation to the effectiveness thereof (Part AA); to amend the insurance law, in relation to prohibiting discrimination because of the affordability of residential buildings (Part BB); to amend the education law, in relation to requiring the use of project labor agreements for large scale construction projects under the state university construction fund (Part CC); relating to the city

of Dunkirk fiscal recovery act; and providing for the repeal of such provisions upon expiration thereof (Part DD); to amend the real property tax law, in relation to establishing an optional local tax exemption for affordable multi-family housing and an optional local tax exemption for newly converted or constructed fully income restricted rental multiple dwellings (Part EE); to amend the emergency tenant protection act of nineteen seventy-four, the administrative code of the city of New York, and the emergency housing rent control law, in relation to increasing the amount recoverable by an owner for individual apartment improvements (Part FF); to amend the executive law, in relation to including an accessory dwelling unit in the term housing accommodations in the human rights law; and to amend the real property tax law, in relation to providing a tax exemption on the increase in value of property resulting from the addition of an accessory dwelling unit (Part GG); to amend the real property law and the real property actions and proceedings law, in relation to enacting the "good cause eviction law"; and providing for the repeal of such provisions upon the expiration thereof (Part HH); to amend the real property actions and proceedings law, in relation to further establishing when a landlord-tenant relationship exists (Part II); to amend the real property tax law, in relation to directing the department of housing preservation and development to develop a program to conduct annual audits of compliance with the affordable New York housing program (Part JJ); to amend the private housing finance law, in relation to establishing the New York housing for the future homeownership program and the New York housing for the future rental housing program (Part KK); to amend the election law, the civil practice law and rules and the education law, in relation to regulating public data maintained by county and city boards of elections (Part LL); to amend the alcoholic beverage control law, in relation to permitting the use of contiguous and non-contiguous municipal public space by certain licensees; and to repeal chapter 238 of the laws of 2021, relating to permitting the use of municipal space for outdoor dining (Part MM); to amend the transportation law, in relation to clarifying certain provisions of the stretch limousine passenger safety act (Part NN); to amend the vehicle and traffic law, in relation to establishing speed limits in cities with populations in excess of one million people (Part OO); to amend the public health law, in relation to enacting the reproductive freedom and equity grant program (Part PP); to amend the retirement and social security law and the administrative code of the city of New York, in relation to the calculation of the final average salary for purposes of the calculation of a pension benefit (Part QQ); to amend the tax law, in relation to reducing the rate of tax applicable to certain authorized combative sports under article 19 thereof (Part RR); authorizing the lease of certain lands located at the State University of New York at Stony Brook (Part SS); to amend the public authorities law, in relation to bonds issued by the New York city transitional finance authority (Part TT); to amend the public authorities law, in relation to fare enforcement by the metropolitan transportation authority (Part UU); in relation to directing the office of children and family services to conduct a study to evaluate the feasibility of providing after school programming to every school-aged child in New York (Part VV); to amend the vehicle and traffic law, in relation to obstructed or obscured license plates and the penalty imposed upon the operator of a vehicle with an intentionally altered or obscured license plate while on a toll highway, bridge or tunnel or

in a tolled central business district; to amend the vehicle and traffic law, in relation to authorizing law enforcement to confiscate license plate coverings; to amend the vehicle and traffic law, in relation to authorizing vehicle registration suspension for failure to comply with the removal of materials or substances altering or obscuring a license plate; and to amend the public authorities law, in relation to authorizing public authorities with bridges, tunnels or highways under their jurisdiction to enter judgments for unpaid liabilities for a violation of toll collection regulations and enforce such judgments without court proceedings (Subpart A); and to amend the public authorities law, in relation to the payment of tolls under the tolls by mail program (Subpart B) (Part WW); to provide for the administration of certain funds and accounts related to the 2023-2024 budget, authorizing certain payments and transfers; to amend the state finance law, in relation to the administration of certain funds and accounts, in relation to the effectiveness thereof, and in relation to interest owed on outstanding balances of debt; to amend part D of chapter 389 of the laws of 1997 relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of certain bonds or notes; to amend the private housing finance law, in relation to housing program bonds and notes; to amend the public authorities law, in relation to the issuance of bonds and notes by the dedicated highway and bridge trust fund; to amend the public authorities law, in relation to the issuance of bonds and notes for city university facilities; to amend the public authorities law, in relation to the issuance of bonds for library construction projects; to amend the public authorities law, in relation to the issuance of bonds for state university educational facilities; to amend the public authorities law, in relation to the issuance of bonds and notes for locally sponsored community colleges; to amend chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, in relation to the issuance of mental health services facilities improvement bonds and notes; to amend part K of chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to the issuance of bonds and notes to finance capital costs related to homeland security; to amend chapter 174 of the laws of 1968 constituting the urban development corporation act, in relation to the issuance of bonds and notes for purposes of funding office of information technology services project costs; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of funds to the thruway authority; to amend chapter 174 of the laws of 1968 constituting the urban development corporation act, in relation to the issuance of bonds and notes to fund costs for statewide equipment; to amend the public authorities law, in relation to the issuance of bonds for purposes of financing environmental infrastructure projects; to amend part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds and notes for the youth facilities improvement fund; to amend the public authorities law, in relation to the issuance of bonds and notes for the purpose of financing peace bridge projects and capital costs of state and local highways; to amend chapter 174 of the laws of 1968 constituting the urban development corpo-

ration act, in relation to the issuance of bonds for economic development initiatives; to amend part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to the issuance of bonds and notes for the purpose of financing capital projects for the division of military and naval affairs; to amend chapter 174 of the laws of 1968 constituting the urban development corporation act, in relation to the issuance of bonds for special education and other educational facilities; to amend the public authorities law, in relation to the issuance of bonds and notes for the purpose of financing the construction of the New York state agriculture and markets food laboratory; to amend section 1 of part D of chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to higher education capital matching grants; to amend chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, in relation to including comprehensive psychiatric emergency programs and housing for mentally ill persons in the definition of mental health services facility; to amend the state finance law, in relation to the private sale of certain revenue bonds, and in relation to including assets that provide a long-term interest in land in the definition of fixed assets; to amend the public authorities law, in relation to bond issuance charges; to amend the state finance law, in relation to the redemption price of certain revenue bonds; to amend chapter 174 of the laws of 1968 constituting the urban development corporation act, in relation to the issuance of personal income tax revenue anticipation notes; to amend the public authorities law, in relation to the issuance of bonds or notes for the purpose of assisting the metropolitan transportation authority in the financing of transportation facilities; and providing for the repeal of certain provisions upon expiration thereof (Part XX); to amend chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, in relation to extending such provisions (Part YY); to amend the education law, in relation to school governance in the city of New York; and 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, and 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 (Part ZZ); to amend the economic development law, in relation to establishing the newspaper and broadcast media jobs program; and to amend the tax law, in relation to establishing the newspaper and broadcast media jobs tax credit (Part AAA); and to amend the tax law, in relation to a payment of a supplemental empire state child credit (Part BBB)

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 2024-2025 state fiscal year. Each component is
4 wholly contained within a Part identified as Parts A through BBB. The

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

9

PART A

10 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
11 tion law, as amended by section 1 of part A of chapter 56 of the laws of
12 2023, is amended to read as follows:

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

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

1 not less than the amount approved by the commissioner in the contract
2 for excellence for the two thousand nineteen--two thousand twenty school
3 year; and provided further that, a school district that submitted a
4 contract for excellence for the two thousand twenty--two thousand twen-
5 ty-one school year, unless all schools in the district are identified as
6 in good standing, shall submit a contract for excellence for the two
7 thousand twenty-one--two thousand twenty-two school year which shall,
8 notwithstanding the requirements of subparagraph (vi) of paragraph a of
9 subdivision two of this section, provide for the expenditure of an
10 amount which shall be not less than the amount approved by the commis-
11 sioner in the contract for excellence for the two thousand twenty--two
12 thousand twenty-one school year; and provided further that, a school
13 district that submitted a contract for excellence for the two thousand
14 twenty-one--two thousand twenty-two school year, unless all schools in
15 the district are identified as in good standing, shall submit a contract
16 for excellence for the two thousand twenty-two--two thousand twenty-
17 three school year which shall, notwithstanding the requirements of
18 subparagraph (vi) of paragraph a of subdivision two of this section,
19 provide for the expenditure of an amount which shall be not less than
20 the amount approved by the commissioner in the contract for excellence
21 for the two thousand twenty-one--two thousand twenty-two school year;
22 and provided further that, a school district that submitted a contract
23 for excellence for the two thousand twenty-two--two thousand twenty-
24 three school year, unless all schools in the district are identified as
25 in good standing, shall submit a contract for excellence for the two
26 thousand twenty-three--two thousand twenty-four school year which shall,
27 notwithstanding the requirements of subparagraph (vi) of paragraph a of
28 subdivision two of this section, provide for the expenditure of an
29 amount which shall be not less than the amount approved by the commis-
30 sioner in the contract for excellence for the two thousand twenty-two--
31 two thousand twenty-three school year; and provided further that, a
32 school district that submitted a contract for excellence for the two
33 thousand twenty-three--two thousand twenty-four school year, unless all
34 schools in the district are identified as in good standing, shall submit
35 a contract for excellence for the two thousand twenty-four--two thousand
36 twenty-five school year which shall, notwithstanding the requirements of
37 subparagraph (vi) of paragraph a of subdivision two of this section,
38 provide for the expenditure of an amount which shall be not less than
39 the amount approved by the commissioner in the contract for excellence
40 for the two thousand twenty-three--two thousand twenty-four school year;
41 provided, however, that, in a city school district in a city having a
42 population of one million or more, notwithstanding the requirements of
43 subparagraph (vi) of paragraph a of subdivision two of this section, the
44 contract for excellence shall provide for the expenditure as set forth
45 in subparagraph (v) of paragraph a of subdivision two of this section.
46 For purposes of this paragraph, the "gap elimination adjustment percent-
47 age" shall be calculated as the sum of one minus the quotient of the sum
48 of the school district's net gap elimination adjustment for two thousand
49 ten--two thousand eleven computed pursuant to chapter fifty-three of the
50 laws of two thousand ten, making appropriations for the support of
51 government, plus the school district's gap elimination adjustment for
52 two thousand eleven--two thousand twelve as computed pursuant to chapter
53 fifty-three of the laws of two thousand eleven, making appropriations
54 for the support of the local assistance budget, including support for
55 general support for public schools, divided by the total aid for adjust-
56 ment computed pursuant to chapter fifty-three of the laws of two thou-

1 sand eleven, making appropriations for the local assistance budget,
2 including support for general support for public schools. Provided,
3 further, that such amount shall be expended to support and maintain
4 allowable programs and activities approved in the two thousand nine--two
5 thousand ten school year or to support new or expanded allowable
6 programs and activities in the current year.

7 § 2. The opening paragraph of subdivision 4 of section 3602 of the
8 education law, as amended by section 9-b of part CCC of chapter 59 of
9 the laws of 2018, is amended to read as follows:

10 In addition to any other apportionment pursuant to this chapter, a
11 school district, other than a special act school district as defined in
12 subdivision eight of section four thousand one of this chapter, shall be
13 eligible for total foundation aid equal to the product of total aidable
14 foundation pupil units multiplied by the district's selected foundation
15 aid, which shall be the greater of five hundred dollars (\$500) or foun-
16 dation formula aid~~[, provided, however that for the two thousand seven-~~
17 ~~two thousand eight through two thousand eight two thousand nine school~~
18 ~~years, no school district shall receive total foundation aid in excess~~
19 ~~of the sum of the total foundation aid base for aid payable in the two~~
20 ~~thousand seven--two thousand eight school year computed pursuant to~~
21 ~~subparagraph (i) of paragraph j of subdivision one of this section, plus~~
22 ~~the phase in foundation increase computed pursuant to paragraph b of~~
23 ~~this subdivision, and provided further that for the two thousand twelve-~~
24 ~~two thousand thirteen school year, no school district shall receive~~
25 ~~total foundation aid in excess of the sum of the total foundation aid~~
26 ~~base for aid payable in the two thousand eleven two thousand twelve~~
27 ~~school year computed pursuant to subparagraph (ii) of paragraph j of~~
28 ~~subdivision one of this section, plus the phase in foundation increase~~
29 ~~computed pursuant to paragraph b of this subdivision, and provided~~
30 ~~further that for the two thousand thirteen--two thousand fourteen school~~
31 ~~year and thereafter, no school district shall receive total foundation~~
32 ~~aid in excess of the sum of the total foundation aid base computed~~
33 ~~pursuant to subparagraph (ii) of paragraph j of subdivision one of this~~
34 ~~section, plus the phase in foundation increase computed pursuant to~~
35 ~~paragraph b of this subdivision, and provided further that for the two~~
36 ~~thousand sixteen two thousand seventeen school year, no eligible school~~
37 ~~districts shall receive total foundation aid in excess of the sum of the~~
38 ~~total foundation aid base computed pursuant to subparagraph (ii) of~~
39 ~~paragraph j of subdivision one of this section plus the sum of (A) the~~
40 ~~phase in foundation increase, (B) the executive foundation increase with~~
41 ~~a minimum increase pursuant to paragraph b-2 of this subdivision, and~~
42 ~~(C) an amount equal to "COMMUNITY SCHOOLS AID" in the computer listing~~
43 ~~produced by the commissioner in support of the executive budget request~~
44 ~~for the two thousand sixteen--two thousand seventeen school year and~~
45 ~~entitled "BT161-7", where (1) "eligible school district" shall be~~
46 ~~defined as a district with (a) an unrestricted aid increase of less than~~
47 ~~seven percent (0.07) and (b) a three year average free and reduced price~~
48 ~~lunch percent greater than fifteen percent (0.15), and (2) "unrestricted~~
49 ~~aid increase" shall mean the quotient arrived at when dividing (a) the~~
50 ~~sum of the executive foundation aid increase plus the gap elimination~~
51 ~~adjustment for the base year, by (b) the difference of foundation aid~~
52 ~~for the base year less the gap elimination adjustment for the base year,~~
53 ~~and (3) "executive foundation increase" shall mean the difference of (a)~~
54 ~~the amounts set forth for each school district as "FOUNDATION AID" under~~
55 ~~the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing~~
56 ~~produced by the commissioner in support of the executive budget request~~

~~for the two thousand sixteen two thousand seventeen school year and entitled "BT161-7" less (b) the amounts set forth for each school district as "FOUNDATION AID" under the heading "2015-16 BASE YEAR AIDS" in such computer listing and provided further that total foundation aid shall not be less than the product of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section and the due minimum percent which shall be, for the two thousand twelve two thousand thirteen school year, one hundred and six tenths percent (1.006) and for the two thousand thirteen two thousand fourteen school year for city school districts of those cities having populations in excess of one hundred twenty five thousand and less than one million inhabitants one hundred and one and one hundred and seventy six thousandths percent (1.01176), and for all other districts one hundred and three tenths percent (1.003), and for the two thousand fourteen two thousand fifteen school year one hundred and eighty five hundredths percent (1.0085), and for the two thousand fifteen two thousand sixteen school year, one hundred thirty seven hundredths percent (1.0037), subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein, nor more than the product of such total foundation aid base and one hundred fifteen percent for any school year other than the two thousand seventeen two thousand eighteen school year, provided, however, that for the two thousand sixteen two thousand seventeen school year such maximum shall be no more than the sum of (i) the product of such total foundation aid base and one hundred fifteen percent plus (ii) the executive foundation increase and plus (iii) "COMMUNITY SCHOOLS AID" in the computer listing produced by the commissioner in support of the executive budget request for the two thousand sixteen two thousand seventeen school year and entitled "BT161-7" and provided further that for the two thousand nine two thousand ten through two thousand eleven two thousand twelve school years, each school district shall receive total foundation aid in an amount equal to the amount apportioned to such school district for the two thousand eight two thousand nine school year pursuant to this subdivision]. Total aidable foundation pupil units shall be calculated pursuant to paragraph g of subdivision two of this section. For the purposes of calculating aid pursuant to this subdivision, aid for the city school district of the city of New York shall be calculated on a citywide basis.~~

§ 3. Subparagraphs 1 and 4 of paragraph a of subdivision 4 of section 3602 of the education law, as amended by section 9-b of part CCC of chapter 59 of the laws of 2018, are amended to read as follows:

(1) The foundation amount shall reflect the average per pupil cost of general education instruction in successful school districts, as determined by a statistical analysis of the costs of special education and general education in successful school districts, provided that the foundation amount shall be adjusted annually to reflect the percentage increase in the consumer price index as defined by paragraph hh of subdivision one of this section[, provided that for the two thousand eight two thousand nine school year, for the purpose of such adjustment, the percentage increase in the consumer price index shall be deemed to be two and nine tenths percent (0.029), and provided further that the foundation amount for the two thousand seven two thousand eight school year shall be five thousand two hundred fifty eight dollars, and provided further that for the two thousand seven two thousand eight through two thousand seventeen two thousand eighteen school years, the foundation amount shall be further adjusted by the phase in

~~1 foundation percent established pursuant to paragraph b of this subdivi-~~
~~2 sion], provided that for the two thousand twenty-four--two thousand~~
~~3 twenty-five school year, the percentage increase in the consumer price~~
~~4 index shall be deemed to be two and eight-tenths percent (0.028).~~

(4) The expected minimum local contribution shall equal the lesser of
(i) the product of (A) the quotient arrived at when the selected actual
valuation is divided by total wealth foundation pupil units, multiplied
by (B) the product of the local tax factor, multiplied by the income
wealth index, or (ii) the product of (A) the product of the foundation
amount, the regional cost index, and the pupil need index, multiplied by
(B) the positive difference, if any, of one minus the state sharing
ratio for total foundation aid. The local tax factor shall be estab-
lished by May first of each year by determining the product, computed to
four decimal places without rounding, of ninety percent multiplied by
the quotient of the sum of the statewide average tax rate as computed by
the commissioner for the current year in accordance with the provisions
of paragraph e of subdivision one of section thirty-six hundred nine-e
of this part plus the statewide average tax rate computed by the commis-
sioner for the base year in accordance with such provisions plus the
statewide average tax rate computed by the commissioner for the year
prior to the base year in accordance with such provisions, divided by
three~~[, provided however that for the two thousand seven two thousand~~
~~eight school year, such local tax factor shall be sixteen thousandths~~
~~(0.016), and provided further that for the two thousand eight--two thou-~~
~~sand nine school year, such local tax factor shall be one hundred~~
~~fifty-four ten thousandths (0.0154)].~~ The income wealth index shall be
calculated pursuant to paragraph d of subdivision three of this section,
provided, however, that for the purposes of computing the expected mini-
mum local contribution the income wealth index shall not be less than
sixty-five percent (0.65) and shall not be more than two hundred percent
(2.0) ~~[and provided however that such income wealth index shall not be~~
~~more than ninety five percent (0.95) for the two thousand eight two~~
~~thousand nine school year, and provided further that such income wealth~~
~~index shall not be less than zero for the two thousand thirteen--two~~
~~thousand fourteen school year].~~ The selected actual valuation shall be
calculated pursuant to paragraph c of subdivision one of this section.
Total wealth foundation pupil units shall be calculated pursuant to
paragraph h of subdivision two of this section.

§ 4. Paragraph c of subdivision 4 of section 3602 of the education
law, as amended by section 9-b of part CCC of chapter 59 of the laws of
2018, is amended to read as follows:

c. Public excess cost aid setaside. Each school district shall set
aside from its total foundation aid computed for the current year pursu-
ant to this subdivision an amount equal to the product of: (i) the
difference between the amount the school district was eligible to
receive in the two thousand six--two thousand seven school year pursuant
to or in lieu of paragraph six of subdivision nineteen of this section
as such paragraph existed on June thirtieth, two thousand seven, minus
the amount such district was eligible to receive pursuant to or in lieu
of paragraph five of subdivision nineteen of this section as such para-
graph existed on June thirtieth, two thousand seven, in such school
year, and (ii) the sum of one and the percentage increase in the consum-
er price index for the current year over such consumer price index for
the two thousand six--two thousand seven school year, as defined by
paragraph hh of subdivision one of this section, provided that the
percentage increase in the consumer price index for the two thousand

1 twenty-four--two thousand twenty-five school year over such consumer
2 price index for the two thousand six--two thousand seven school year
3 shall be deemed to be fifty-four and one-tenth percent (0.541). Notwith-
4 standing any other provision of law to the contrary, the public excess
5 cost aid setaside shall be paid pursuant to section thirty-six hundred
6 nine-b of this part.

7 § 5. Paragraph d of subdivision 4 of section 3602 of the education
8 law, as amended by section 6 of part YYY of chapter 59 of the laws of
9 2019, is amended to read as follows:

10 d. For the two thousand fourteen--two thousand fifteen through two
11 thousand [~~twenty-three~~] twenty-eight--two thousand [~~twenty-four~~] twen-
12 ty-nine school years a city school district of a city having a popu-
13 lation of one million or more may use amounts apportioned pursuant to
14 this subdivision for afterschool programs.

15 § 6. Paragraphs b, b-2, b-3, b-4, f, g, h, i and j of subdivision 4 of
16 section 3602 of the education law are REPEALED and paragraph b-1 is
17 relettered paragraph b.

18 § 7. Paragraph k of subdivision 4 of section 3602 of the education law
19 is REPEALED.

20 § 8. The closing paragraph of subdivision 3 of section 3602 of the
21 education law, as added by section 13 of part B of chapter 57 of the
22 laws of 2007, is amended to read as follows:

23 Such result shall be expressed as a decimal carried to three places
24 without rounding, but shall not be greater than ninety hundredths nor
25 less than zero, provided, however, that for the purpose of computing the
26 state sharing ratio for total foundation aid in the two thousand twen-
27 ty-four--two thousand twenty-five school year and thereafter, such
28 result shall not be greater than ninety-one hundredths.

29 § 9. Foundation aid study. 1. The Nelson A. Rockefeller institute of
30 government of the state university of New York ("the institute") shall
31 conduct a comprehensive study of the foundation aid formula ("the
32 study"). The institute, in consultation with the state education depart-
33 ment, the division of the budget, and any other state agencies the
34 institute deems necessary, shall examine, evaluate, and recommend poten-
35 tial modifications to the calculation of foundation aid pursuant to
36 subdivision 4 of section 3602 of the education law. The institute shall
37 contract with third parties as necessary to complete the study. The
38 institute shall gather and consider feedback provided by a broad and
39 diverse range of stakeholders, including but not limited to education
40 organizations, teachers, parents, school administrators, and school
41 boards. The institute shall hold at least three public hearings across
42 the state to gather input from such stakeholders.

43 2. The results, findings, and recommendations of the study shall be
44 for study purposes only, shall not be considered binding upon the execu-
45 tive or the legislature in any manner, and shall not establish the
46 constitutional minimum cost to provide an opportunity for a sound basic
47 education.

48 3. The foundation aid formula, as modified by the recommendations of
49 the study, shall achieve the following:

50 (a) be fiscally sustainable for the state, local taxpayers, and school
51 districts; and

52 (b) calculate foundation aid payable for all school districts consist-
53 ently using only the most recent year or years of available data on
54 pupil counts, student needs, district income and property wealth, and
55 other formula components.

1 4. The study shall evaluate each current component of the foundation
2 aid formula and recommend whether to retain, modify, or eliminate the
3 component, and may evaluate and recommend new components to add to the
4 formula. Such evaluation shall consider relevant data and research. The
5 components to be so evaluated shall include but not be limited to the
6 following:

7 (a) the foundation amount of instructional spending per pupil;

8 (b) the additional weightings for pupil needs, such as for free and
9 reduced-price lunch, census poverty, English language learners, sparsi-
10 ty, and pupils with disabilities;

11 (c) the adjustment for regional cost differences;

12 (d) the calculation of school districts' relative wealth;

13 (e) the expected minimum local contribution toward the adjusted foun-
14 dation amount; and

15 (f) the pupil counts, such as public enrollment and average daily
16 membership.

17 5. In support of its recommendations, the study shall at a minimum
18 examine the following:

19 (a) New York's overall state and local system of funding public educa-
20 tion compared to those of other states, including but not limited to the
21 methodologies and levels of funding;

22 (b) the extent to which the current calculation of the foundation
23 amount is inconsistent with current adjustments for pupil needs and
24 regional cost differences and includes costs supported by other non-lo-
25 cal revenues;

26 (c) the additional instructional costs associated with addressing the
27 needs of certain groups of students, including whether and how to prop-
28 erly weight students belonging to multiple such groups;

29 (d) the extent to which teacher salaries, other professional salaries,
30 the cost of living, and school district spending per pupil vary by
31 region;

32 (e) the formula's adjusted foundation amount compared to school
33 districts' actual spending on the costs intended to be supported by such
34 amount;

35 (f) the formula's expected minimum local contribution compared to
36 school districts' actual local contribution and fiscal capacity, includ-
37 ing but not limited to property tax levy, unexpended surplus in excess
38 of the limit established by section 1318 of the real property tax law,
39 and other potential offsets;

40 (g) the extent to which school districts' property tax rates vary by
41 districts' relative income; and

42 (h) school districts' overall financial condition, including annual
43 operating deficits or surpluses and accumulated fund balances and
44 reserves.

45 6. The institute shall submit a report of its findings and recommenda-
46 tions to the governor, the temporary president of the senate, and the
47 speaker of the assembly on or before December 1, 2024.

48 § 10. Intentionally omitted.

49 § 10-a. Paragraph d-1 of subdivision 14 of section 3602 of the educa-
50 tion law, as added by section 17-a of part B of chapter 57 of the laws
51 of 2007, is amended to read as follows:

52 d-1. For purposes of paragraph d of this subdivision, "selected oper-
53 ating aid per pupil" shall mean the apportionment computed for the
54 2006-07 school year, based on data on file with the commissioner as of
55 the date upon which an electronic data file was created for the purposes
56 of compliance with paragraph b of subdivision twenty-one of section

1 three hundred five of this chapter on February fifteenth[~~, as the prod-~~
2 ~~uct of (i) the state sharing ratio calculated pursuant to paragraph g of~~
3 ~~subdivision three of this section and (ii) the sum of \$3,900 and the~~
4 ~~product of (a) the lesser of \$8,000 or the expense per pupil as defined~~
5 ~~in subdivision one of this section minus \$3,900 and (b) the greater of~~
6 ~~the quotient, computed to four decimals without rounding, of .075~~
7 ~~divided by the school district combined wealth ratio calculated pursuant~~
8 ~~to paragraph c of subdivision three of this section or 7.5 percent, but~~
9 ~~not less than \$400, and the selected apportionment shall mean the prod-~~
10 ~~uct of the district's total aidable pupil units calculated pursuant to~~
11 ~~subdivision two of this section and the selected operating aid per pupil~~
12 ~~as calculated pursuant to the provisions contained herein], provided
13 further that for school districts which reorganize on or after July
14 first, two thousand twenty-four, for purposes of paragraph d of this
15 subdivision, "selected operating aid per pupil" shall mean the total
16 foundation aid base, as defined pursuant to paragraph j of subdivision
17 one of this section, calculated as of the effective date of the reorgan-
18 ization.~~

19 § 11. Subparagraphs 2 and 3 of paragraph b of subdivision 6-f of
20 section 3602 of the education law, as added by section 19 of part H of
21 chapter 83 of the laws of 2002, are amended to read as follows:

22 (2) is a construction emergency project to remediate emergency situ-
23 ations which arise in public school buildings and threaten the health
24 and/or safety of building occupants, as a result of the unanticipated
25 discovery of asbestos or other hazardous substances during construction
26 work on a school or significant damage caused by a fire, snow storm, ice
27 storm, excessive rain, high winds, flood or a similar catastrophic event
28 which results in the necessity for immediate repair[~~, and/or~~

29 ~~(3) if bonded pursuant to paragraph j of subdivision six of this~~
30 ~~section, would cause a city school district in a city having a popu-~~
31 ~~lation of less than one hundred twenty five thousand inhabitants to~~
32 ~~exceed ninety five percent of its constitutional debt limit provided,~~
33 ~~however, that any debt issued pursuant to paragraph c of section 104.00~~
34 ~~of the local finance law shall not be included in such calculation].~~

35 § 11-a. Subparagraph 9 of paragraph a of subdivision 6 of section 3602
36 of the education law, as added by chapter 617 of the laws of 2021, is
37 renumbered subparagraph 11 and a new subparagraph 12 is added to read as
38 follows:

39 (12) Notwithstanding any other provision of law to the contrary, for
40 the purpose of computation of building aid for construction, recon-
41 struction or modernizing of no more than one project by the Binghamton
42 city school district, multi-year cost allowances for the project shall
43 be established and utilized two times in the first five-year period.
44 Subsequent multi-year cost allowances shall be established no sooner
45 than ten years after establishment of the first maximum cost allowance
46 authorized pursuant to this subparagraph.

47 § 12. The opening paragraph of subdivision 2 of section 3623-a of the
48 education law, as added by chapter 474 of the laws of 1996, is amended
49 to read as follows:

50 Allowable transportation capital, debt service and lease expense shall
51 include base year expenditures [~~for~~] as described in this subdivision,
52 net of revenue received with the express purpose of funding such expend-
53 itures as prescribed by the commissioner, except as provided in para-
54 graph d of subdivision three of this section.

55 § 13. Subdivision 3 of section 3623-a of the education law is amended
56 by adding added a new paragraph d to read as follows:

1 d. (1) For aid payable in the two thousand twenty-four--two thousand
2 twenty-five school year and thereafter, notwithstanding any provision of
3 law to the contrary, approved transportation capital, debt service, and
4 lease expenses for apportionments to school districts under subdivision
5 seven of section thirty-six hundred two of this article shall include
6 the final value of any vouchers paid on behalf of a school district,
7 payments, and grants authorized pursuant to section 58-0701 of the envi-
8 ronmental conservation law for costs associated with the purchase of or
9 conversion to zero-emission school buses and supporting infrastructure.

10 (2) In the case of allowable expenses for transportation capital, debt
11 service, or leases which are related to costs associated with the
12 purchase of or conversion to zero-emission school buses and supporting
13 infrastructure and which are supported in whole or in part by vouchers,
14 payments, or grants authorized under section 58-0701 of the environ-
15 mental conservation law, such allowable expenses at the time in which
16 the expense is claimed for aid shall not exceed the sum of (i) the prod-
17 uct of the transportation aid ratio calculated pursuant to subdivision
18 seven of section thirty-six hundred two of this article multiplied by
19 allowable expenses, plus (ii) the final value of any such vouchers paid
20 on behalf of a school district, payments, and grants authorized under
21 section 58-0701 of the environmental conservation law.

22 (3) The entity authorized to provide state assistance payments or
23 grants pursuant to subdivision two of section 58-0703 of the environ-
24 mental conservation law shall provide to the commissioner a list of
25 grants awarded and payments to each school district or vouchers paid on
26 behalf of a school district for the purchase of or conversion to zero-
27 emission school buses and supporting infrastructure no later than one
28 month prior to the end of each calendar year and each school year. This
29 list shall include the type and number of zero-emission school buses to
30 be funded by these payments or grants, the supporting infrastructure to
31 be funded by these payments or grants, the award amounts of each payment
32 or grant, the direct recipient of each payment or grant, the district
33 receiving such payment or grant or that benefitted from such voucher,
34 the date on which the payment or grant was received, and any other
35 information necessary for the calculation of aid pursuant to subdivision
36 seven of section thirty-six hundred two of this article.

37 § 13-a. Subdivision 4 of section 3627 of the education law, as amended
38 by section 18-a of part A of chapter 56 of the laws of 2023, is amended
39 to read as follows:

40 4. Notwithstanding any other provision of law to the contrary, any
41 expenditures for transportation provided pursuant to this section in the
42 two thousand thirteen--two thousand fourteen school year and thereafter
43 and otherwise eligible for transportation aid pursuant to subdivision
44 seven of section thirty-six hundred two of this article shall be consid-
45 ered approved transportation expenses eligible for transportation aid,
46 provided further that for the two thousand thirteen--two thousand four-
47 teen school year such aid shall be limited to eight million one hundred
48 thousand dollars and for the two thousand fourteen--two thousand fifteen
49 school year such aid shall be limited to the sum of twelve million six
50 hundred thousand dollars plus the base amount and for the two thousand
51 fifteen--two thousand sixteen school year through two thousand eigh-
52 teen--two thousand nineteen school year such aid shall be limited to the
53 sum of eighteen million eight hundred fifty thousand dollars plus the
54 base amount and for the two thousand nineteen--two thousand twenty
55 school year such aid shall be limited to the sum of nineteen million
56 three hundred fifty thousand dollars plus the base amount and for the

1 two thousand twenty--two thousand twenty-one school year such aid shall
2 be limited to the sum of nineteen million eight hundred fifty thousand
3 dollars plus the base amount and for the two thousand twenty-two--two
4 thousand twenty-three school year such aid shall be limited to the sum
5 of twenty-two million three hundred fifty thousand dollars plus the base
6 amount and for the two thousand twenty-three--two thousand twenty-four
7 school year [~~and thereafter~~] such aid shall be limited to the sum of
8 twenty-four million eight hundred fifty thousand dollars plus the base
9 amount and for the two thousand twenty-four--two thousand twenty-five
10 school year and thereafter such aid shall be limited to the sum of twen-
11 ty-nine million eight hundred fifty thousand dollars plus the base
12 amount. For purposes of this subdivision, "base amount" means the
13 amount of transportation aid paid to the school district for expendi-
14 tures incurred in the two thousand twelve--two thousand thirteen school
15 year for transportation that would have been eligible for aid pursuant
16 to this section had this section been in effect in such school year,
17 except that subdivision six of this section shall be deemed not to have
18 been in effect. And provided further that the school district shall
19 continue to annually expend for the transportation described in subdivi-
20 sion one of this section at least the expenditures used for the base
21 amount.

22 § 13-b. New York state zero-emission school bus resource center. There
23 shall be established within the New York state energy research and
24 development authority a center to be known as the "New York state zero-
25 emission school bus resource center". Such center shall provide informa-
26 tion for school districts regarding the transition to zero-emission
27 school buses pursuant to section 3638 of the education law and shall
28 serve as a point of contact for questions and concerns from school
29 districts, including those that may require referral or consultation
30 with other agencies. The New York state energy research and development
31 authority may partner with other departments and agencies to produce
32 guidance and instructional materials, regularly updated as needed, in
33 response to frequently asked inquiries and issues from school districts.
34 The New York state energy research and development authority shall main-
35 tain a dedicated webpage containing information for the public and
36 school districts regarding the transition to zero-emission school buses,
37 including guidance, instructional materials, funding opportunities, and
38 any other relevant documents or forms, and such webpage shall include
39 electronic and telephone contact information of the New York state zero-
40 emission school bus resource center.

41 § 14. Paragraph i of subdivision 12 of section 3602 of the education
42 law, as amended by section 10 of part A of chapter 56 of the laws of
43 2023, is amended to read as follows:

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

1 § 15. The opening paragraph of subdivision 16 of section 3602 of the
2 education law, as amended by section 11 of part A of chapter 56 of the
3 laws of 2023, is amended to read as follows:

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

33 § 16. Paragraph d of subdivision 10 of section 3602-e of the education
34 law, as amended by section 23-c of part A of chapter 56 of the laws of
35 2021, is amended to read as follows:

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

47 § 17. Subdivision 13 of section 3602-ee of the education law, as added
48 by section 1 of part CC of chapter 56 of the laws of 2014, is amended to
49 read as follows:

50 13. Apportionments under this section shall only be used to supplement
51 and not supplant current local expenditures of federal[~~, state~~] or local
52 funds on pre-kindergarten programs and the number of slots in such
53 programs from such sources. Current local expenditures shall include any
54 local expenditures of federal[~~, state~~] or local funds used to supplement
55 or extend services provided directly or via contract to eligible chil-

1 dren enrolled in a universal pre-kindergarten program pursuant to
2 section thirty-six hundred two-e of this part.

3 § 17-a. 1. The commissioner of education is hereby authorized and
4 directed to conduct a study on the consolidation of all of the pre-kin-
5 dergarten funding streams and to make recommendations on potential
6 modifications to streamline the universal pre-kindergarten funding proc-
7 ess and programmatic implementation. The scope of such study shall
8 include, but shall not be limited to:

9 (a) barriers to consolidation, including discrepancies in funding
10 streams, oversight, and administration;

11 (b) programmatic differences and methods of alignment; and

12 (c) differences in payment schedules.

13 2. The education department shall report its findings, including any
14 recommendations for legislative action as it may deem necessary and
15 appropriate, to the governor, the temporary president of the senate, and
16 the speaker of the assembly no later than December 1, 2024.

17 § 18. Subdivision 16 of section 3602-ee of the education law, as
18 amended by section 16 of part A of chapter 56 of the laws of 2023, is
19 amended to read as follows:

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

24 § 19. Paragraphs a and b of subdivision 16 of section 3641 of the
25 education law, as added by section 2 of part C of chapter 56 of the laws
26 of 2014, subparagraph 3 of paragraph b as amended by section 3 of part
27 YYY of chapter 59 of the laws of 2017, are amended to read as follows:

28 a. Definitions. The following terms, whenever used or referred to in
29 this subdivision, unless the context indicates otherwise, shall have the
30 following meanings:

31 (1) "Bonds" shall mean general obligation bonds issued pursuant to the
32 "smart schools bond act of 2014" in accordance with article VII of the
33 New York state constitution and article five of the state finance law.

34 [~~(2) "Smart schools review board" shall mean a body comprised of the~~
35 ~~chancellor of the state university of New York, the director of the~~
36 ~~budget, and the commissioner, or their respective designees.~~

37 ~~(3)~~ (2) "Smart schools investment plan" shall mean a document
38 prepared by a school district setting forth the smart schools project or
39 projects to be undertaken with such district's smart schools allocation.

40 [~~(4)~~] (3) "Smart schools project" shall mean a capital project as set
41 forth and defined in subparagraphs four, five, six, ~~7~~ or seven [~~or~~
42 ~~eight~~] of this paragraph.

43 [~~(5)~~] (4) "Pre-kindergarten or transportable classroom unit (TCU)
44 replacement project" shall mean a capital project which, as a primary
45 purpose, expands the availability of adequate and appropriate instruc-
46 tional space for pre-kindergarten or provides for the expansion or
47 construction of adequate and appropriate instructional space to replace
48 TCUs.

49 [~~(6)~~] (5) "Community connectivity project" shall mean a capital
50 project which, as a primary purpose, expands high-speed broadband or
51 wireless internet connectivity in the local community, including school
52 buildings and campuses, for enhanced educational opportunity in the
53 state.

54 [~~(7)~~] (6) "Classroom technology project" shall mean a capital project
55 to expand high-speed broadband or wireless internet connectivity solely
56 for school buildings and campuses, or to acquire learning technology

1 hardware for schools, classrooms, and student use, including but not
2 limited to whiteboards, computer servers, desktop computers, laptop
3 computers, and tablet computers.

4 ~~[(8)]~~ (7) "School safety and security technology project" shall mean a
5 capital project to install high-tech security features in school build-
6 ings and on school campuses, including but not limited to video surveil-
7 lance, emergency notification systems and physical access controls, for
8 enhanced educational opportunity in the state.

9 ~~[(9)]~~ (8) "Selected school aid" shall mean the sum of the amounts set
10 forth as "FOUNDATION AID", "FULL DAY K CONVERSION", "BOCES", "SPECIAL
11 SERVICES", "HIGH COST EXCESS COST", "PRIVATE EXCESS COST", "HARDWARE &
12 TECHNOLOGY", "SOFTWARE, LIBRARY, TEXTBOOK", "TRANSPORTATION INCL
13 SUMMER", "OPERATING REORG INCENTIVE", "CHARTER SCHOOL TRANSITIONAL",
14 "ACADEMIC ENHANCEMENT", "HIGH TAX AID", and "SUPPLEMENTAL PUB EXCESS
15 COST" under the heading "2013-14 BASE YEAR AIDS" in the school aid
16 computer listing produced by the commissioner in support of the execu-
17 tive budget proposal for the two thousand fourteen-fifteen school year.

18 ~~[(10)]~~ (9) "Smart schools allocation" shall mean, for each school
19 district, the product of (i) two billion dollars (\$2,000,000,000) multi-
20 plied by (ii) the quotient of such school district's selected school aid
21 divided by the total selected school aid to all school districts.

22 b. Smart schools investment plans. (1) ~~[The smart schools review~~
23 ~~board]~~ Subject to the approval of the director of the budget, the
24 commissioner shall issue guidelines setting forth required components
25 and eligibility criteria for smart schools investment plans to be
26 submitted by school districts. Such guidelines shall include but not be
27 limited to: (i) a timeline for school district submission of smart
28 schools investment plans; (ii) any requirements for the use of available
29 state procurement options where applicable; (iii) any limitations on the
30 amount of a district's smart schools allocation that may be used for
31 assets with a short probable life; and (iv) the loan of smart schools
32 classroom technology pursuant to section seven hundred fifty-five of
33 this chapter.

34 (2) No school district shall be entitled to a smart schools grant
35 until such district shall have submitted a smart schools investment plan
36 to the ~~[smart schools review board]~~ department and received ~~[such~~
37 ~~board's]~~ the commissioner's approval of such investment plan. In devel-
38 oping such investment plan, school districts shall consult with parents,
39 teachers, students, community members and other stakeholders.

40 (3) The ~~[smart schools review board]~~ commissioner shall review all
41 smart schools investment plans for compliance with all eligibility
42 criteria and other requirements set forth in the guidelines. The ~~[smart~~
43 ~~schools review board]~~ commissioner may approve or reject such plans, or
44 may return such plans to the school district for modifications; provided
45 that notwithstanding any inconsistent provision of law, the ~~[smart~~
46 ~~schools review board]~~ commissioner shall approve no such plan first
47 submitted to the department on or after April fifteenth, two thousand
48 seventeen, unless such plan calculates the amount of classroom technolo-
49 gy to be loaned to students attending nonpublic schools pursuant to
50 section seven hundred fifty-five of this chapter in a manner that
51 includes the amount budgeted by the school district for servers, wire-
52 less access points and other portable connectivity devices to be
53 acquired as part of a school connectivity project. Upon approval, the
54 smart schools project or projects described in the investment plan shall
55 be eligible for smart schools grants. A smart schools project included
56 in a school district's smart schools investment plan shall not require

1 separate approval of the commissioner unless it is part of a school
2 construction project required to be submitted for approval of the
3 commissioner pursuant to section four hundred eight of this chapter
4 and/or subdivision six of section thirty-six hundred two of this arti-
5 cle. Any department, agency or public authority shall provide the [~~smart~~
6 ~~schools review board~~] department with any information it requires to
7 fulfill its duties pursuant to this subdivision.

8 (4) Any amendments or supplements to a smart schools investment plan
9 shall be submitted to the [~~smart schools review board~~] department for
10 approval, and shall not take effect until such approval is granted.

11 § 20. Intentionally omitted.

12 § 21. Intentionally omitted.

13 § 22. Intentionally omitted.

14 § 23. The opening paragraph of section 3609-a of the education law, as
15 amended by section 18 of part A of chapter 56 of the laws of 2023, is
16 amended to read as follows:

17 For aid payable in the two thousand seven--two thousand eight school
18 year through the two thousand [~~twenty-three~~] twenty-four--two thousand
19 [~~twenty-four~~] twenty-five school year, "moneys apportioned" shall mean
20 the lesser of (i) the sum of one hundred percent of the respective
21 amount set forth for each school district as payable pursuant to this
22 section in the school aid computer listing for the current year produced
23 by the commissioner in support of the budget which includes the appro-
24 priation for the general support for public schools for the prescribed
25 payments and individualized payments due prior to April first for the
26 current year plus the apportionment payable during the current school
27 year pursuant to subdivision six-a and subdivision fifteen of section
28 thirty-six hundred two of this part minus any reductions to current year
29 aids pursuant to subdivision seven of section thirty-six hundred four of
30 this part or any deduction from apportionment payable pursuant to this
31 chapter for collection of a school district basic contribution as
32 defined in subdivision eight of section forty-four hundred one of this
33 chapter, less any grants provided pursuant to subparagraph two-a of
34 paragraph b of subdivision four of section ninety-two-c of the state
35 finance law, less any grants provided pursuant to subdivision five of
36 section ninety-seven-nnnn of the state finance law, less any grants
37 provided pursuant to subdivision twelve of section thirty-six hundred
38 forty-one of this article, or (ii) the apportionment calculated by the
39 commissioner based on data on file at the time the payment is processed;
40 provided however, that for the purposes of any payments made pursuant to
41 this section prior to the first business day of June of the current
42 year, moneys apportioned shall not include any aids payable pursuant to
43 subdivisions six and fourteen, if applicable, of section thirty-six
44 hundred two of this part as current year aid for debt service on bond
45 anticipation notes and/or bonds first issued in the current year or any
46 aids payable for full-day kindergarten for the current year pursuant to
47 subdivision nine of section thirty-six hundred two of this part. The
48 definitions of "base year" and "current year" as set forth in subdivi-
49 sion one of section thirty-six hundred two of this part shall apply to
50 this section. For aid payable in the two thousand [~~twenty-three~~] twen-
51 ty-four--two thousand [~~twenty-four~~] twenty-five school year, reference
52 to such "school aid computer listing for the current year" shall mean
53 the printouts entitled [~~"SA232-4"~~] "SA242-5".

54 § 24. Paragraph b of subdivision 2 of section 3612 of the education
55 law, as amended by section 22 of part YYY of chapter 59 of the laws of
56 2019, is amended to read as follows:

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

20 § 25. Subdivision 6 of section 4402 of the education law, as amended
21 by section 23 of part YY of chapter 59 of the laws of 2019, is amended
22 to read as follows:

23 6. Notwithstanding any other law, rule or regulation to the contrary,
24 the board of education of a city school district with a population of
25 one hundred twenty-five thousand or more inhabitants shall be permitted
26 to establish maximum class sizes for special classes for certain
27 students with disabilities in accordance with the provisions of this
28 subdivision. For the purpose of obtaining relief from any adverse fiscal
29 impact from under-utilization of special education resources due to low
30 student attendance in special education classes at the middle and
31 secondary level as determined by the commissioner, such boards of educa-
32 tion shall, during the school years nineteen hundred ninety-five--nine-
33 ty-six through June thirtieth, two thousand [~~twenty-four~~] twenty-five,
34 be authorized to increase class sizes in special classes containing
35 students with disabilities whose age ranges are equivalent to those of
36 students in middle and secondary schools as defined by the commissioner
37 for purposes of this section by up to but not to exceed one and two
38 tenths times the applicable maximum class size specified in regulations
39 of the commissioner rounded up to the nearest whole number, provided
40 that in a city school district having a population of one million or
41 more, classes that have a maximum class size of fifteen may be increased
42 by no more than one student and provided that the projected average
43 class size shall not exceed the maximum specified in the applicable
44 regulation, provided that such authorization shall terminate on June
45 thirtieth, two thousand. Such authorization shall be granted upon filing
46 of a notice by such a board of education with the commissioner stating
47 the board's intention to increase such class sizes and a certification
48 that the board will conduct a study of attendance problems at the
49 secondary level and will implement a corrective action plan to increase
50 the rate of attendance of students in such classes to at least the rate
51 for students attending regular education classes in secondary schools of
52 the district. Such corrective action plan shall be submitted for
53 approval by the commissioner by a date during the school year in which
54 such board increases class sizes as provided pursuant to this subdivi-
55 sion to be prescribed by the commissioner. Upon at least thirty days
56 notice to the board of education, after conclusion of the school year in

1 which such board increases class sizes as provided pursuant to this
2 subdivision, the commissioner shall be authorized to terminate such
3 authorization upon a finding that the board has failed to develop or
4 implement an approved corrective action plan.

5 § 26. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
6 of 1995, amending the education law and other laws relating to state aid
7 to school districts and the appropriation of funds for the support of
8 government, as amended by section 38 of part YYY of chapter 59 of the
9 laws of 2019, are amended to read as follows:

10 (22) sections one hundred twelve, one hundred thirteen, one hundred
11 fourteen, one hundred fifteen and one hundred sixteen of this act shall
12 take effect on July 1, 1995; provided, however, that section one hundred
13 thirteen of this act shall remain in full force and effect until July 1,
14 [~~2024~~] 2025 at which time it shall be deemed repealed;

15 (24) sections one hundred eighteen through one hundred thirty of this
16 act shall be deemed to have been in full force and effect on and after
17 July 1, 1995; provided further, however, that the amendments made pursu-
18 ant to section one hundred twenty-four of this act shall be deemed to be
19 repealed on and after July 1, [~~2024~~] 2025;

20 § 27. Subdivision b of section 2 of chapter 756 of the laws of 1992,
21 relating to funding a program for work force education conducted by the
22 consortium for worker education in New York city, as amended by section
23 20 of part A of chapter 56 of the laws of 2023, is amended to read as
24 follows:

25 b. Reimbursement for programs approved in accordance with subdivision
26 a of this section for the reimbursement for the 2018--2019 school year
27 shall not exceed 59.4 percent of the lesser of such approvable costs per
28 contact hour or fourteen dollars and ninety-five cents per contact hour,
29 reimbursement for the 2019--2020 school year shall not exceed 57.7
30 percent of the lesser of such approvable costs per contact hour or
31 fifteen dollars sixty cents per contact hour, reimbursement for the
32 2020--2021 school year shall not exceed 56.9 percent of the lesser of
33 such approvable costs per contact hour or sixteen dollars and twenty-
34 five cents per contact hour, reimbursement for the 2021--2022 school
35 year shall not exceed 56.0 percent of the lesser of such approvable
36 costs per contact hour or sixteen dollars and forty cents per contact
37 hour, reimbursement for the 2022--2023 school year shall not exceed 55.7
38 percent of the lesser of such approvable costs per contact hour or
39 sixteen dollars and sixty cents per contact hour, [~~and~~] reimbursement
40 for the 2023--2024 school year shall not exceed 54.7 percent of the
41 lesser of such approvable costs per contact hour or seventeen dollars
42 and seventy cents per contact hour, and reimbursement for the 2024--2025
43 school year shall not exceed 56.6 percent of the lesser of such approva-
44 ble costs per contact hour or eighteen dollars and seventy cents per
45 contact hour, and where a contact hour represents sixty minutes of
46 instruction services provided to an eligible adult. Notwithstanding any
47 other provision of law to the contrary, for the 2018--2019 school year
48 such contact hours shall not exceed one million four hundred sixty-three
49 thousand nine hundred sixty-three (1,463,963); for the 2019--2020 school
50 year such contact hours shall not exceed one million four hundred
51 forty-four thousand four hundred forty-four (1,444,444); for the
52 2020--2021 school year such contact hours shall not exceed one million
53 four hundred six thousand nine hundred twenty-six (1,406,926); for the
54 2021--2022 school year such contact hours shall not exceed one million
55 four hundred sixteen thousand one hundred twenty-two (1,416,122); for
56 the 2022--2023 school year such contact hours shall not exceed one

1 million four hundred six thousand nine hundred twenty-six (1,406,926);
2 [~~and~~] for the 2023--2024 school year such contact hours shall not exceed
3 one million three hundred forty-two thousand nine hundred seventy-five
4 (1,342,975); and for the 2024--2025 school year such contact hours shall
5 not exceed one million two hundred twenty-eight thousand seven hundred
6 thirty-three (1,228,733). Notwithstanding any other provision of law to
7 the contrary, the apportionment calculated for the city school district
8 of the city of New York pursuant to subdivision 11 of section 3602 of
9 the education law shall be computed as if such contact hours provided by
10 the consortium for worker education, not to exceed the contact hours set
11 forth herein, were eligible for aid in accordance with the provisions of
12 such subdivision 11 of section 3602 of the education law.

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

17 cc. The provisions of this subdivision shall not apply after the
18 completion of payments for the 2024--2025 school year. Notwithstanding
19 any inconsistent provisions of law, the commissioner of education shall
20 withhold a portion of employment preparation education aid due to the
21 city school district of the city of New York to support a portion of the
22 costs of the work force education program. Such moneys shall be credited
23 to the elementary and secondary education fund-local assistance account
24 and shall not exceed thirteen million dollars (\$13,000,000).

25 § 29. Section 6 of chapter 756 of the laws of 1992, relating to fund-
26 ing a program for work force education conducted by the consortium for
27 worker education in New York city, as amended by section 22 of part A of
28 chapter 56 of the laws of 2023, is amended to read as follows:

29 § 6. This act shall take effect July 1, 1992, and shall be deemed
30 repealed June 30, [~~2024~~] 2025.

31 § 29-a. Paragraph a-1 of subdivision 11 of section 3602 of the educa-
32 tion law, as amended by section 22-a of part A of chapter 56 of the laws
33 of 2023, is amended to read as follows:

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

48 § 30. Paragraph (d) of subdivision 1 of section 2856 of the education
49 law, as amended by section 36-c of part A of chapter 56 of the laws of
50 2021, is amended to read as follows:

51 (d) School districts shall be eligible for an annual apportionment
52 equal to the amount of the supplemental basic tuition for the charter
53 school in the base year for the expenses incurred in the two thousand
54 fourteen--two thousand fifteen, two thousand fifteen--two thousand
55 sixteen, two thousand sixteen--two thousand seventeen school years and
56 thereafter. Provided that for expenses incurred in the two thousand

1 twenty--two thousand twenty-one school year, for a city school district
2 in a city having a population of one million or more, the annual appor-
3 tionment shall be reduced by thirty-five million dollars (\$35,000,000)
4 upon certification by the director of the budget of the availability of
5 a grant in the same amount from the elementary and secondary school
6 emergency relief funds provided through the American rescue plan act of
7 2021 (P.L. 117-2). Provided further that for expenses incurred in the
8 two thousand twenty-three--two thousand twenty-four school year, for a
9 city school district in a city having a population of one million or
10 more, the annual apportionment shall be reduced by thirty-five million
11 dollars (\$35,000,000) upon certification by the director of the budget
12 of the availability of a grant in the same amount from the elementary
13 and secondary school emergency relief funds provided through the Ameri-
14 can rescue plan act of 2021 (P.L. 117-2).

15 § 31. Paragraph (c) of subdivision 1 of section 2856 of the education
16 law, as amended by section 36-d of part A of chapter 56 of the laws of
17 2021, is amended to read as follows:

18 (c) School districts shall be eligible for an annual apportionment
19 equal to the amount of the supplemental basic tuition for the charter
20 school in the base year for the expenses incurred in the two thousand
21 fourteen--two thousand fifteen, two thousand fifteen--two thousand
22 sixteen, two thousand sixteen--two thousand seventeen school years and
23 thereafter. Provided that for expenses incurred in the two thousand
24 twenty--two thousand twenty-one school year, for a city school district
25 in a city having a population of one million or more, the annual appor-
26 tionment shall be reduced by thirty-five million dollars (\$35,000,000)
27 upon certification by the director of the budget of the availability of
28 a grant in the same amount from the elementary and secondary school
29 emergency relief funds provided through the American rescue plan act of
30 2021 (P.L. 117-2). Provided further that for expenses incurred in the
31 two thousand twenty-three--two thousand twenty-four school year, for a
32 city school district in a city having a population of one million or
33 more, the annual apportionment shall be reduced by thirty-five million
34 dollars (\$35,000,000) upon certification by the director of the budget
35 of the availability of a grant in the same amount from the elementary
36 and secondary school emergency relief funds provided through the Ameri-
37 can rescue plan act of 2021 (P.L. 117-2).

38 § 32. Subdivision 3 of section 27 of part A of chapter 56 of the laws
39 of 2023 directing the education department to conduct a comprehensive
40 study of alternative tuition rate-setting methodologies for approved
41 providers operating school-age and preschool programs receiving state
42 funding, is amended to read as follows:

43 3. The state education department shall present its recommendations
44 and analysis to the governor, the director of the division of the budg-
45 et, the temporary president of the senate, the speaker of the assembly,
46 the chairperson of the senate finance committee, and the chairperson of
47 the assembly ways and means committee no later than July 1, [~~2025~~] 2027.
48 Adoption of any alternative rate-setting methodologies shall be subject
49 to the approval of the director of the division of the budget.

50 § 32-a. Subdivision b of section 5 of chapter 537 of the laws of 1976
51 relating to paid, free and reduced price breakfast for eligible pupils
52 in certain school districts, as amended by section 22-b of part A of
53 chapter 56 of the laws of 2022, is amended to read as follows:

54 b. Notwithstanding any monetary limitations with respect to school
55 lunch programs contained in any law or regulation, for school lunch
56 meals served in the school year commencing July 1, 2022 and each July 1

1 thereafter, a school food authority shall be eligible for a [~~lunch meal~~]
2 State subsidy [~~of twenty five cents, which shall include any annual~~
3 ~~State subsidy received by such school food authority under any other~~
4 ~~provision of State law~~] equal to \$0.1901 per free and paid school lunch
5 meal, and \$0.0519 per reduced-price lunch meal, for any school lunch
6 meal served by such school food authority; provided that the school food
7 authority certifies to the Department of Agriculture and Markets through
8 the application submitted pursuant to subdivision c of this section that
9 such food authority has purchased at least thirty percent of its total
10 cost of food products for its school lunch service program from New York
11 state farmers, growers, producers or processors in the preceding school
12 year.

13 § 33. Subdivision 1 of section 167 of chapter 169 of the laws of 1994,
14 relating to certain provisions related to the 1994-95 state operations,
15 aid to localities, capital projects and debt service budgets, as amended
16 by section 23 of part A of chapter 56 of the laws of 2022, is amended to
17 read as follows:

18 1. Sections one through seventy of this act shall be deemed to have
19 been in full force and effect as of April 1, 1994 provided, however,
20 that sections one, two, twenty-four, twenty-five and twenty-seven
21 through seventy of this act shall expire and be deemed repealed on March
22 31, 2000; provided, however, that section twenty of this act shall apply
23 only to hearings commenced prior to September 1, 1994, and provided
24 further that section twenty-six of this act shall expire and be deemed
25 repealed on March 31, 1997; and provided further that sections four
26 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
27 twenty-one-a of this act shall expire and be deemed repealed on March
28 31, 1997; and provided further that sections three, fifteen, seventeen,
29 twenty, twenty-two and twenty-three of this act shall expire and be
30 deemed repealed on March 31, [~~2024~~] 2029.

31 § 34. Section 26 of subpart F of part C of chapter 97 of the laws of
32 2011 amending the education law relating to census reporting, as amended
33 by section 46 of part YYY of chapter 59 of the laws of 2019, is amended
34 to read as follows:

35 § 26. This act shall take effect immediately provided, however, that
36 the provisions of section three of this act shall expire June 30, [~~2024~~]
37 2029 when upon such date the provisions of such section shall be deemed
38 repealed; provided, further that the provisions of sections eight, elev-
39 en, twelve, thirteen and twenty of this act shall expire July 1, 2014
40 when upon such date the provisions of such sections shall be deemed
41 repealed.

42 § 35. Special apportionment for salary expenses. 1. Notwithstanding
43 any other provision of law, upon application to the commissioner of
44 education, not sooner than the first day of the second full business
45 week of June 2025 and not later than the last day of the third full
46 business week of June 2025, a school district eligible for an appor-
47 tionment pursuant to section 3602 of the education law shall be eligible to
48 receive an apportionment pursuant to this section, for the school year
49 ending June 30, 2025, for salary expenses incurred between April 1 and
50 June 30, 2024 and such apportionment shall not exceed the sum of (a) the
51 deficit reduction assessment of 1990--1991 as determined by the commis-
52 sioner of education, pursuant to paragraph f of subdivision 1 of section
53 3602 of the education law, as in effect through June 30, 1993, plus (b)
54 186 percent of such amount for a city school district in a city with a
55 population in excess of 1,000,000 inhabitants, plus (c) 209 percent of
56 such amount for a city school district in a city with a population of

1 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
2 ing to the latest federal census, plus (d) the net gap elimination
3 adjustment for 2010--2011, as determined by the commissioner of educa-
4 tion pursuant to chapter 53 of the laws of 2010, plus (e) the gap elimi-
5 nation adjustment for 2011--2012 as determined by the commissioner of
6 education pursuant to subdivision 17 of section 3602 of the education
7 law, and provided further that such apportionment shall not exceed such
8 salary expenses. Such application shall be made by a school district,
9 after the board of education or trustees have adopted a resolution to do
10 so and in the case of a city school district in a city with a population
11 in excess of 125,000 inhabitants, with the approval of the mayor of such
12 city.

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

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

44 § 36. Special apportionment for public pension accruals. 1. Notwith-
45 standing any other provision of law, upon application to the commision-
46 er of education, not later than June 30, 2025, a school district eligi-
47 ble for an apportionment pursuant to section 3602 of the education law
48 shall be eligible to receive an apportionment pursuant to this section,
49 for the school year ending June 30, 2025 and such apportionment shall
50 not exceed the additional accruals required to be made by school
51 districts in the 2004--2005 and 2005--2006 school years associated with
52 changes for such public pension liabilities. The amount of such addi-
53 tional accrual shall be certified to the commissioner of education by
54 the president of the board of education or the trustees or, in the case
55 of a city school district in a city with a population in excess of
56 125,000 inhabitants, the mayor of such city. Such application shall be

1 made by a school district, after the board of education or trustees have
2 adopted a resolution to do so and in the case of a city school district
3 in a city with a population in excess of 125,000 inhabitants, with the
4 approval of the mayor of such city.

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

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

36 § 36-a. Subdivision a of section 5 of chapter 121 of the laws of 1996
37 authorizing the Roosevelt union free school district to finance deficits
38 by the issuance of serial bonds, as amended by section 30-a of part A of
39 chapter 56 of the laws of 2023, is amended to read as follows:

40 a. Notwithstanding any other provisions of law, upon application to
41 the commissioner of education submitted not sooner than April first and
42 not later than June thirtieth of the applicable school year, the Roose-
43 velt union free school district shall be eligible to receive an appor-
44 tionment pursuant to this chapter for salary expenses, including related
45 benefits, incurred between April first and June thirtieth of such school
46 year. Such apportionment shall not exceed: for the 1996-97 school year
47 through the [~~2023-24~~] 2024-25 school year, four million dollars
48 (\$4,000,000); for the [~~2024-25~~] 2025-26 school year, three million
49 dollars (\$3,000,000); for the [~~2025-26~~] 2026-27 school year, two million
50 dollars (\$2,000,000); for the [~~2026-27~~] 2027-28 school year, one million
51 dollars (\$1,000,000); and for the [~~2027-28~~] 2028-29 school year, zero
52 dollars. Such annual application shall be made after the board of
53 education has adopted a resolution to do so with the approval of the
54 commissioner of education.

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

4 1. for the development, maintenance or expansion of magnet schools or
5 magnet school programs for the 2024--2025 school year. For the city
6 school district of the city of New York there shall be a set-aside of
7 foundation aid equal to forty-eight million one hundred seventy-five
8 thousand dollars (\$48,175,000) including five hundred thousand dollars
9 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
10 school district, twenty-one million twenty-five thousand dollars
11 (\$21,025,000); for the Rochester city school district, fifteen million
12 dollars (\$15,000,000); for the Syracuse city school district, thirteen
13 million dollars (\$13,000,000); for the Yonkers city school district,
14 forty-nine million five hundred thousand dollars (\$49,500,000); for the
15 Newburgh city school district, four million six hundred forty-five thou-
16 sand dollars (\$4,645,000); for the Poughkeepsie city school district,
17 two million four hundred seventy-five thousand dollars (\$2,475,000); for
18 the Mount Vernon city school district, two million dollars (\$2,000,000);
19 for the New Rochelle city school district, one million four hundred ten
20 thousand dollars (\$1,410,000); for the Schenectady city school district,
21 one million eight hundred thousand dollars (\$1,800,000); for the Port
22 Chester city school district, one million one hundred fifty thousand
23 dollars (\$1,150,000); for the White Plains city school district, nine
24 hundred thousand dollars (\$900,000); for the Niagara Falls city school
25 district, six hundred thousand dollars (\$600,000); for the Albany city
26 school district, three million five hundred fifty thousand dollars
27 (\$3,550,000); for the Utica city school district, two million dollars
28 (\$2,000,000); for the Beacon city school district, five hundred sixty-
29 six thousand dollars (\$566,000); for the Middletown city school
30 district, four hundred thousand dollars (\$400,000); for the Freeport
31 union free school district, four hundred thousand dollars (\$400,000);
32 for the Greenburgh central school district, three hundred thousand
33 dollars (\$300,000); for the Amsterdam city school district, eight
34 hundred thousand dollars (\$800,000); for the Peekskill city school
35 district, two hundred thousand dollars (\$200,000); and for the Hudson
36 city school district, four hundred thousand dollars (\$400,000).

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

46 3. The commissioner of education shall not be authorized to withhold
47 foundation aid from a school district that used such funds in accordance
48 with this paragraph, notwithstanding any inconsistency with a request
49 for proposals issued by such commissioner for the purpose of attendance
50 improvement and dropout prevention for the 2024--2025 school year, and
51 for any city school district in a city having a population of more than
52 one million, the set-aside for attendance improvement and dropout
53 prevention shall equal the amount set aside in the base year. For the
54 2024--2025 school year, it is further provided that any city school
55 district in a city having a population of more than one million shall
56 allocate at least one-third of any increase from base year levels in

1 funds set aside pursuant to the requirements of this section to communi-
2 ty-based organizations. Any increase required pursuant to this section
3 to community-based organizations must be in addition to allocations
4 provided to community-based organizations in the base year.

5 4. For the purpose of teacher support for the 2024--2025 school year:
6 for the city school district of the city of New York, sixty-two million
7 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city
8 school district, one million seven hundred forty-one thousand dollars
9 (\$1,741,000); for the Rochester city school district, one million seven-
10 ty-six thousand dollars (\$1,076,000); for the Yonkers city school
11 district, one million one hundred forty-seven thousand dollars
12 (\$1,147,000); and for the Syracuse city school district, eight hundred
13 nine thousand dollars (\$809,000). All funds made available to a school
14 district pursuant to this section shall be distributed among teachers
15 including prekindergarten teachers and teachers of adult vocational and
16 academic subjects in accordance with this section and shall be in addi-
17 tion to salaries heretofore or hereafter negotiated or made available;
18 provided, however, that all funds distributed pursuant to this section
19 for the current year shall be deemed to incorporate all funds distrib-
20 uted pursuant to former subdivision 27 of section 3602 of the education
21 law for prior years. In school districts where the teachers are repres-
22 ented by certified or recognized employee organizations, all salary
23 increases funded pursuant to this section shall be determined by sepa-
24 rate collective negotiations conducted pursuant to the provisions and
25 procedures of article 14 of the civil service law, notwithstanding the
26 existence of a negotiated agreement between a school district and a
27 certified or recognized employee organization.

28 § 38. Support of public libraries. The moneys appropriated for the
29 support of public libraries by a chapter of the laws of 2024 enacting
30 the aid to localities budget shall be apportioned for the 2024--2025
31 state fiscal year in accordance with the provisions of sections 271,
32 272, 273, 282, 284, and 285 of the education law as amended by the
33 provisions of such chapter and the provisions of this section, provided
34 that library construction aid pursuant to section 273-a of the education
35 law shall not be payable from the appropriations for the support of
36 public libraries and provided further that no library, library system or
37 program, as defined by the commissioner of education, shall receive less
38 total system or program aid than it received for the year 2001--2002
39 except as a result of a reduction adjustment necessary to conform to the
40 appropriations for support of public libraries.

41 Notwithstanding any other provision of law to the contrary the moneys
42 appropriated for the support of public libraries for the year 2024--2025
43 by a chapter of the laws of 2024 enacting the aid to localities budget
44 shall fulfill the state's obligation to provide such aid and, pursuant
45 to a plan developed by the commissioner of education and approved by the
46 director of the budget, the aid payable to libraries and library systems
47 pursuant to such appropriations shall be reduced proportionately to
48 assure that the total amount of aid payable does not exceed the total
49 appropriations for such purpose.

50 § 39. Severability. The provisions of this act shall be severable, and
51 if the application of any clause, sentence, paragraph, subdivision,
52 section or part of this act to any person or circumstance shall be
53 adjudged by any court of competent jurisdiction to be invalid, such
54 judgment shall not necessarily affect, impair or invalidate the applica-
55 tion of any such clause, sentence, paragraph, subdivision, section, part
56 of this act or remainder thereof, as the case may be, to any other

1 person or circumstance, but shall be confined in its operation to the
2 clause, sentence, paragraph, subdivision, section or part thereof
3 directly involved in the controversy in which such judgment shall have
4 been rendered.

5 § 40. This act shall take effect immediately, and shall be deemed to
6 have been in full force and effect on and after April 1, 2024, provided,
7 however, that:

8 1. sections one, two, three, four, five, six, eight, ten-a, twelve,
9 thirteen, thirteen-a, fourteen, fifteen, sixteen, seventeen, eighteen,
10 twenty-three, twenty-four, twenty-five and thirty-seven of this act
11 shall take effect July 1, 2024;

12 2. section seven of this act shall take effect July 1, 2025;

13 3. section nine of this act shall take effect immediately and shall
14 expire and be deemed repealed December 31, 2024;

15 4. section thirteen-b of this act shall take effect 90 days after it
16 shall have become a law and shall expire and be deemed repealed July 1,
17 2035;

18 5. section seventeen-a of this act shall expire and be deemed repealed
19 April 1, 2025;

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

25 7. the amendments to paragraph (d) of subdivision 1 of section 2856 of
26 the education law made by section thirty of this act shall be subject to
27 the expiration and reversion of such subdivision pursuant to subdivision
28 d of section 27 of chapter 378 of the laws of 2007, as amended, when
29 upon such date the provisions of section thirty-one of this act shall
30 take effect; and

31 8. section thirty-two-a of this act shall take effect immediately and
32 shall be deemed to have been in full force and effect on and after July
33 1, 2023.

34

PART B

35 Section 1. The education law is amended by adding a new section 818 to
36 read as follows:

37 § 818. Evidence-based and scientifically based reading instruction. 1.
38 (a) On or before January first, two thousand twenty-five, the commis-
39 sioner shall provide school districts with the instructional best prac-
40 tices for the teaching of reading to students in prekindergarten through
41 grade three. Instructional best practices for the teaching of reading
42 shall be evidence-based and scientifically based, focusing on reading
43 competency in the areas of phonemic awareness, phonics, vocabulary
44 development, reading fluency, comprehension, including background know-
45 ledge, oral language and writing, oral skill development, and align with
46 the department's culturally responsive-sustaining framework. Such
47 instructional best practices shall be periodically updated by the
48 commissioner where appropriate.

49 (b) Every school district shall annually review their curriculum and
50 instructional practices in the subject of reading for students in prek-
51 indergarten through grade three to ensure that they align with the read-
52 ing instructional best practices provided by the commissioner, and that
53 all early reading instructional practices and interventions are part of

1 an aligned plan designed to improve student reading outcomes in prekin-
2 dergarten through grade three.

3 2. For the purpose of this section, "evidence-based and scientifically
4 based", "phonemic awareness", "comprehension", "reading fluency",
5 "vocabulary development", "culturally responsive-sustaining framework",
6 and such other terms necessary to implement this section shall be as
7 defined by the commissioner in regulations.

8 3. On or before September first, two thousand twenty-five, every
9 school district shall verify to the commissioner that their curriculum
10 and instructional practices in the subject of reading in prekindergarten
11 through grade three align with all of the elements of the instructional
12 best practices provided by the commissioner pursuant to this section.

13 § 2. This act shall take effect immediately.

14 PART C

15 Section 1. Section 305 of the education law is amended by adding a new
16 subdivision 61 to read as follows:

17 61. a. The commissioner shall require each school district to ensure
18 verification of one of the following from the parent or guardian of each
19 student or from the student if the student is eighteen years of age or
20 older or legally emancipated, during the school year in which the
21 student is a senior enrolled in such school district: (1) completion of
22 either the free application for federal student aid for such student or,
23 if applicable, the Jose Peralta New York State DREAM Act application; or
24 (2) completion of a waiver form promulgated by the department indicating
25 that the parent or guardian or, if the student is eighteen years of age
26 or older or legally emancipated, the student understands what the free
27 application for federal student aid or, if applicable, the Jose Peralta
28 New York State DREAM Act application are and has chosen not to file an
29 application pursuant to the provisions of subparagraph one of this para-
30 graph. For purposes of this subdivision, verification of completion of
31 either the free application for federal student aid or the Jose Peralta
32 New York State DREAM Act application shall not require a parent, guardi-
33 an, or student to identify which type of application was completed.

34 b. On and after July first, two thousand twenty-five, each school
35 district shall annually report to the department the following data for
36 all seniors enrolled in such school district, aggregated by high school:
37 (1) the total number of students that have completed either the free
38 application for federal student aid or, if applicable, the Jose Peralta
39 New York State DREAM Act application; (2) the number of students who
40 completed a waiver pursuant to paragraph a of this subdivision; and (3)
41 the total number of seniors enrolled.

42 c. The commissioner shall promulgate rules and regulations necessary
43 to implement this subdivision, including requiring each school district
44 to notify each high school senior, no less than two times during each
45 school year, of the state-sponsored scholarships, financial aid and
46 assistance available to students attending college or post-secondary
47 education, and to provide referrals for support or assistance to
48 complete the free application for federal student aid or, if applicable,
49 the Jose Peralta New York State DREAM Act application.

50 d. A student shall not be penalized or punished if the student's
51 parent or guardian or the student, if the student is eighteen years of
52 age or older or legally emancipated, does not fulfill the requirements
53 of this subdivision and this subdivision shall not affect a student's
54 ability to graduate.

1 § 2. This act shall take effect on August 15, 2024. Effective imme-
2 diately, the addition, amendment and/or repeal of any rule or regu-
3 lation necessary for the implementation of this act on its effective
4 date are authorized to be made, including by emergency, and completed on
5 or before such effective date.

6 PART D

7 Section 1. The opening paragraph of paragraph (a) of subdivision 2 of
8 section 6401 of the education law, as amended by chapter 717 of the laws
9 of 1981, is amended to read as follows:

10 Notwithstanding the provisions of any other law, in order to qualify
11 for state aid apportionments pursuant to this section, any institution
12 of higher education must meet either the requirements set forth in
13 subparagraphs (i) through [~~(v)~~] (vi) of this paragraph or, in the alter-
14 native, the requirements set forth in paragraph (b) of this subdivision:

15 § 2. Paragraph (a) of subdivision 2 of section 6401 of the education
16 law is amended by adding a new subparagraph (vi) to read as follows:

17 (vi) The institution must have total endowment assets of less than
18 seven hundred fifty million dollars (\$750,000,000), based on the most
19 recent academic year data collected in the Integrated Postsecondary
20 Education Data System, as required under Title IV of the Higher Educa-
21 tion Act of 1965, as amended, and reported by the Department of
22 Education's National Center for Education Statistics.

23 § 3. Paragraph (b) of subdivision 2 of section 6401 of the education
24 law is amended by adding a new subparagraph (vi) to read as follows:

25 (vi) The sponsoring college must have total endowment assets of less
26 than seven hundred fifty million dollars (\$750,000,000), based on the
27 most recent academic year data collected in the Integrated Postsecondary
28 Education Data System, as required under Title IV of the Higher Educa-
29 tion Act of 1965, as amended, and reported by the Department of
30 Education's National Center for Education Statistics.

31 § 4. Subdivision 3 of section 6401 of the education law, as amended by
32 chapter 361 of the laws of 2014, is amended to read as follows:

33 3. Degree awards. The amount of such annual apportionment to each
34 institution meeting the requirements of subdivision two of this section
35 shall be computed by multiplying by not to exceed six hundred dollars
36 the number of earned associate degrees, by not to exceed one thousand
37 five hundred dollars the number of earned bachelor's degrees, by not to
38 exceed nine hundred fifty dollars the number of earned master's degrees,
39 and by not to exceed four thousand five hundred fifty dollars the number
40 of earned doctorate degrees, conferred by such institution during the
41 twelve-month period next preceding the annual period for which such
42 apportionment is made, provided that there shall be excluded from any
43 such computation the number of degrees earned by students with respect
44 to whom state aid other than that established by this section or section
45 sixty-four hundred one-a of this article is granted directly to the
46 institution, and provided further that, except as otherwise provided in
47 this subdivision, the amount apportioned for an associate degree shall
48 be awarded only to two year institutions qualifying under subdivision
49 two of this section. The regents shall promulgate rules defining and
50 classifying professional degrees for the purposes of this section.
51 Institutions qualifying for state aid pursuant to the provisions of
52 paragraph (b) of subdivision two of this section shall, for purposes of
53 this subdivision, be deemed to be the institutions which confer degrees.
54 For purposes of this subdivision, a two-year institution which has

1 received authority to confer bachelor degrees shall continue to be
 2 considered a two-year institution until such time as it has actually
 3 begun to confer the bachelor's degree. Thereafter, notwithstanding any
 4 other provision of law to the contrary, an institution which was former-
 5 ly a two-year institution for the purposes of this section and which was
 6 granted authority by the regents to confer bachelor degrees, (a) such
 7 authority having been granted after the first day of June, nineteen
 8 hundred ninety-three, but before the first day of July, nineteen hundred
 9 ninety-three, (b) such authority having been granted after the first day
 10 of May, two thousand five, but before the first day of June, two thou-
 11 sand five, (c) such authority having been granted after the first day of
 12 April, two thousand nine, but before the first day of May, two thousand
 13 nine, or (d) such authority having been granted after the first day of
 14 December, two thousand nine, but before the first day of January, two
 15 thousand ten, may elect to continue to receive awards for earned associ-
 16 ate degrees. Should such institution so elect, it shall not be eligible
 17 during the time of such election to receive awards for earned bachelor's
 18 degrees. Notwithstanding the preceding provisions of this subdivision,
 19 in the event that the total amount of such annual apportionments to all
 20 institutions meeting the requirements of subdivision two of this section
 21 would otherwise exceed the total amount appropriated for unrestricted
 22 aid to independent colleges and universities, the annual apportionment
 23 to each such institution shall be reduced proportionally.

24 § 5. This act shall take effect July 1, 2024.

25 PART E

26 Intentionally Omitted

27 PART F

28 Section 1. Section 16 of chapter 260 of the laws of 2011 amending the
 29 education law and the New York state urban development corporation act
 30 relating to establishing components of the NY-SUNY 2020 challenge grant
 31 program, as amended by section 4 of part DD of chapter 56 of the laws of
 32 2021, is amended to read as follows:

33 § 16. This act shall take effect July 1, 2011; provided that sections
 34 one, two, three, four, five, six, eight, nine, ten, eleven, twelve and
 35 thirteen of this act shall expire [~~13~~ 16] years after such effective
 36 date when upon such date the provisions of this act shall be deemed
 37 repealed; and provided further that sections fourteen and fifteen of
 38 this act shall expire 5 years after such effective date when upon such
 39 date the provisions of this act shall be deemed repealed.

40 § 2. This act shall take effect immediately.

41 PART G

42 Section 1. Section 3 of part N of chapter 56 of the laws of 2020,
 43 amending the social services law relating to restructuring financing for
 44 residential school placements, as amended by section 1 of part V of
 45 chapter 56 of the laws of 2023, is amended to read as follows:

46 § 3. This act shall take effect immediately and shall expire and be
 47 deemed repealed April 1, [~~2024~~ 2025]; provided however that the amend-
 48 ments to subdivision 10 of section 153 of the social services law made

1 by section one of this act, shall not affect the expiration of such
2 subdivision and shall be deemed to expire therewith.

3 § 2. This act shall take effect immediately and shall be deemed to
4 have been in full force and effect on and after April 1, 2024.

5 PART H

6 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
7 section 131-o of the social services law, as amended by section 1 of
8 part Z of chapter 56 of the laws of 2023, are amended to read as
9 follows:

10 (a) in the case of each individual receiving family care, an amount
11 equal to at least [~~\$175.00~~] \$181.00 for each month beginning on or after
12 January first, two thousand [~~twenty-three~~] twenty-four.

13 (b) in the case of each individual receiving residential care, an
14 amount equal to at least [~~\$202.00~~] \$208.00 for each month beginning on
15 or after January first, two thousand [~~twenty-three~~] twenty-four.

16 (c) in the case of each individual receiving enhanced residential
17 care, an amount equal to at least [~~\$241.00~~] \$249.00 for each month
18 beginning on or after January first, two thousand [~~twenty-three~~] twen-
19 ty-four.

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

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

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

31 § 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of
32 section 209 of the social services law, as amended by section 2 of part
33 Z of chapter 56 of the laws of 2023, are amended to read as follows:

34 (a) On and after January first, two thousand [~~twenty-three~~] twenty-
35 four, for an eligible individual living alone, [~~\$1,001.00~~] \$1,030.00;
36 and for an eligible couple living alone, [~~\$1,475.00~~] \$1,519.00.

37 (b) On and after January first, two thousand [~~twenty-three~~] twenty-
38 four, for an eligible individual living with others with or without
39 in-kind income, [~~\$937.00~~] \$966.00; and for an eligible couple living
40 with others with or without in-kind income, [~~\$1,417.00~~] \$1,461.00.

41 (c) On and after January first, two thousand [~~twenty-three~~] twenty-
42 four, (i) for an eligible individual receiving family care, [~~\$1,180.48~~]
43 \$1,209.48 if he or she is receiving such care in the city of New York or
44 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
45 eligible couple receiving family care in the city of New York or the
46 county of Nassau, Suffolk, Westchester or Rockland, two times the amount
47 set forth in subparagraph (i) of this paragraph; or (iii) for an eligi-
48 ble individual receiving such care in any other county in the state,
49 [~~\$1,142.48~~] \$1,171.48; and (iv) for an eligible couple receiving such
50 care in any other county in the state, two times the amount set forth in
51 subparagraph (iii) of this paragraph.

52 (d) On and after January first, two thousand [~~twenty-three~~] twenty-
53 four, (i) for an eligible individual receiving residential care,
54 [~~\$1,349.00~~] \$1,378.00 if he or she is receiving such care in the city of

1 New York or the county of Nassau, Suffolk, Westchester or Rockland; and
 2 (ii) for an eligible couple receiving residential care in the city of
 3 New York or the county of Nassau, Suffolk, Westchester or Rockland, two
 4 times the amount set forth in subparagraph (i) of this paragraph; or
 5 (iii) for an eligible individual receiving such care in any other county
 6 in the state, [~~\$1,319.00~~] \$1,348.00; and (iv) for an eligible couple
 7 receiving such care in any other county in the state, two times the
 8 amount set forth in subparagraph (iii) of this paragraph.

9 (e) On and after January first, two thousand [~~twenty-three~~] twenty-
 10 four, (i) for an eligible individual receiving enhanced residential
 11 care, [~~\$1,608.00~~] \$1,637.00; and (ii) for an eligible couple receiving
 12 enhanced residential care, two times the amount set forth in subpara-
 13 graph (i) of this paragraph.

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

20 § 3. This act shall take effect December 31, 2024.

21 PART I

22 Intentionally Omitted

23 PART J

24 Section 1. Subdivision 1 of section 206-c of the labor law, as amended
 25 by chapter 672 of the laws of 2022, is amended to read as follows:

26 1. An employer shall provide [~~reasonable-unpaid~~] paid break time [~~or~~]
 27 for thirty minutes, and permit an employee to use existing paid break
 28 time or meal time for time in excess of thirty minutes, to allow an
 29 employee to express breast milk for [~~her~~] such employee's nursing child
 30 each time such employee has reasonable need to express breast milk for
 31 up to three years following child birth. No employer shall discriminate
 32 in any way against an employee who chooses to express breast milk in the
 33 work place.

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

36 PART K

37 Intentionally Omitted

38 PART L

39 Intentionally Omitted

40 PART M

41 Section 1. Section 2 of chapter 25 of the laws of 2020, relating to
 42 providing requirements for sick leave and the provision of certain
 43 employee benefits when such employee is subject to a mandatory or

1 precautionary order of quarantine or isolation due to COVID-19, is
2 amended to read as follows:

3 § 2. This act shall take effect immediately and shall expire and be
4 deemed repealed July 31, 2025.

5 § 2. This act shall take effect immediately.

6

PART N

7 Section 1. Notwithstanding any other provision of law, the housing
8 trust fund corporation may provide, for purposes of the neighborhood
9 preservation program, a sum not to exceed \$17,633,000 for the fiscal
10 year ending March 31, 2025. Within this total amount, \$250,000 shall be
11 used for the purpose of entering into a contract with the neighborhood
12 preservation coalition to provide technical assistance and services to
13 companies funded pursuant to article 16 of the private housing finance
14 law. Notwithstanding any other provision of law, and subject to the
15 approval of the New York state director of the budget, the board of
16 directors of the state of New York mortgage agency shall authorize the
17 transfer to the housing trust fund corporation, for the purposes of
18 reimbursing any costs associated with neighborhood preservation program
19 contracts authorized by this section, a total sum not to exceed
20 \$17,633,000, such transfer to be made from (i) the special account of
21 the mortgage insurance fund created pursuant to section 2429-b of the
22 public authorities law, in an amount not to exceed the actual excess
23 balance in the special account of the mortgage insurance fund, as deter-
24 mined and certified by the state of New York mortgage agency for the
25 fiscal year 2023-2024 in accordance with section 2429-b of the public
26 authorities law, if any, and/or (ii) provided that the reserves in the
27 project pool insurance account of the mortgage insurance fund created
28 pursuant to section 2429-b of the public authorities law are sufficient
29 to attain and maintain the credit rating (as determined by the state of
30 New York mortgage agency) required to accomplish the purposes of such
31 account, the project pool insurance account of the mortgage insurance
32 fund, such transfer to be made as soon as practicable but no later than
33 June 30, 2024.

34 § 2. Notwithstanding any other provision of law, the housing trust
35 fund corporation may provide, for purposes of the rural preservation
36 program, a sum not to exceed \$7,557,000 for the fiscal year ending March
37 31, 2025. Within this total amount, \$250,000 shall be used for the
38 purpose of entering into a contract with the rural housing coalition to
39 provide technical assistance and services to companies funded pursuant
40 to article 17 of the private housing finance law. Notwithstanding any
41 other provision of law, and subject to the approval of the New York
42 state director of the budget, the board of directors of the state of New
43 York mortgage agency shall authorize the transfer to the housing trust
44 fund corporation, for the purposes of reimbursing any costs associated
45 with rural preservation program contracts authorized by this section, a
46 total sum not to exceed \$7,557,000, such transfer to be made from (i)
47 the special account of the mortgage insurance fund created pursuant to
48 section 2429-b of the public authorities law, in an amount not to exceed
49 the actual excess balance in the special account of the mortgage insur-
50 ance fund, as determined and certified by the state of New York mortgage
51 agency for the fiscal year 2023-2024 in accordance with section 2429-b
52 of the public authorities law, if any, and/or (ii) provided that the
53 reserves in the project pool insurance account of the mortgage insurance
54 fund created pursuant to section 2429-b of the public authorities law

1 are sufficient to attain and maintain the credit rating (as determined
2 by the state of New York mortgage agency) required to accomplish the
3 purposes of such account, the project pool insurance account of the
4 mortgage insurance fund, such transfer to be made as soon as practicable
5 but no later than June 30, 2024.

6 § 3. Notwithstanding any other provision of law, the housing trust
7 fund corporation may provide, for purposes of the rural rental assist-
8 ance program pursuant to article 17-A of the private housing finance
9 law, a sum not to exceed \$23,180,000 for the fiscal year ending March
10 31, 2025. Notwithstanding any other provision of law, and subject to
11 the approval of the New York state director of the budget, the board of
12 directors of the state of New York mortgage agency shall authorize the
13 transfer to the housing trust fund corporation, for the purposes of
14 reimbursing any costs associated with rural rental assistance program
15 contracts authorized by this section, a total sum not to exceed
16 \$23,180,000, such transfer to be made from (i) the special account of
17 the mortgage insurance fund created pursuant to section 2429-b of the
18 public authorities law, in an amount not to exceed the actual excess
19 balance in the special account of the mortgage insurance fund, as deter-
20 mined and certified by the state of New York mortgage agency for the
21 fiscal year 2023-2024 in accordance with section 2429-b of the public
22 authorities law, if any, and/or (ii) provided that the reserves in the
23 project pool insurance account of the mortgage insurance fund created
24 pursuant to section 2429-b of the public authorities law are sufficient
25 to attain and maintain the credit rating, as determined by the state of
26 New York mortgage agency, required to accomplish the purposes of such
27 account, the project pool insurance account of the mortgage insurance
28 fund, such transfer shall be made as soon as practicable but no later
29 than June 30, 2024.

30 § 4. Notwithstanding any other provision of law, the homeless housing
31 and assistance corporation may provide, for purposes of the New York
32 state supportive housing program, the solutions to end homelessness
33 program or the operational support for AIDS housing program, or to qual-
34 ified grantees under such programs, in accordance with the requirements
35 of such programs, a sum not to exceed \$53,581,000 for the fiscal year
36 ending March 31, 2025. The homeless housing and assistance corporation
37 may enter into an agreement with the office of temporary and disability
38 assistance to administer such sum in accordance with the requirements of
39 such programs. Notwithstanding any other provision of law, and subject
40 to the approval of the New York state director of the budget, the board
41 of directors of the state of New York mortgage agency shall authorize
42 the transfer to the homeless housing and assistance corporation, a total
43 sum not to exceed \$53,581,000, such transfer to be made from (i) the
44 special account of the mortgage insurance fund created pursuant to
45 section 2429-b of the public authorities law, in an amount not to exceed
46 the actual excess balance in the special account of the mortgage insur-
47 ance fund, as determined and certified by the state of New York mortgage
48 agency for the fiscal year 2023-2024 in accordance with section 2429-b
49 of the public authorities law, if any, and/or (ii) provided that the
50 reserves in the project pool insurance account of the mortgage insurance
51 fund created pursuant to section 2429-b of the public authorities law
52 are sufficient to attain and maintain the credit rating as determined by
53 the state of New York mortgage agency, required to accomplish the
54 purposes of such account, the project pool insurance account of the
55 mortgage insurance fund, such transfer shall be made as soon as practi-
56 cable but no later than March 31, 2025.

1 § 5. This act shall take effect immediately.

2 PART O

3 Section 1. Short title. This act shall be known and may be cited as
4 the "heirs property protection and deed theft prevention act of 2024".

5 § 2. Subdivision 3 of section 30.10 of the criminal procedure law is
6 amended by adding a new paragraph (h) to read as follows:

7 (h) A prosecution for any felony related to a deed theft or where
8 there is fraud in connection with a transaction involving real property
9 must be commenced within five years after the commission of the crime,
10 or within two years after the facts constituting such offense are
11 discovered by the aggrieved party, whichever occurs later.

12 § 3. Section 155.00 of the penal law is amended by adding six new
13 subdivisions 11, 12, 13, 14, 15 and 16 to read as follows:

14 11. "Residential real property" or any derivative word thereof shall
15 have the same meaning as defined in subdivision three of section 187.00
16 of this part.

17 12. "Commercial property" or any derivative word thereof shall mean a
18 nonresidential property used for the buying, selling or otherwise
19 providing of goods or services including hotel services, or for other
20 lawful business, commercial or manufacturing activities.

21 13. "Mixed-use property" shall have the same meaning as defined in
22 subdivision twenty-two of section four hundred eighty-nine-aaaa of the
23 real property tax law.

24 14. "Incompetent" shall have the same meaning as defined in section
25 1-2.9 of the estates, powers and trusts law.

26 15. "Incapacitated person" shall mean a person who, because of mental
27 disability as defined in subdivision three of section 1.03 of the mental
28 hygiene law or mental deficiency, is unable to care for their own prop-
29 erty and/or personal needs, and is likely to suffer harm because such
30 person is unable to understand and appreciate the nature and conse-
31 quences of not being able to care for their property and/or personal
32 needs.

33 16. "Elderly person" means a person sixty years of age or older.

34 § 4. Subparagraph (ix) of paragraph (e) and paragraph (f) of subdivi-
35 sion 2 of section 155.05 of the penal law, paragraph (f) as added by
36 chapter 353 of the laws of 2023, are amended and a new paragraph (g) is
37 added to read as follows:

38 (ix) Perform any other act which would not in itself materially bene-
39 fit the actor but which is calculated to harm another person materially
40 with respect to [~~his~~] such other person's health, safety, business,
41 calling, career, financial condition, reputation or personal relation-
42 ships[~~;~~];or

43 (f) By wage theft.

44 A person obtains property by wage theft when [~~he or she~~] such person
45 hires a person to perform services and the person performs such services
46 and the person does not pay wages, at the minimum wage rate and over-
47 time, or promised wage, if greater than the minimum wage rate and over-
48 time, to said person for work performed. In a prosecution for wage
49 theft, for the purposes of venue, it is permissible to aggregate all
50 nonpayments or underpayments to one person from one person, into one
51 larceny count, even if the nonpayments or underpayments occurred in
52 multiple counties. It is also permissible to aggregate nonpayments or
53 underpayments from a workforce into one larceny count even if such
54 nonpayments or underpayments occurred in multiple counties[~~;~~]; or

1 (g) By deed theft. A person commits deed theft when such person:

2 (i) Intentionally alters, falsifies, forges, or misrepresents any
3 written instrument involved in the conveyance or financing of real prop-
4 erty, such as a residential or commercial deed or title, with the intent
5 to deceive, defraud, or unlawfully transfer or encumber the ownership
6 rights or a portion thereof of a residential or commercial property; or

7 (ii) with intent to defraud, misrepresents themselves as the owner or
8 authorized representative of residential or commercial real property to
9 induce others to rely on such false information in order to obtain
10 ownership or possession of such real property; or

11 (iii) with intent to defraud, takes, obtains, or transfers title or
12 ownership of real property by fraud, misrepresentation, forgery, larceny,
13 false pretenses, false promise, or any other fraudulent or deceptive
14 practice.

15 § 5. Section 155.35 of the penal law, as amended by chapter 464 of the
16 laws of 2010, is amended to read as follows:

17 § 155.35 Grand larceny in the third degree.

18 A person is guilty of grand larceny in the third degree when [~~he~~ or
19 ~~she~~] such person steals property and:

20 1. when the value of the property exceeds three thousand dollars, or
21 2. the property is an automated teller machine or the contents of an
22 automated teller machine[+], or

23 3. when such person commits deed theft of one commercial real proper-
24 ty, regardless of the value.

25 Grand larceny in the third degree is a class D felony.

26 § 6. Section 155.40 of the penal law, as amended by chapter 515 of the
27 laws of 1986, is amended to read as follows:

28 § 155.40 Grand larceny in the second degree.

29 A person is guilty of grand larceny in the second degree when [~~he~~]
30 such person steals property and when:

31 1. The value of the property exceeds fifty thousand dollars; or
32 2. The property, regardless of its nature and value, is obtained by
33 extortion committed by instilling in the victim a fear that the actor or
34 another person will (a) cause physical injury to some person in the
35 future, or (b) cause damage to property, or (c) use or abuse [~~his~~] the
36 actor's position as a public servant by engaging in conduct within or
37 related to [~~his~~] the actor's official duties, or by failing or refusing
38 to perform an official duty, in such manner as to affect some person
39 adversely[+]; or

40 3. Such person commits deed theft, regardless of the value, of: (a)
41 one residential real property; or (b) one commercial mixed-use property
42 with at least one residential unit; or (c) two or more commercial prop-
43 erties.

44 Grand larceny in the second degree is a class C felony.

45 § 7. Section 155.42 of the penal law, as added by chapter 515 of the
46 laws of 1986, is amended to read as follows:

47 § 155.42 Grand larceny in the first degree.

48 A person is guilty of grand larceny in the first degree when:

49 1. [~~he~~] such person steals property and when the value of the property
50 exceeds one million dollars[+]; or

51 2. such person commits deed theft, regardless of the value, of (a)
52 residential real property that is occupied as a home by at least one
53 person; or (b) residential real property that involves a home that is
54 owned by an elderly person, an incompetent, an incapacitated person, or
55 physically disabled person; or (c) three or more residential real prop-
56 erties.

1 Grand larceny in the first degree is a class B felony.

2 § 8. Subdivision 3 of section 187.00 of the penal law, as amended by
3 chapter 507 of the laws of 2009, is amended to read as follows:

4 3. "Residential real property" means real property that is used or
5 occupied, or intended to be used or occupied, wholly or partly, as the
6 home or residence of one or more persons, including real property that
7 is improved by a one-to-four family dwelling, or a residential unit in a
8 building including units owned as condominiums or on a cooperative
9 basis, used or occupied, or intended to be used or occupied, wholly or
10 partly, as the home or residence of one or more persons, but shall not
11 refer to unimproved real property upon which such dwellings are to be
12 constructed.

13 § 9. Section 63 of the executive law is amended adding a new subdivi-
14 sion 17 to read as follows:

15 17. The attorney general may investigate and prosecute every person or
16 entity charged with the commission of a criminal offense in violation of
17 the laws of this state applicable to any crime that affects the title
18 to, encumbrance of, or the possession of real property, including but
19 not limited to deed theft, larceny, criminal possession of stolen prop-
20 erty, offering a false instrument for filing, falsifying business
21 records, residential mortgage fraud, or scheme to defraud. In all such
22 proceedings, the attorney general may appear in person or by the attor-
23 ney general's deputy before any court of record or any grand jury and
24 exercise all the powers and perform all the duties in respect of such
25 actions or proceedings which the district attorney would otherwise be
26 authorized or required to exercise or perform. Nothing herein shall in
27 any way abrogate, supersede, or interfere with the authority of the
28 district attorney of a county in which an offense occurs to investigate,
29 initiate and/or prosecute any such crime.

30 § 10. Section 993 of the real property actions and proceedings law is
31 amended by adding a new subdivision 12 to read as follows:

32 12. Prohibition on initiation of a partition action. No partition
33 action related to an heirs property may be initiated by a party that
34 purchased or otherwise acquired their share or shares by means other
35 than inheritance, and who did not inherit their share or shares directly
36 from a person who was a co-tenant prior to the property becoming heirs
37 property or from a co-tenant who was an heir thereto.

38 § 11. Section 993 of the real property actions and proceedings law is
39 amended by adding a new subdivision 13 to read as follows:

40 13. Right of first refusal. (a) When a co-tenant receives a bona fide
41 offer from a non-co-tenant to purchase a share or shares of an heirs
42 property and the co-tenant intends to accept or respond with a counter-
43 offer, the co-tenants who inherited their share or shares of the proper-
44 ty, or the co-tenants who are relatives to those co-tenants who inher-
45 ited their share or shares of the property shall have the right to
46 purchase such shares for the identical price, terms, and conditions of
47 the offer or counteroffer, with first priority to any co-tenant who
48 occupies the property as their primary residence and second priority to
49 any co-tenant who otherwise utilizes the property.

50 (b) It shall be the duty of the non-co-tenant who made the initial
51 offer for the share or shares of the property as well as the co-tenant
52 who received the offer to exercise all due diligence to identify all of
53 the other co-tenants to the property and notify such co-tenants of the
54 pending offer. Such notice shall include the names, addresses, phone
55 numbers and electronic mail addresses of all of the other co-tenants.
56 Notice shall be made in the same manner as set forth in section three

1 hundred eight of the civil practice law and rules. The other co-tenants
2 shall have one hundred eighty days from the date they are notified of
3 the offer to match such offer.

4 (c) In the event that the other co-tenants are not notified of the
5 offer and the sale is completed, and the offeror did not exercise the
6 required due diligence to notify the other co-tenants of the heirs prop-
7 erty, the other co-tenants shall have the right to purchase the shares
8 from the non-relative co-tenant for the price paid by such non-relative
9 co-tenant, plus any applicable interest at a rate of two percent per
10 annum. Such right shall expire one hundred eighty days after the other
11 co-tenants to the heirs property are made aware of the sale.

12 § 12. The real property law is amended by adding a new section 424 to
13 read as follows:

14 § 424. Transfer on death deed. 1. Definitions. For the purposes of
15 this section the following terms shall have the following meanings:

16 (a) "Beneficiary" means a person who receives property in a transfer
17 on death deed.

18 (b) "Designated beneficiary" means a person designated to receive
19 property in a transfer on death deed.

20 (c) "Joint owner" means an individual who owns property concurrently
21 with one or more other individuals with a right of survivorship. The
22 term includes a joint tenant, owner of community property with a right
23 of survivorship and tenant by the entirety. The term does not include a
24 tenant in common or owner of community property without a right of
25 survivorship.

26 (d) "Person" includes a natural person, an association, board, any
27 corporation, whether municipal, stock or non-stock, court, governmental
28 agency, authority or subdivision, partnership or other firm and the
29 state.

30 (e) "Property" means an interest in real property located in this
31 state which is transferable on the death of the owner.

32 (f) "Transfer on death deed" means a deed authorized under this
33 section.

34 (g) "Transferor" means an individual who makes a transfer on death
35 deed.

36 2. Nonexclusivity. This section does not affect any method of trans-
37 ferring property otherwise permitted under the law of this state.

38 3. Transfer on death deed authorized. An individual may transfer prop-
39 erty to one or more beneficiaries effective at the transferor's death by
40 a transfer on death deed.

41 4. Transfer on death deed revocable. A transfer on death deed is revo-
42 cable even if the deed or another instrument contains a contrary
43 provision.

44 5. Transfer on death deed nontestamentary. A transfer on death deed is
45 nontestamentary.

46 6. Capacity of transferor. The capacity required to make or revoke a
47 transfer on death deed is the same as the capacity required to make a
48 will.

49 7. Requirements. A transfer on death deed:

50 (a) except as otherwise provided in this subdivision, shall contain
51 the essential elements and formalities of a properly recordable inter
52 vivos deed;

53 (b) shall state that the transfer to the designated beneficiary is to
54 occur at the transferor's death;

55 (c) shall be signed by two witnesses who were present at the same time
56 and who witnessed the signing of the transfer on death deed;

1 (d) shall be acknowledged before a notary public; and
2 (e) shall be recorded before the transferor's death in the public
3 records in the county clerk's office of the county where the property is
4 located in the same manner as any other type of deed.

5 8. Notice, delivery, acceptance, consideration not required. A trans-
6 fer on death deed shall be effective without:

7 (a) notice or delivery to or acceptance by the designated beneficiary
8 during the transferor's life; or

9 (b) consideration.

10 9. Revocation by instrument authorized; revocation by act not permit-
11 ted.

12 (a) Subject to paragraph (b) of this subdivision, an instrument shall
13 be effective to revoke a recorded transfer on death deed, or any part of
14 it, only if the instrument:

15 (1) is one of the following:

16 (A) a transfer on death deed that revokes the deed or part of the deed
17 expressly or by inconsistency;

18 (B) an instrument of revocation that expressly revokes the deed or
19 part of the deed; or

20 (C) an inter vivos deed that expressly revokes the transfer on death
21 deed or part of the deed; and

22 (2) is acknowledged by the transferor after the acknowledgment of the
23 deed being revoked and recorded before the transferor's death in the
24 public records in the county clerk's office of the county where the deed
25 is recorded.

26 (b) If a transfer on death deed is made by more than one transferor:

27 (1) revocation by a transferor shall not affect the deed as to the
28 interest of another transferor; and

29 (2) a deed of joint owners shall only be revoked if it is revoked by
30 all of the living joint owners.

31 (c) After a transfer on death deed is recorded, it shall not be
32 revoked by a revocatory act on the deed.

33 (d) This section shall not limit the effect of an inter vivos transfer
34 of the property.

35 10. Effect of transfer on death deed during transferor's life. During
36 a transferor's life, a transfer on death deed shall not:

37 (a) affect an interest or right of the transferor or any other owner,
38 including the right to transfer or encumber the property;

39 (b) affect an interest or right of a transferee, even if the transfer-
40 ee has actual or constructive notice of the deed;

41 (c) affect an interest or right of a secured or unsecured creditor or
42 future creditor of the transferor, even if the creditor has actual or
43 constructive notice of the deed;

44 (d) affect the transferor's or designated beneficiary's eligibility
45 for any form of public assistance;

46 (e) create a legal or equitable interest in favor of the designated
47 beneficiary; or

48 (f) subject the property to claims or process of a creditor of the
49 designated beneficiary.

50 11. Effect of transfer on death deed at transferor's death. (a) Except
51 as otherwise provided in the transfer on death deed, in this section or
52 in any other section of law which effects nonprobate transfers, on the
53 death of the transferor, the following rules apply to property that is
54 the subject of a transfer on death deed and owned by the transferor at
55 death:

1 (1) Subject to subparagraph two of this paragraph, the interest in the
2 property shall be transferred to the designated beneficiary in accord-
3 ance with the deed.

4 (2) The interest of a designated beneficiary is contingent on the
5 designated beneficiary surviving the transferor. The interest of a
6 designated beneficiary that fails to survive the transferor lapses.

7 (3) Subject to subparagraph four of this paragraph, concurrent inter-
8 ests shall be transferred to the beneficiaries in equal and undivided
9 shares with no right of survivorship.

10 (4) If the transferor has identified two or more designated benefici-
11 aries to receive concurrent interests in the property, the share of one
12 which lapses or fails for any reason shall be transferred to the other,
13 or to the others in proportion to the interest of each in the remaining
14 part of the property held concurrently.

15 (b) Subject to this chapter, a beneficiary takes the property subject
16 to all conveyances, encumbrances, assignments, contracts, mortgages,
17 liens, and other interests to which the property is subject at the
18 transferor's death. For purposes of this paragraph and this chapter, the
19 recording of the transfer on death deed shall be deemed to have occurred
20 at the transferor's death.

21 (c) If a transferor is a joint owner and is survived by one or more
22 other joint owners, the property that is the subject of a transfer on
23 death deed shall belong to the surviving joint owner or owners with
24 right of survivorship.

25 (d) If a transferor is a joint owner and is the last surviving joint
26 owner, the transfer on death deed shall be effective.

27 (e) A transfer on death deed transfers property without covenant or
28 warranty of title even if the deed contains a contrary provision.

29 12. Applicability of invalidating and revocatory principles. (a) Noth-
30 ing in this section shall limit the application of principles of fraud,
31 undue influence, duress, mistake, or other invalidating cause to a
32 transfer of property.

33 (b) Divorce, annulment or declaration of nullity, or dissolution of
34 marriage, shall have the same effect on a transfer on death deed as
35 outlined in section 5-1.4 of the estates, powers and trusts law.

36 13. Renunciation. A beneficiary may renounce all or part of the bene-
37 fiary's interest in the same manner as if the interest was transferred
38 in a will.

39 14. Liability for creditor claims and statutory allowances. (a) To the
40 extent the transferor's probate estate is insufficient to satisfy an
41 allowed claim against the estate or a statutory allowance to a surviving
42 spouse or child, the estate may enforce the liability against property
43 transferred at the transferor's death by a transfer on death deed.

44 (b) If more than one property is transferred by one or more transfer
45 on death deeds, the liability under paragraph (a) of this subdivision is
46 apportioned among the properties in proportion to their net values at
47 the transferor's death.

48 (c) A proceeding to enforce the liability under this section must be
49 commenced no later than eighteen months after the transferor's death.

50 15. Form of transfer on death deed. The following form may be used to
51 create a transfer on death deed. The other subdivisions of this section
52 shall govern the effect of this, or any other instrument used to create
53 a transfer on death deed:

54 (front of form)

1 REVOCABLE TRANSFER ON DEATH DEED

2 NOTICE TO OWNER

3 You should carefully read all information on the other side of this
4 form. You may want to consult a lawyer before using this form.
5 This form must be recorded before your death, or it will not be effec-
6 tive.

7 IDENTIFYING INFORMATION

8 Owner or Owners Making This Deed:

9 _____
10 Printed name _____ Mailing address

11 _____
12 Printed name _____ Mailing address

13 Legal description of the property:

14 _____

15 PRIMARY BENEFICIARY

16 I designate the following beneficiary if the beneficiary survives me.

17 _____
18 Printed name _____ Mailing address, if available

19 ALTERNATE BENEFICIARY - Optional

20 If my primary beneficiary does not survive me, I designate the following
21 alternate beneficiary if that beneficiary survives me.

22 _____
23 Printed name _____ Mailing address, if available

24 TRANSFER ON DEATH

25 At my death, I transfer my interest in the described property to the
26 beneficiaries as designated above. Before my death, I have the right to
27 revoke this deed.

1 SIGNATURE OF OWNER OR OWNERS MAKING THIS DEED

2 _____
3 Signature Date

4 _____
5 Signature Date

6 SIGNATURE OF WITNESSES

7 _____
8 Signature Date

9 _____
10 Signature Date

11 _____

12 NOTARY ACKNOWLEDGMENT

13 (insert notary acknowledgment for deed here)

14 (back of form)

15 COMMON QUESTIONS ABOUT THE USE OF THIS FORM

16 What does the Transfer on Death (TOD) deed do?

17 When you die, this deed transfers the described property, subject to any
18 liens or mortgages (or other encumbrances) on the property at your
19 death. Probate is not required. The TOD deed has no effect until you
20 die. You can revoke it at any time. You are also free to transfer the
21 property to someone else during your lifetime. If you do not own any
22 interest in the property when you die, this deed will have no effect.

23 How do I make a TOD deed?

24 Complete this form. Have it acknowledged before a notary public. Record
25 the form in each county where any part of the property is located. The
26 form has no effect unless it is acknowledged and recorded before your
27 death.

28 Is the "legal description" of the property necessary?

- 1 Yes.
- 2 How do I find the "legal description" of the property?
- 3 This information may be on the deed you received when you became an
4 owner of the property. This information may also be available in the
5 county clerk's office of the county where the property is located. If
6 you are not absolutely sure, consult a lawyer.
- 7 Can I change my mind before I record the TOD deed?
- 8 Yes. If you have not yet recorded the deed and want to change your mind,
9 simply tear up or otherwise destroy the deed.
- 10 How do I "record" the TOD deed?
- 11 Take the completed and acknowledged form to the county clerk's office of
12 the county where the property is located. Follow the instructions given
13 by the county clerk to make the form part of the official property
14 records. If the property is in more than one county, you should record
15 the deed in each county.
- 16 Can I later revoke the TOD deed if I change my mind?
- 17 Yes. You can revoke the TOD deed. No one, including the beneficiaries,
18 can prevent you from revoking the deed.
- 19 How do I revoke the TOD deed after it is recorded?
- 20 There are three ways to revoke a recorded TOD deed:
- 21 (1) Complete and acknowledge a revocation form and record it in each
22 county where the property is located.
- 23 (2) Complete and acknowledge a new TOD deed that disposes of the same
24 property and record it in each county where the property is located.
- 25 (3) Transfer the property to someone else during your lifetime by a
26 recorded deed that expressly revokes the TOD deed. You may not revoke
27 the TOD deed by will.
- 28 I am being pressured to complete this form. What should I do?
- 29 Do not complete this form under pressure. Seek help from a trusted
30 family member, friend, or lawyer.
- 31 Do I need to tell the beneficiaries about the TOD deed?
- 32 No, but it is recommended. Secrecy can cause later complications and
33 might make it easier for others to commit fraud.
- 34 I have other questions about this form. What should I do?
- 35 This form is designed to fit some but not all situations. If you have
36 other questions, you are encouraged to consult a lawyer.

1 16. Form of revocation. The following form may be used to create an
 2 instrument of revocation under this section. The other subdivisions of
 3 this section shall govern the effect of this, or any other instrument
 4 used to revoke a transfer on death deed.

5 (front of form)

6 REVOCATION OF TRANSFER ON DEATH DEED

7 NOTICE TO OWNER

8 This revocation must be recorded before you die, or it will not be
 9 effective. This revocation is effective only as to the interests in the
 10 property of owners who sign this revocation.

11 IDENTIFYING INFORMATION

12 Owner or Owners of Property Making This Revocation:

13 _____
 14 Printed name _____ Mailing address

15 _____
 16 Printed name _____ Mailing address

17 Legal description of the property:

18 _____

19 REVOCATION

20 I revoke all my previous transfers of this property by transfer on death
 21 deed.

22 SIGNATURE OF OWNER OR OWNERS MAKING THIS REVOCATION

23 _____
 24 Signature _____ Date

25 _____
 26 Signature _____ Date

27 SIGNATURE OF WITNESSES

1 _____
2 Signature Date

3 _____
4 Signature Date

5 NOTARY ACKNOWLEDGMENT
6 (insert notary acknowledgment here)

7 (back of form)

8 COMMON QUESTIONS ABOUT THE USE OF THIS FORM

9 How do I use this form to revoke a Transfer on Death (TOD) deed?

10 Complete this form. Have it acknowledged before a notary public. Record
11 the form in the public records in the county clerk's office of the coun-
12 ty where the property is located. The form must be acknowledged and
13 recorded before your death, or it has no effect.

14 How do I find the "legal description" of the property?

15 This information may be on the TOD deed. It may also be available in the
16 county clerk's office of the county where the property is located. If
17 you are not absolutely sure, consult a lawyer.

18 How do I "record" the form?

19 Take the completed and acknowledged form to the county clerk's office of
20 the county where the property is located. Follow the instructions given
21 by the county clerk to make the form part of the official property
22 records. If the property is located in more than one county, you should
23 record the form in each of those counties.

24 I am being pressured to complete this form. What should I do?

25 Do not complete this form under pressure. Seek help from a trusted fami-
26 ly member, friend, or lawyer.

27 I have other questions about this form. What should I do?

28 This form is designed to fit some but not all situations. If you have
29 other questions, consult a lawyer.

30 § 13. This act shall take effect on the ninetieth day after it shall
31 have become a law, provided that section 424 of the real property law,
32 as added by section twelve of this act, shall apply to any transfer on
33 death deed made before, on, or after the effective date of this act by a
34 transferor dying on or after the effective date of this act.

35 PART P

36 Intentionally Omitted

1

PART Q

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

5 3. Floor area ratio (FAR). The floor area ratio (FAR) of any dwelling
6 or dwellings on a lot shall not exceed 12.0, except [~~that a~~]:

7 a. A fireproof class B dwelling in which six or more passenger elevators
8 are maintained and operated in any city having a local zoning law,
9 ordinance or resolution restricting districts in such city to residen-
10 tial use, may be erected in accordance with the provisions of such
11 zoning law, ordinance or resolution, if such class B dwelling is erected
12 in a district no part of which is restricted by such zoning law, ordi-
13 nance or resolution to residential uses.

14 b. In a city with a population of one million or more, the permitted
15 floor area ratio (FAR) of any dwelling or dwellings on a lot may exceed
16 12.0 provided that:

17 (1) such city approves any increase in such permitted floor area ratio
18 (FAR) in accordance with local requirements for public review of land
19 use actions including, where applicable, such city's uniform land use
20 review procedure;

21 (2) such city designates the lot where such dwelling or dwellings are
22 located as subject to a program established in the zoning law, ordinance
23 or resolution of such city that mandates that any new housing on desig-
24 nated lots include minimum percentages of permanently affordable housing
25 equivalent to or exceeding the requirements under any mandatory inclu-
26 sionary housing program;

27 (3) such dwelling or dwellings are not located on the same zoning lot
28 as a building occupied in whole or in part for joint living-work quar-
29 ters for artists pursuant to article seven-B of this chapter, or on the
30 same zoning lot as a building subject to article seven-C of this chap-
31 ter;

32 (4) such dwelling or dwellings are not located within an area desig-
33 nated by such city as a historic district;

34 (5) no multiple dwelling with a floor area ratio (FAR) exceeding 12.0
35 shall be newly constructed on or after the effective date of the chapter
36 of the laws of two thousand twenty-four that amended this subdivision on
37 any zoning or tax lot that contains a dwelling or multiple dwelling with
38 a floor area ratio (FAR) below 12.0 unless such dwelling or multiple
39 dwelling with a floor area ratio (FAR) below 12.0 complies with the
40 requirements of section 27-2093.1 of the administrative code of the city
41 of New York, or any successor law or program relating to the issuance of
42 certificates of no harassment as defined in such section, in accordance
43 with terms of such section or successor law or program, provided that
44 nothing in this paragraph shall affect the application of such section
45 to any other building; and

46 (6) the owner of a dwelling or dwellings that are demolished or
47 removed to construct a multiple dwelling with a floor area ratio (FAR)
48 exceeding 12.0 shall offer, to each household who occupied such a dwell-
49 ing unit within the six months preceding such demolition or removal,
50 financial compensation equal to one month's rent for every year of
51 lawful tenancy in such dwelling unit, not to exceed six months, or a
52 lease in a comparable unit at a comparable rent in a decent, safe, and
53 sanitary dwelling in an area not generally less desirable in regard to
54 public utilities and public and commercial facilities.

1 c. In a city with a population of one million or more, a general
2 project plan adopted by the New York state urban development corporation
3 for a project may permit a floor area ratio (FAR) of any dwelling or
4 dwellings on a lot to exceed 12.0 provided that:

5 (1) not less than twenty-five percent of any rental dwelling units in
6 such project, upon initial rental and upon each subsequent rental
7 following a vacancy, are affordable to and restricted to occupancy by
8 individuals or families whose household income does not exceed a weight-
9 ed average of eighty percent of the area median income, adjusted for
10 family size, at the time such households initially occupy such dwelling
11 units;

12 (2) such dwelling or dwellings are not located on the same zoning lot
13 as a building occupied in whole or in part for joint living-work quar-
14 ters for artists pursuant to article seven-B of this chapter, or on the
15 same zoning lot as a building subject to article seven-C of this chap-
16 ter;

17 (3) such dwelling or dwellings are not located within an area desig-
18 nated by such city as a historic district;

19 (4) no multiple dwelling with a floor area ratio (FAR) exceeding 12.0
20 shall be newly constructed on or after the effective date of the chapter
21 of the laws of two thousand twenty-four that amended this subdivision on
22 any zoning or tax lot that contains a dwelling or multiple dwelling with
23 a floor area ratio (FAR) below 12.0 unless such dwelling or multiple
24 dwelling with a floor area ratio (FAR) below 12.0 complies with the
25 requirements of section 27-2093.1 of the administrative code of the city
26 of New York, or any successor law or program relating to the issuance of
27 certificates of no harassment as defined in such section, in accordance
28 with terms of such section or successor law or program, provided that
29 nothing in this paragraph shall affect the application of such section
30 to any other building; and

31 (5) the New York state urban development corporation shall not be
32 empowered to undertake the acquisition, construction, reconstruction,
33 rehabilitation or improvement of a project pursuant to this paragraph
34 unless the New York state urban development corporation finds that there
35 is a feasible method for the relocation of families and individuals
36 displaced from the project area into decent, safe and sanitary dwell-
37 ings, which are or will be provided in the project area or in other
38 areas not generally less desirable in regard to public utilities and
39 public and commercial facilities, at rents or prices within the finan-
40 cial means of such families or individuals, and reasonably accessible to
41 their places of employment. Insofar as is feasible, the New York state
42 urban development corporation shall offer housing accommodations to such
43 families and individuals in residential projects of the New York state
44 urban development corporation. The New York state urban development
45 corporation may render to business and commercial tenants and to fami-
46 lies or other persons displaced from the project area, such assistance
47 as it may deem necessary to enable them to relocate.

48 § 2. This act shall take effect immediately.

49 PART R

50 Section 1. Paragraphs c and d of subdivision 2 of section 224-a of the
51 labor law, as added by section 1 of part FFF of chapter 58 of the laws
52 of 2020, are amended and a new paragraph e is added to read as follows:

53 c. Money loaned by the public entity that is to be repaid on a contin-
54 gent basis; ~~[e]~~

1 d. Credits that are applied by the public entity against repayment of
2 obligations to the public entity[-]; or

3 e. Benefits under section four hundred sixty-seven-m of the real prop-
4 erty tax law.

5 § 2. The real property tax law is amended by adding a new section
6 467-m to read as follows:

7 § 467-m. Exemption from local real property taxation of certain multi-
8 ple dwellings in a city having a population of one million or more. 1.
9 Definitions. For purposes of this section, the following terms shall
10 have the following meanings:

11 a. "Affordable housing from commercial conversions tax incentive bene-
12 fits" hereinafter referred to as "AHCC program benefits", shall mean the
13 exemption from real property taxation authorized pursuant to this
14 section.

15 b. "Affordability requirement" shall mean that within any eligible
16 multiple dwelling: (i) not less than twenty-five percent of the dwelling
17 units are affordable housing units; (ii) not less than five percent of
18 the dwelling units are affordable housing forty percent units; (iii) the
19 weighted average of all income bands for all of the affordable housing
20 units does not exceed eighty percent of the area median income, adjusted
21 for family size; (iv) there are no more than three income bands for all
22 of the affordable housing units; and (v) no income band for affordable
23 housing units exceeds one hundred percent of the area median income,
24 adjusted for family size.

25 c. "Affordable housing forty percent unit" shall mean a dwelling unit
26 that: (i) is situated within the eligible multiple dwelling for which
27 AHCC program benefits are granted; and (ii) upon initial rental and upon
28 each subsequent rental following a vacancy during the restriction peri-
29 od, is affordable to and restricted to occupancy by individuals or fami-
30 lies whose household income does not exceed forty percent of the area
31 median income, adjusted for family size, at the time that such household
32 initially occupies such dwelling unit.

33 d. "Affordable housing unit" shall mean, collectively and individual-
34 ly: (i) an affordable housing forty percent unit; and (ii) any other
35 unit that meets the affordability requirement upon initial rental and
36 upon each subsequent rental following a vacancy during the restriction
37 period, and is affordable to and restricted to occupancy by individuals
38 or families whose household income does not exceed the income bands
39 established in conjunction with such affordability requirement.

40 e. "Agency" shall mean the New York city department of housing preser-
41 vation and development.

42 f. "Application" shall mean an application for AHCC program benefits.

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

50 h. "Commencement date" shall mean, with respect to an eligible conver-
51 sion, the date upon which a permit is issued by the local department of
52 buildings for alterations that require the issuance of a new certificate
53 of occupancy, provided that such alterations constitute an eligible
54 conversion.

55 i. "Completion date" shall mean the date upon which the local depart-
56 ment of buildings issues the first temporary or permanent certificate of

1 occupancy covering all residential areas of an eligible multiple dwell-
2 ing.

3 j. "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 or three years before the completion date; and (ii) ending on
6 the day preceding the completion date.

7 k. "Dwelling" or "dwellings" shall have the same meaning as set forth
8 in subdivision four of section four of the multiple dwelling law.

9 l. "Eligible conversion" shall mean the conversion of a non-residen-
10 tial building, except a hotel or other class B multiple dwelling, to an
11 eligible multiple dwelling.

12 m. "Eligible multiple dwelling" shall mean a multiple dwelling which
13 was subject to an eligible conversion in which: (i) all dwelling units
14 included in any application are operated as rental housing; (ii) six or
15 more dwelling units have been created through an eligible conversion;
16 (iii) the commencement date is after December thirty-first, two thousand
17 twenty-two and on or before June thirtieth, two thousand thirty-one; and
18 (iv) the completion date is on or before December thirty-first, two
19 thousand thirty-nine.

20 n. "Fiscal officer" shall mean the comptroller or other analogous
21 officer in a city having a population of one million or more.

22 o. "Floor area" shall mean the horizontal areas of the several floors,
23 or any portion thereof, of a dwelling or dwellings, and accessory struc-
24 tures on a lot measured from the exterior faces of exterior walls, or
25 from the center line of party walls.

26 p. "Income band" shall mean a percentage of the area median income,
27 adjusted for family size, that is a multiple of ten percent.

28 q. "Manhattan prime development area" shall mean any tax lot now
29 existing or hereafter created which is located entirely south of 96th
30 street in the borough of Manhattan.

31 r. "Market unit" shall mean a dwelling unit in an eligible multiple
32 dwelling other than an affordable housing unit.

33 s. "Marketing band" shall mean maximum rent amounts ranging from twen-
34 ty percent to thirty percent of the area median income or income band,
35 respectively, that is applicable to a specific affordable housing unit.

36 t. "Multiple dwelling" shall have the same meaning as set forth in
37 subdivision seven of section four of the multiple dwelling law.

38 u. "Non-residential building" shall mean a structure or portion of a
39 structure, except a hotel or other class B multiple dwelling, having at
40 least one floor, a roof and at least three walls enclosing all or most
41 of the space used in connection with the structure or portion of the
42 structure, which has a certificate of occupancy for commercial, manufac-
43 turing or other non-residential use for not less than ninety percent of
44 the aggregate floor area of such structure or portion of such structure,
45 or other proof of such non-residential use as is acceptable to the agen-
46 cy.

47 v. "Non-residential tax lot" shall mean a tax lot that does not
48 contain any dwelling units.

49 w. "Rent stabilization" shall mean, collectively, the rent stabiliza-
50 tion law of nineteen hundred sixty-nine, the rent stabilization code,
51 and the emergency tenant protection act of nineteen seventy-four, all as
52 in effect as of the effective date of this section or as amended there-
53 after, together with any successor statutes or regulations addressing
54 substantially the same subject matter.

55 x. "Residential tax lot" shall mean a tax lot that contains dwelling
56 units.

1 y. "Restriction period" shall mean a period commencing on the
2 completion date and extending in perpetuity, notwithstanding any earlier
3 termination or revocation of AHCC program benefits.

4 z. "Thirty-five year benefit" shall mean: (i) for the construction
5 period, a one hundred percent exemption from real property taxation,
6 other than assessments for local improvements; (ii) for the first thirty
7 years of the restriction period; (A) within the Manhattan prime develop-
8 ment area, a ninety percent exemption from real property taxation, other
9 than assessments for local improvements; and (B) outside of the Manhat-
10 tan prime development area, a sixty-five percent exemption from real
11 property taxation, other than assessments for local improvements; (iii)
12 for the thirty-first year of the restriction period, (A) within the
13 Manhattan prime development area, an eighty percent exemption from real
14 property taxation, other than assessments for local improvements; and
15 (B) outside of the Manhattan prime development area, a fifty percent
16 exemption from real property taxation, other than assessments for local
17 improvements; (iv) for the thirty-second year of the restriction period,
18 (A) within the Manhattan prime development area, a seventy percent
19 exemption from real property taxation, other than assessments for local
20 improvements; and (B) outside of the Manhattan prime development area, a
21 forty percent exemption from real property taxation, other than assess-
22 ments for local improvements; (v) for the thirty-third year of the
23 restriction period, (A) within the Manhattan prime development area, a
24 sixty percent exemption from real property taxation, other than assess-
25 ments for local improvements; and (B) outside of the Manhattan prime
26 development area, a thirty percent exemption from real property taxa-
27 tion, other than assessments for local improvements; (vi) for the thir-
28 ty-fourth year of the restriction period; (A) within the Manhattan prime
29 development area, a fifty percent exemption from real property taxation,
30 other than assessments for local improvements; and (B) outside of the
31 Manhattan prime development area, a twenty percent exemption from real
32 property taxation, other than assessments for local improvements; and
33 (vii) for the thirty-fifth year of the restriction period, (A) within
34 the Manhattan prime development area, a forty percent exemption from
35 real property taxation, other than assessments for local improvements;
36 and (B) outside of the Manhattan prime development area, a ten percent
37 exemption from real property taxation, other than assessments for local
38 improvements.

39 aa. "Thirty year benefit" shall mean: (i) for the construction period,
40 a one hundred percent exemption from real property taxation, other than
41 assessments for local improvements; (ii) for the first twenty-five years
42 of the restriction period, (A) within the Manhattan prime development
43 area, a ninety percent exemption from real property taxation, other than
44 assessments for local improvements; and (B) outside of the Manhattan
45 prime development area, a sixty-five percent exemption from real proper-
46 ty taxation, other than assessments for local improvements; (iii) for
47 the twenty-sixth year of the restriction period, (A) within the Manhat-
48 tan prime development area, an eighty percent exemption from real prop-
49 erty taxation, other than assessments for local improvements; and (B)
50 outside of the Manhattan prime development area, a fifty percent
51 exemption from real property taxation, other than assessments for local
52 improvements; (iv) for the twenty-seventh year of the restriction peri-
53 od, (A) within the Manhattan prime development area, a seventy percent
54 exemption from real property taxation, other than assessments for local
55 improvements; and (B) outside of the Manhattan prime development area, a
56 forty percent exemption from real property taxation, other than assess-

1 ments for local improvements; (v) for the twenty-eighth year of the
2 restriction period, (A) within the Manhattan prime development area, a
3 sixty percent exemption from real property taxation, other than assess-
4 ments for local improvements; and (B) outside of the Manhattan prime
5 development area, a thirty percent exemption from real property taxa-
6 tion, other than assessments for local improvements; (vi) for the twen-
7 ty-ninth year of the restriction period, (A) within the Manhattan prime
8 development area, a fifty percent exemption from real property taxation,
9 other than assessments for local improvements; and (B) outside of the
10 Manhattan prime development area, a twenty percent exemption from real
11 property taxation, other than assessments for local improvements; and
12 (vii) for the thirtieth year of the restriction period, (A) within the
13 Manhattan prime development area, a forty percent exemption from real
14 property taxation, other than assessments for local improvements; and
15 (B) outside of the Manhattan prime development area, a ten percent
16 exemption from real property taxation, other than assessments for local
17 improvements.

18 bb. "Twenty-five year benefit" shall mean: (i) for the construction
19 period, a one hundred percent exemption from real property taxation,
20 other than assessments for local improvements; (ii) for the first twenty
21 years of the restriction period; (A) within the Manhattan prime develop-
22 ment area, a ninety percent exemption from real property taxation, other
23 than assessments for local improvements; and (B) outside of the Manhat-
24 tan prime development area, a sixty-five percent exemption from real
25 property taxation, other than assessments for local improvements; (iii)
26 for the twenty-first year of the restriction period, (A) within the
27 Manhattan prime development area, an eighty percent exemption from real
28 property taxation, other than assessments for local improvements; and
29 (B) outside of the Manhattan prime development area, a fifty percent
30 exemption from real property taxation, other than assessments for local
31 improvements; (iv) for the twenty-second year of the restriction period,
32 (A) within the Manhattan prime development area, a seventy percent
33 exemption from real property taxation, other than assessments for local
34 improvements; and (B) outside of the Manhattan prime development area, a
35 forty percent exemption from real property taxation, other than assess-
36 ments for local improvements; (v) for the twenty-third year of the
37 restriction period, (A) within the Manhattan prime development area, a
38 sixty percent exemption from real property taxation, other than assess-
39 ments for local improvements; and (B) outside of the Manhattan prime
40 development area, a thirty percent exemption from real property taxa-
41 tion, other than assessments for local improvements; (vi) for the twen-
42 ty-fourth year of the restriction period, (A) within the Manhattan prime
43 development area, a fifty percent exemption from real property taxation,
44 other than assessments for local improvements; and (B) outside of the
45 Manhattan prime development area, a twenty percent exemption from real
46 property taxation, other than assessments for local improvements; and
47 (vii) for the twenty-fifth year of the restriction period, (A) within
48 the Manhattan prime development area, a forty percent exemption from
49 real property taxation, other than assessments for local improvements;
50 and (B) outside of the Manhattan prime development area, a ten percent
51 exemption from real property taxation, other than assessments for local
52 improvements.

53 2. Benefit. In cities having a population of one million or more,
54 notwithstanding the provisions of any other general, special or local
55 law to the contrary, a new eligible multiple dwelling, except a hotel,
56 that complies with the provisions of this section shall be exempt from

1 real property taxation, other than assessments for local improvements,
2 in the amounts and for the periods specified in this section, provided
3 that such eligible multiple dwelling is used or held out for use for
4 dwelling purposes. An eligible multiple dwelling that has a commence-
5 ment date on or before June thirtieth, two thousand twenty-six shall
6 receive a thirty-five year benefit; an eligible multiple dwelling that
7 has a commencement date on or before June thirtieth, two thousand twen-
8 ty-eight shall receive a thirty year benefit; and an eligible multiple
9 dwelling that has a commencement date on or before June thirtieth, two
10 thousand thirty-one shall receive a twenty-five year benefit.

11 3. Tax payments. In addition to any other amounts payable pursuant to
12 this section, the owner of any eligible multiple dwelling receiving AHCC
13 program benefits shall pay, in each tax year in which such AHCC program
14 benefits are in effect, all assessments for local improvements.

15 4. Limitation on benefits for non-residential space. If the aggregate
16 floor area of commercial, community facility and accessory use space in
17 an eligible multiple dwelling exceeds twelve percent of the aggregate
18 floor area in such eligible multiple dwelling, any AHCC program benefits
19 shall be reduced by a percentage equal to such excess. If an eligible
20 multiple dwelling contains multiple tax lots, the tax arising out of
21 such reduction in AHCC program benefits shall first be apportioned pro
22 rata among any non-residential tax lots. After any such non-residential
23 tax lots are fully taxable, the remainder of the tax arising out of such
24 reduction in AHCC program benefits, if any, shall be apportioned pro
25 rata among the remaining residential tax lots. For the purposes of this
26 section, accessory use space shall not include home occupation space or
27 accessory parking space located not more than twenty-three feet above
28 the curb level.

29 5. Application of benefit. Based on the certification of the agency
30 certifying eligibility for AHCC program benefits, the department of
31 finance shall determine the amount of the exemption pursuant to subdivi-
32 sions two and four of this section and shall apply the exemption to the
33 assessed value of the eligible multiple dwelling.

34 6. Affordability requirements. An eligible multiple dwelling shall
35 comply with the affordability requirement defined in paragraph b of
36 subdivision one of this section during the restriction period. An eligi-
37 ble multiple dwelling shall also comply with the following requirements
38 during the restriction period:

39 a. All affordable housing units in an eligible multiple dwelling shall
40 share the same common entrances and common areas as rental market rate
41 units in such eligible multiple dwelling and shall not be isolated to a
42 specific floor or area of an eligible multiple dwelling. Common
43 entrances shall mean any means of ingress or egress regularly used by
44 any resident of a rental dwelling unit in the eligible multiple dwell-
45 ing.

46 b. Unless preempted by the requirements of a federal, state or local
47 housing program, either: (i) the affordable housing units in an eligible
48 multiple dwelling shall have a unit mix proportional to the rental
49 market units; or (ii) at least fifty percent of the affordable housing
50 units in an eligible multiple dwelling shall have two or more bedrooms
51 and no more than twenty-five percent of the affordable housing units
52 shall have less than one bedroom.

53 c. Notwithstanding any provision of rent stabilization to the contra-
54 ry: (i) all affordable housing units shall remain fully subject to rent
55 stabilization during the restriction period; and (ii) any affordable
56 housing unit occupied by a tenant that has been approved by the agency

1 prior to the agency's denial of an eligible multiple dwelling's applica-
2 tion for AHCC program benefits shall remain subject to rent stabiliza-
3 tion until such tenant vacates such affordable housing unit.

4 d. All rent stabilization registrations required to be filed shall
5 contain a designation that specifically identifies affordable housing
6 units created pursuant to this section as "AHCC program affordable hous-
7 ing units" and shall contain an explanation of the requirements that
8 apply to all such affordable housing units.

9 e. Failure to comply with the provisions of this subdivision that
10 require the creation, maintenance, rent stabilization compliance, and
11 occupancy of affordable housing units shall result in revocation of AHCC
12 program benefits.

13 f. Nothing in this section shall: (i) prohibit the occupancy of an
14 affordable housing unit by individuals or families whose income at any
15 time is less than the maximum percentage of the area median income or
16 income band, as applicable, adjusted for family size, specified for such
17 affordable housing unit pursuant to this section; or (ii) prohibit the
18 owner of an eligible multiple dwelling from requiring, upon initial
19 rental or upon any rental following a vacancy, the occupancy of any
20 affordable housing unit by such lower income individuals or families.

21 g. Following issuance of a temporary certificate of occupancy and upon
22 each vacancy thereafter, an affordable housing unit shall promptly be
23 offered for rental by individuals or families whose income does not
24 exceed the maximum percentage of the area median income or income band,
25 as applicable, adjusted for family size, specified for such affordable
26 housing unit pursuant to this section and who intend to occupy such
27 affordable housing unit as their primary residence. An affordable hous-
28 ing unit shall not be: (i) rented to a corporation, partnership or other
29 entity; or (ii) held off the market for a period longer than is reason-
30 ably necessary to perform repairs needed to make such affordable housing
31 unit available for occupancy.

32 h. An affordable housing unit shall not be rented on a temporary,
33 transient or short-term basis. Every lease and renewal thereof for an
34 affordable housing unit shall be for a term of one or two years, at the
35 option of the tenant.

36 i. An affordable housing unit shall not be converted to cooperative or
37 condominium ownership.

38 j. The agency may establish by rule such requirements as the agency
39 deems necessary or appropriate for: (i) the marketing of affordable
40 housing units, both upon initial occupancy and upon any vacancy; (ii)
41 monitoring compliance with the provisions of this subdivision; (iii) the
42 establishment of marketing bands for affordable housing units;

43 (iv) identifying the permit or permits required for the determination
44 of the commencement date under this section; and

45 (v) specifying the legal instrument by which the marketing, afforda-
46 bility, rent stabilization, permitted rent, and any other requirement
47 associated with this benefit will be recorded and enforced. Such
48 requirements may include, but need not be limited to, retaining a moni-
49 tor approved by the agency and paid for by the owner of the eligible
50 multiple dwelling.

51 k. Notwithstanding any provision of this section to the contrary, a
52 market unit shall not be subject to rent stabilization unless, in the
53 absence of AHCC program benefits, the unit would be subject to rent
54 stabilization.

55 7. Building service employees. a. For the purposes of this subdivi-
56 sion, (i) "applicant" shall mean an applicant for AHCC program benefits

1 and/or any successor to such applicant; and (ii) "covered building
2 service employer" shall mean any applicant and/or any employer of build-
3 ing service employees for such applicant including, but not limited to,
4 a property management company or contractor.

5 b. All building service employees employed by the covered building
6 service employer at the eligible multiple dwelling shall receive the
7 applicable prevailing wage for the duration of the benefit period,
8 regardless of whether such benefits provided pursuant to this section
9 are revoked or terminated.

10 c. The fiscal officer shall have the power to enforce the provisions
11 of this subdivision. In enforcing such provisions, the fiscal officer
12 shall have the power: (i) to investigate or cause an investigation to be
13 made to determine the prevailing wages for building service employees,
14 and in making such investigation, the fiscal officer may utilize wage
15 and fringe benefit data from various sources, including, but not limited
16 to, data and determinations of federal, state or other governmental
17 agencies; provided, however, that the provision of a dwelling unit shall
18 not be considered wages or a fringe benefit; (ii) to institute and
19 conduct inspections at the site of the work or elsewhere; (iii) to exam-
20 ine the books, documents and records pertaining to the wages paid to,
21 and the hours of work performed by, building service employees; (iv) to
22 hold hearings and, in connection therewith, to issue subpoenas, the
23 enforcement of which shall be regulated by the civil practice law and
24 rules, administer oaths and examine witnesses; (v) to make a classifica-
25 tion by craft, trade or other generally recognized occupational category
26 of the building service employees and to determine whether such work has
27 been performed by the building service employees in such classification;
28 (vi) to require the applicant to file with the fiscal officer a record
29 of the wages actually paid to the building service employees and of
30 their hours of work; (vii) to delegate any of the foregoing powers to
31 his or her deputy or other authorized representative; (viii) to promul-
32 gate rules as he or she shall consider necessary for the proper
33 execution of the duties, responsibilities and powers conferred upon him
34 or her by the provisions of this subdivision; and (ix) to prescribe
35 appropriate sanctions for failure to comply with the provisions of this
36 subdivision. For each violation of paragraph b of this subdivision, the
37 fiscal officer may require the payment of (A) back wages and fringe
38 benefits; (B) liquidated damages up to three times the amount of the
39 back wages and fringe benefits for willful violations; and/or (C)
40 reasonable attorneys' fees. If the fiscal officer finds that the appli-
41 cant has failed to comply with the provisions of this subdivision, he or
42 she shall present evidence of such non-compliance to the agency.

43 d. Paragraph b of this subdivision shall not be applicable to: (i) an
44 eligible multiple dwelling containing less than thirty dwelling units;
45 or (ii) an eligible multiple dwelling whose eligible conversion is
46 carried out with the substantial assistance of grants, loans or subsi-
47 dies provided by a federal, state or local governmental agency or
48 instrumentality pursuant to a program for the development of affordable
49 housing.

50 e. The applicant shall submit a sworn affidavit with its application
51 certifying that it shall ensure compliance with the requirements of this
52 subdivision or is exempt in accordance with paragraph d of this subdivi-
53 sion. Upon the agency's approval of such application, the applicant who
54 is not exempt in accordance with paragraph d of this subdivision shall
55 submit annually a sworn affidavit to the fiscal officer certifying that
56 it shall ensure compliance with the requirements of this subdivision.

1 f. The agency shall annually publish a list of all eligible sites
2 subject to the requirements of this subdivision and the affidavits
3 required pursuant to paragraph e of this subdivision.

4 g. If a covered building service employer has committed three
5 violations of the requirements of paragraph (b) of this subdivision with
6 respect to the same eligible multiple dwelling within a five-year peri-
7 od, the agency may revoke any benefits associated with such eligible
8 multiple dwelling under this section. For purposes of this paragraph, a
9 "violation" of paragraph (b) of this subdivision shall be deemed a find-
10 ing by the fiscal officer that a covered building service employer has
11 failed to comply with paragraph (b) of this subdivision and has failed
12 to cure the deficiency within three months of such finding. Provided,
13 however, that after a second such violation, the applicant shall be
14 notified that any further violation may result in the revocation of
15 benefits under this section and that the fiscal officer shall publish on
16 its website a list of all applicants with two violations as defined in
17 this paragraph. If benefits are terminated or revoked for failure to
18 comply with this subdivision all of the affordable housing units shall
19 remain subject to rent stabilization and all other requirements of this
20 section for the duration of the restriction period, regardless of wheth-
21 er such benefits have been terminated or revoked.

22 8. Concurrent exemptions or abatements. An eligible multiple dwelling
23 receiving AHCC program benefits shall not receive any exemption from or
24 abatement of real property taxation under any other law.

25 9. Voluntary renunciation or termination. Notwithstanding the
26 provisions of any general, special or local law to the contrary, an
27 owner shall not be entitled to voluntarily renounce or terminate AHCC
28 program benefits unless the agency authorizes such renunciation or
29 termination in connection with the commencement of a tax exemption
30 pursuant to the private housing finance law or section four hundred
31 twenty-c of this title.

32 10. Termination or revocation. The agency may terminate or revoke AHCC
33 program benefits for failure to comply with this section. All of the
34 affordable housing units shall remain subject to rent stabilization and
35 all other requirements of this section for the duration of the
36 restriction period, regardless of whether such benefits have been termi-
37 nated or revoked.

38 11. Powers cumulative. The enforcement provisions of this section
39 shall not be exclusive, and are in addition to any other rights, reme-
40 dies or enforcement powers set forth in any other law or available at
41 law or in equity.

42 12. Multiple tax lots. If an eligible multiple dwelling contains
43 multiple tax lots, an application may be submitted with respect to one
44 or more of such tax lots. The agency shall determine eligibility for
45 AHCC program benefits based upon the tax lots included in such applica-
46 tion and benefits for each such eligible multiple dwelling shall be
47 based upon the completion date of each such multiple dwelling.

48 13. Applications. a. The application with respect to any eligible
49 multiple dwelling shall be filed with the agency no earlier than the
50 completion date and not later than one year after the completion date of
51 such eligible multiple dwelling.

52 b. Notwithstanding the provisions of any general, special, or local
53 law to the contrary, the agency may require by rule that applications be
54 filed electronically.

55 c. The agency may rely on certification by an architect or engineer
56 submitted by an applicant in connection with the filing of an applica-

1 tion. A false certification by such architect or engineer shall be
2 deemed to be professional misconduct pursuant to section sixty-five
3 hundred nine of the education law. Any architect or engineer found
4 guilty of such misconduct under the procedures prescribed in section
5 sixty-five hundred ten of the education law shall be subject to the
6 penalties prescribed in section sixty-five hundred eleven of the educa-
7 tion law and shall thereafter be ineligible to submit a certification
8 pursuant to this section.

9 d. Such application shall also certify that all taxes, water charges,
10 and sewer rents currently due and owing on the property which is the
11 subject of the application have been paid or are currently being paid in
12 timely installments pursuant to a written agreement with the department
13 of finance or other appropriate agency.

14 14. Filing fee. The agency may require a filing fee of no less than
15 three thousand dollars per dwelling unit in connection with any applica-
16 tion, except that the agency may promulgate rules:

17 a. imposing a lesser fee for an eligible multiple dwelling whose
18 eligible conversion is carried out with the substantial assistance of
19 grants, loans or subsidies provided by a federal, state or local govern-
20 mental agency or instrumentality pursuant to a program for the develop-
21 ment of affordable housing; and

22 b. requiring a portion of the filing fee to be paid upon the
23 submission of the information the agency requires in advance of approv-
24 ing the commencement of the marketing process for such eligible conver-
25 sion.

26 15. Multiple residence. A non-residential building undergoing an
27 eligible conversion shall be considered a multiple residence during the
28 construction period.

29 16. Rules. Except as provided in subdivision seven of this section,
30 the agency shall have the sole authority to enforce the provisions of
31 this section and may promulgate rules to carry out the provisions of
32 this section.

33 17. Penalties for violations of affordability requirements. a. On or
34 after the expiration date of the benefit provided pursuant to this
35 section, the agency may impose, after notice and an opportunity to be
36 heard, a penalty for any violation by an eligible multiple dwelling of
37 the affordability requirements of subdivision six of this section.

38 b. A penalty imposed under this subdivision shall be computed as a
39 percentage of the capitalized value of all AHCC program benefits on the
40 eligible multiple dwelling, calculated as of the first year that bene-
41 fits were granted, not to exceed one thousand percent. The agency shall
42 establish a schedule and method of calculation of such penalties pursu-
43 ant to subdivision sixteen of this section.

44 c. A penalty imposed under this subdivision shall be imposed against
45 the owner of the eligible multiple dwelling at the time the violation
46 occurred, even if such owner no longer owns such eligible multiple
47 dwelling at the time of the agency's determination.

48 d. A person or entity who fails to pay a penalty imposed pursuant to
49 this subdivision shall be guilty of a misdemeanor punishable by impri-
50 sonment not to exceed six months.

51 § 3. This act shall take effect immediately.

52 PART S

53 Section 1. The multiple dwelling law is amended by adding a new arti-
54 cle 7-D to read as follows:

ARTICLE 7-DLEGALIZATION AND CONVERSION OF BASEMENT AND CELLAR DWELLING UNITSSection 288. Definitions.289. Basement and cellar local laws and regulations.290. Tenant protections in inhabited basement dwelling units and inhabited cellar dwelling units.

§ 288. Definitions. As used in this article, the following terms shall have the following meanings:

1. The term "community district" shall refer to a community district as established pursuant to chapter sixty-nine of the New York city charter.

2. The term "inhabited basement dwelling unit" means a basement unlawfully occupied as a residence by one or more tenants on or prior to the effective date of this article, provided that such inhabited basement dwelling unit is located in any of the community districts specified in subdivision four of section two hundred eighty-nine of this article;

3. The term "inhabited cellar dwelling unit" means a cellar unlawfully occupied as a residence by one or more tenants on or prior to the effective date of this article, provided that such inhabited cellar dwelling unit is located in any of the community districts specified in subdivision four of section two hundred eighty-nine of this article;

4. The term "rented" means leased, let, or hired out, with or without a written agreement; and

5. The term "tenant" means an individual to whom an inhabited basement dwelling unit or an inhabited cellar dwelling unit is rented.

§ 289. Basement and cellar local laws and regulations. 1. Notwithstanding any other provision of this chapter to the contrary, in a city with a population of one million or more, the local legislative body may, by local law, establish a pilot program to address, (a) the legalization of specified inhabited basement dwelling units and inhabited cellar dwelling units in existence prior to the effective date of this article through conversion to legal dwelling units, or (b) the conversion of other specified basement and cellar dwelling units in existence prior to the effective date of this article to legal dwelling units, provided that any such other specified basement and cellar dwelling unit in existence prior to the effective date of this article is located in any of the community districts specified in subdivision four of this section. The local law authorized by this section, and any rules or regulations promulgated thereunder, shall be protective of health and safety according to standards established in consultation with the fire department of the city of New York, department of buildings, and office of emergency management. The local law shall further provide that any application to legalize or convert a basement or cellar dwelling unit to a legal dwelling unit located within a flood hazard area as defined in section two hundred two of the city building code shall be subject to additional health and safety standards.

The local law authorized by this section, and any rules or regulations promulgated thereunder, shall not be subject to environmental review, including environmental review conducted pursuant to article eight of the environmental conservation law and any state and local regulations promulgated thereunder.

2. (a) The pilot program established by such local law may provide to an owner accepted into the program who converts an inhabited basement dwelling unit or inhabited cellar dwelling unit in accordance with a local law authorized by this article or who otherwise abates the illegal occupancy of an inhabited basement dwelling unit or inhabited cellar

1 dwelling unit, (i) freedom from any civil or administrative liability,
2 citations, fines, penalties, judgments or any other determinations of
3 or prosecution for civil violations of this chapter, other state law or
4 local law or rules, and the zoning resolution of such city, and (ii)
5 relief from any outstanding civil judgments issued in connection with
6 any such violation of such laws, rules or zoning resolution issued
7 before the effective date of this article.

8 (b) Provided, however, that the provisions of subparagraphs (i) and
9 (ii) of paragraph (a) of this subdivision shall only apply to violations
10 of such laws, rules, or zoning resolution that rendered an inhabited
11 basement dwelling unit or an inhabited cellar dwelling unit illegal
12 before the effective date of this article and the conduct constituting
13 such violation would not violate the local law adopted pursuant to this
14 article.

15 (c) Provided, further that such local law shall require that all
16 applications for conversions be filed by a date certain subsequent to
17 the effective date of this article, provided that such date shall not
18 exceed five years after the effective date of this article.

19 3. Such local law may provide that any provision of this chapter shall
20 not be applicable to provide for the alterations necessary for the
21 conversion of a specified inhabited basement dwelling unit or inhabited
22 cellar dwelling unit or other specified basement or cellar dwelling unit
23 in existence prior to the effective date into a lawful dwelling unit.
24 Any amendment of the zoning resolution necessary to enact such program
25 shall be subject to a public hearing at the planning commission of such
26 city, and approval by such commission and the legislative body of such
27 local government, provided, however, that it shall not require environ-
28 mental review, including environmental review conducted pursuant to
29 article eight of the environmental conservation law and any state and
30 local regulations promulgated thereunder, or any additional land use
31 review.

32 4. The program established by a local law enacted pursuant to this
33 section shall be applicable only within community districts selected by
34 the local legislative body from the following list: Bronx Community
35 District nine; Bronx Community District ten; Bronx Community District
36 eleven; Bronx Community District twelve; Brooklyn Community District
37 four; Brooklyn Community District ten; Brooklyn Community District elev-
38 en; Brooklyn Community District seventeen; Manhattan Community District
39 two; Manhattan Community District three; Manhattan Community District
40 nine; Manhattan Community District ten; Manhattan Community District
41 eleven; Manhattan Community District twelve; and Queens Community
42 District two. Prior to the adoption of the local law authorized by this
43 section, but no later than ninety days after the effective date of this
44 article, the community board of a community district named in this
45 subdivision may adopt and submit to the speaker of the city council a
46 resolution in support or opposition of the inclusion of the community
47 district in the program established by the local law authorized by this
48 article.

49 § 290. Tenant protections in inhabited basement dwelling units and
50 inhabited cellar dwelling units. 1. The program authorized by this
51 article shall require an application to make alterations to legalize an
52 inhabited basement dwelling unit or inhabited cellar dwelling unit be
53 accompanied by a certification indicating whether such unit was rented
54 to a tenant on the effective date of this article, notwithstanding
55 whether the occupancy of such unit was authorized by law. A city may not
56 use such certification as the basis for an enforcement action for ille-

1 gal occupancy of such unit, provided that nothing contained in this
2 article shall be construed to limit such city from issuing a vacate
3 order for hazardous or unsafe conditions.

4 2. The local law authorized by this article shall provide that a
5 tenant in occupancy at the time of the effective date of this article,
6 who is evicted or otherwise removed from such unit as a result of an
7 alteration necessary to bring an inhabited basement dwelling unit or
8 inhabited cellar dwelling unit into compliance with the standards estab-
9 lished by the local law authorized by this article, shall have a right
10 of first refusal to return to such unit as a tenant upon its first
11 lawful occupancy as a legal dwelling unit, notwithstanding whether the
12 occupancy at the time of the effective date of this article was author-
13 ized by law. Such local law shall specify how to determine priority when
14 multiple tenants may claim such right.

15 3. A tenant unlawfully denied a right of first refusal to return to a
16 legal dwelling unit, as provided pursuant to the local law authorized by
17 this article, shall have a cause of action in any court of competent
18 jurisdiction for compensatory damages or declaratory and injunctive
19 relief as the court deems necessary in the interests of justice,
20 provided that such compensatory relief shall not exceed the annual
21 rental charges for such legal dwelling unit.

22 § 2. This act shall take effect immediately.

23 PART T

24 Section 1. Subparagraph (xxviii) of paragraph (a) of subdivision 16 of
25 section 421-a of the real property tax law, as amended by section 3 of
26 part TTT of chapter 59 of the laws of 2017, is amended to read as
27 follows:

28 (xxviii) "Eligible multiple dwelling" shall mean either (1) a multiple
29 dwelling or homeownership project containing six or more dwelling units
30 created through new construction or eligible conversion for which the
31 commencement date is after December thirty-first, two thousand fifteen
32 and on or before June fifteenth, two thousand twenty-two, and for which
33 the completion date is on or before June fifteenth, two thousand twen-
34 ty-six, or (2) a multiple dwelling or homeownership project containing
35 six or more dwelling units created through new construction or eligible
36 conversion which complies with affordability option A, affordability
37 option B, affordability option D, affordability option E or affordabili-
38 ty option F, and for which the commencement date is after December thir-
39 ty-first, two thousand fifteen and on or before June fifteenth, two
40 thousand twenty-two, and for which the completion date is on or before
41 June fifteenth, two thousand thirty-one, provided that the owner of such
42 multiple dwelling or homeownership project submits a letter of intent on
43 a form to be promulgated by the New York city department of housing
44 preservation and development, to such department, within ninety days of
45 the date that such department promulgates such form. The New York city
46 department of housing preservation and development shall promulgate such
47 form no later than sixty days from the effective date of the chapter of
48 the laws of 2024 which amended this subparagraph. For the purposes of
49 this subparagraph, the term "letter of intent" means documentation
50 certifying that the owner of such multiple dwelling or homeownership
51 project outlined in this subparagraph intends to apply for the benefits
52 described in this section upon the construction completion date. The
53 New York city department of housing preservation and development shall
54 prescribe, and make available to the public, a "letter of intent form"

1 by which owners may use to submit such letter of intent outlined in this
2 subparagraph. The New York city department of housing preservation and
3 development shall make information relating to letters of intent and
4 corresponding projects available to the public.

5 § 2. This act shall take effect immediately.

6 PART U

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

9 § 485-x. Affordable neighborhoods for New Yorkers tax incentive. 1.
10 Definitions. For purposes of this section:

11 (a) "Affordability option A" shall mean:

12 (i) for a large rental project, that, within any eligible site: (A)
13 not less than twenty-five percent of the dwelling units are affordable
14 housing units; (B) the weighted average of all income bands for all of
15 the affordable housing units does not exceed eighty percent of the area
16 median income, adjusted for family size; (C) there are no more than
17 three income bands for all of the affordable housing units; and (D) no
18 income band for affordable housing units exceeds one hundred percent of
19 the area median income, adjusted for family size;

20 (ii) for a very large rental project, that, within any eligible site:
21 (A) not less than twenty-five percent of the dwelling units are afforda-
22 ble housing units; (B) the weighted average of all income bands for all
23 of the affordable housing units does not exceed sixty percent of the
24 area median income, adjusted for family size; (C) there are no more than
25 three income bands for all of the affordable housing units; and (D) no
26 income band for affordable housing units exceeds one hundred percent of
27 the area median income, adjusted for family size.

28 (b) "Affordability option B" shall mean that, within any eligible
29 site: (i) not less than twenty percent of the dwelling units are
30 affordable housing units; (ii) the weighted average of all income bands
31 for all of the affordable housing units does not exceed eighty percent
32 of the area median income, adjusted for family size; (iii) there are no
33 more than three income bands for all of the affordable housing units;
34 and (iv) no income band for affordable housing units exceeds one hundred
35 percent of the area median income, adjusted for family size.

36 (c) "Affordability option C" shall mean that, within any eligible
37 site, not less than fifty percent of the dwelling units are subject to
38 rent stabilization for the restriction period.

39 (d) "Affordability option D" shall mean a homeownership project in
40 which one hundred percent of the units shall have an average assessed
41 value per square foot that does not exceed eighty-nine dollars upon the
42 first assessment following the completion date and where each owner of
43 any such unit shall agree, in writing, to maintain such unit as their
44 primary residence for no less than five years from the acquisition of
45 such unit.

46 (e) "Affordability percentage" shall mean a fraction, the numerator of
47 which is the number of affordable housing units in an eligible site and
48 the denominator of which is the total number of dwelling units in such
49 eligible site.

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

53 (g) "Affordable housing unit" shall mean a dwelling unit that: (i) is
54 situated within the eligible site for which ANNY Program benefits are

1 granted; and (ii) upon initial rental and upon each subsequent rental
2 following a vacancy during the applicable restriction period, is afford-
3 able to and restricted to occupancy by a household whose income does not
4 exceed a prescribed percentage of the area median income, adjusted for
5 family size, at the time that such household initially occupies such
6 dwelling unit.

7 (h) "Agency" shall mean the department of housing preservation and
8 development.

9 (i) "Application" shall mean an application for ANNY Program benefits.

10 (j) "Building service employee" shall mean any person who is regularly
11 employed at, and performs work in connection with the care or mainte-
12 nance of, an eligible site, including, but not limited to, a watchper-
13 son, guard, doorman, building cleaner, porter, handyperson, janitor,
14 gardener, groundskeeper, elevator operator and starter, and window
15 cleaner, but not including persons regularly scheduled to work fewer
16 than eight hours per week at the eligible site.

17 (k) "Collective bargaining agreement" shall mean an agreement entered
18 into pursuant to section eight-f or section nine-a of the National Labor
19 Relations Act (29 U.S.C. Sections 159(a) and 158(f)) between a contrac-
20 tor or subcontractor and a labor organization setting forth terms and
21 conditions of employment for those construction employees represented by
22 the labor organization and employed by the contractor or subcontractor
23 to perform construction work on an eligible site.

24 (l) "Commencement date" shall mean, with respect to any eligible
25 multiple dwelling, the date upon which excavation and construction of
26 initial footings and foundations lawfully begins in good faith or, for
27 an eligible conversion, the date upon which the actual construction of
28 the conversion, alteration or improvement of the pre-existing building
29 or structure lawfully begins in good faith.

30 (m) "Completion date" shall mean, with respect to any eligible multi-
31 ple dwelling, the date upon which the local department of buildings
32 issues the first temporary or permanent certificate of occupancy cover-
33 ing all residential areas of an eligible multiple dwelling.

34 (n) "Construction employee" shall mean any person performing
35 construction work who is a laborer, worker, or mechanic.

36 (o) "Construction period" shall mean, with respect to any eligible
37 multiple dwelling, a period: (i) beginning on the later of the commence-
38 ment date of such eligible multiple dwelling or three years before the
39 completion date of such eligible multiple dwelling; and (ii) ending on
40 the day preceding the completion date of such eligible multiple dwell-
41 ing.

42 (p) "Construction work" shall mean the provision of labor performed on
43 an eligible site between the commencement date and the completion date,
44 whereby materials and constituent parts are combined to initially form,
45 make or build an eligible multiple dwelling, including without limita-
46 tion, painting, or providing of material, articles, supplies or equip-
47 ment in the eligible multiple dwelling, but excluding security personnel
48 and work related to the fit-out of commercial spaces.

49 (q) "Eligible conversion" shall mean the conversion, alteration or
50 improvement of a pre-existing building or structure resulting in a
51 multiple dwelling in which no more than forty-nine percent of the floor
52 area consists of such pre-existing building or structure.

53 (r) "Eligible multiple dwelling" shall mean a multiple dwelling or
54 homeownership project containing six or more dwelling units created
55 through new construction or eligible conversion for which the commence-
56 ment date is after June fifteenth, two thousand twenty-two and on or

1 before June fifteenth, two thousand thirty-four and the completion date
2 is on or before June fifteenth, two thousand thirty-eight.

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

6 (t) "Employee benefits" shall mean all supplemental compensation paid
7 by the employer, on behalf of construction employees, other than wages,
8 including, without limitation, any premiums or contributions made into
9 plans or funds that provide health, welfare, non-occupational disability
10 coverage, retirement, vacation benefits, holiday pay, life insurance and
11 apprenticeship training. The value of any employee benefits received
12 shall be determined based on the prorated hourly cost to the employer of
13 the employee benefits received by construction employees.

14 (u) "Extended construction period" shall mean, with respect to any
15 very large rental project located in Zone A, a period: (i) beginning on
16 the later of the commencement date of such eligible multiple dwelling or
17 five years before the completion date of such eligible multiple dwell-
18 ing; and (ii) ending on the day preceding the completion date of such
19 eligible multiple dwelling.

20 (v) "Fiscal officer" shall mean the comptroller or other analogous
21 officer in a city having a population of one million or more.

22 (w) "Floor area" shall mean the horizontal areas of the several
23 floors, or any portion thereof, of a dwelling or dwellings, and access-
24 ory structures on a lot measured from the exterior faces of exterior
25 walls, or from the center line of party walls.

26 (x) "Forty year benefit" shall mean: (i) for the construction period
27 or extended construction period, as applicable, a one hundred percent
28 exemption from real property taxation, other than assessments for local
29 improvements; and (ii) for the first forty years of the restriction
30 period, a one hundred percent exemption from real property taxation,
31 other than assessments for local improvements.

32 (y) "Homeownership project" shall mean a multiple dwelling operated as
33 condominium or cooperative housing; however, it shall not include a
34 multiple dwelling or portion thereof operated as condominium or cooper-
35 ative housing located within the borough of Manhattan.

36 (z) "Hourly wage" shall mean the amount equal to the aggregate amount
37 of wages and employee benefits paid to, or on behalf of, a construction
38 employee for each hour of construction work.

39 (aa) "Jobsite agreement" shall mean a collective bargaining agreement
40 that only sets forth terms and conditions of employment for construction
41 employees performing construction work under the agreement at one
42 specific eligible site.

43 (bb) "Large rental project" shall mean an eligible site consisting of
44 one hundred or more residential dwelling units in which all dwelling
45 units included in any application are operated as rental housing.

46 (cc) "Market unit" shall mean a dwelling unit in an eligible multiple
47 dwelling other than a restricted unit.

48 (dd) "Marketing band" shall mean maximum rent ranging from twenty
49 percent to thirty percent of the area median income applicable to a
50 specific affordable housing unit.

51 (ee) "Modest rental project" shall mean an eligible site consisting of
52 more than five and less than one hundred residential dwelling units in
53 which all dwelling units included in any application are operated as
54 rental housing, other than a small rental project.

55 (ff) "Multiple dwelling" shall have the same meaning set forth in
56 subdivision seven of section four of the multiple dwelling law.

1 (gg) "Neighborhood tabulation area" shall mean a geographical area
2 defined by the department of city planning for the purposes of providing
3 neighborhood-level data.

4 (hh) "Non-residential tax lot" shall mean a tax lot that does not
5 contain any dwelling units.

6 (ii) "Project labor agreement" shall mean a pre-hire collective
7 bargaining agreement between a contractor and a bona fide building and
8 construction trade labor organization establishing the labor organiza-
9 tion as the collective bargaining representative for all persons who
10 will perform construction work on an eligible site, and which provides
11 that only contractors and subcontractors who sign a pre-negotiated
12 agreement with the labor organization can perform construction work on
13 an eligible site.

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

21 (kk) "Rental project" shall mean, collectively, a very large rental
22 project, large rental project, modest rental project, and small rental
23 project.

24 (ll) "Residential tax lot" shall mean a tax lot that contains dwelling
25 units.

26 (mm) "Restricted unit" shall mean, individually and collectively: (i)
27 affordable housing units; and (ii) dwelling units that are subject to
28 rent stabilization in accordance with affordability option C.

29 (nn) "Restriction period" shall mean, notwithstanding any earlier
30 termination or revocation of affordable citywide construction program
31 benefits: (i) with respect to a rental project, a period commencing on
32 the completion date and extending in perpetuity; and (ii) with respect
33 to a homeownership project, a period commencing on the completion date
34 and expiring on the twentieth anniversary of the completion date.

35 (oo) "Small rental project" shall mean an eligible site consisting of
36 more than five and less than eleven residential dwelling units, located
37 outside the borough of Manhattan on a zoning lot that permits a residen-
38 tial floor area not exceeding twelve-thousand five hundred square feet,
39 in which all dwelling units included in any application are operated as
40 rental housing and that elects to comply with affordability option C.

41 (pp) "Ten year benefit" shall mean: (i) for the construction period, a
42 one hundred percent exemption from real property taxation, other than
43 assessments for local improvements; (ii) for the first ten years of the
44 restriction period, a one hundred percent exemption from real property
45 taxation, other than assessments for local improvements.

46 (qq) "Thirty-five year benefit" shall mean: (i) for the construction
47 period, a one hundred percent exemption from real property taxation,
48 other than assessments for local improvements; (ii) for the first twen-
49 ty-five years of the restriction period, a one hundred percent exemption
50 from real property taxation, other than assessments for local improve-
51 ments; and (iii) for the ten years of the restriction period subsequent
52 to such twenty-five years, (A) with respect to modest rental projects,
53 an exemption from real property taxation, other than assessments for
54 local improvements, equal to the affordability percentage, and (B) with
55 respect to large rental projects, a one hundred percent exemption from
56 real property taxation, other than assessments for local improvements.

1 (rr) "Twenty year benefit" shall mean: (i) for the construction peri-
2 od, a one hundred percent exemption from real property taxation, other
3 than assessments for local improvements; (ii) for the first fourteen
4 years of the restriction period, a one hundred percent exemption from
5 real property taxation, other than assessments for local improvements,
6 provided, however, that no exemption shall be given for any portion of
7 the square footage of a unit with an assessed value that exceeds eight-
8 y-nine dollars per square foot; and (iii) for the final six years of the
9 restriction period, a twenty-five percent exemption from real property
10 taxation, other than assessments for local improvements, provided,
11 however, that no exemption shall be given for any portion of the square
12 footage of a unit with an assessed value that exceeds eighty-nine
13 dollars per square foot.

14 (ss) "Very large rental project" shall mean an eligible site located
15 in Zone A or Zone B consisting of one hundred fifty or more residential
16 dwelling units in which all dwelling units included in any application
17 are operated as rental housing.

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

29 (uu) "Zone A" shall mean any tax lot now existing or hereafter created
30 which is located entirely south of 96th street in the borough of Manhat-
31 tan or in any of the following neighborhood tabulation areas as most
32 recently defined by the department of New York City planning: Brooklyn
33 0101, Brooklyn 0102, Brooklyn 0103, Brooklyn 0104, and Queens 0201.

34 (vv) "Zone B" shall mean any tax lot now existing or hereafter created
35 which is located entirely in any of the following neighborhood tabu-
36 lation areas as most recently defined by the department of New York City
37 planning: Brooklyn 0201, Brooklyn 0202, Brooklyn 0203, Brooklyn 0204,
38 Brooklyn 0601, Brooklyn 0602, Brooklyn 0801, Queens 0105, and Queens
39 0102.

40 2. Benefit. In cities having a population of one million or more,
41 notwithstanding the provisions of any general, special or local law to
42 the contrary, new eligible multiple dwellings, except hotels, that
43 comply with the provisions of this section shall be exempt from real
44 property taxation, other than assessments for local improvements, in the
45 amounts and for the periods specified as follows:

46 (a) a small rental project that complies with all of the requirements
47 of this subdivision shall receive a ten year benefit;

48 (b) a modest rental project that complies with all of the requirements
49 of this subdivision shall receive a thirty-five year benefit;

50 (c) a large rental project that complies with all of the requirements
51 of this subdivision shall receive a thirty-five year benefit;

52 (d) a very large rental project that complies with all of the require-
53 ments of this subdivision shall receive a forty year benefit; and

54 (e) a homeownership project that complies with all of the requirements
55 of this subdivision shall receive a twenty year benefit.

1 3. Construction work requirements. In addition to all other require-
2 ments set forth in this section, any eligible site containing one
3 hundred or more dwelling units within the city of New York shall comply
4 with the requirements set forth in this subdivision except as otherwise
5 provided in any paragraph of this subdivision.

6 (a) Construction work on any eligible site containing one hundred
7 units or more shall be subject to requirements in accordance with
8 sections two hundred twenty and two hundred twenty-b of the labor law;
9 provided, however, that the minimum hourly rate of wages and supplements
10 required to be paid to construction employees shall be forty dollars,
11 which shall increase by two and one-half percent on the first day of
12 July in the year two thousand twenty-five and by two and one-half
13 percent on the first day of July in each year thereafter.

14 (b) Construction work on any eligible site containing one hundred
15 fifty units or more, within Zone A, shall be subject to requirements in
16 accordance with sections two hundred twenty and two hundred twenty-b of
17 the labor law; provided, however, that the minimum hourly rate of wages
18 and supplements required to be paid to construction employees shall be
19 the lesser of seventy-two dollars and forty-five cents, which shall
20 increase by two and one-half percent on the first day of July in the
21 year two thousand twenty-five and by two and one-half percent on the
22 first day of July in each year thereafter, or sixty-five percent of the
23 greatest prevailing rate of wages and supplements within a classifica-
24 tion.

25 (c) Construction work on any eligible site containing one hundred
26 fifty units or more, within Zone B, shall be subject to requirements in
27 accordance with sections two hundred twenty and two hundred twenty-b of
28 the labor law; provided, however, that the minimum hourly rate of wages
29 and supplements required to be paid to construction employees shall be
30 the lesser of sixty-three dollars, which shall increase by two and one-
31 half percent on the first day of July in the year two thousand twenty-
32 five and by two and one-half percent on the first day of July in each
33 year thereafter, or sixty percent of the greatest prevailing rate of
34 wages and supplements within a classification.

35 (d) The owner of an eligible site shall be responsible for notifying
36 the fiscal officer and the agency at least three months prior to the
37 commencement of construction work of the location of the project, the
38 anticipated construction start date, the anticipated construction end
39 date, and the existence of any project labor agreement on the eligible
40 site. Failure to provide such notice in the time and manner required
41 shall subject the owner to fines and penalties not to exceed five-thou-
42 sand dollars per day. In addition to the fines and penalties set forth
43 herein, an owner shall forfeit the tax abatements and exemptions
44 provided under this section if construction commences prior to providing
45 the notice required under this section.

46 (e) The owner of an eligible site shall be responsible for retaining
47 original payroll records in accordance with section two hundred twenty
48 of the labor law, as modified by paragraph (a) of this subdivision, for
49 a period of six years from the completion date. All payroll records
50 maintained by an owner pursuant to this subdivision shall be subject to
51 inspection on request of the fiscal officer. Such owner may authorize
52 the prime contractor on the eligible site to take responsibility for
53 retaining and maintaining payroll records, but will be held jointly and
54 severally liable for any violations of such contractor. All records
55 obtained by the fiscal officer shall be subject to the freedom of infor-
56 mation law.

1 (f) The fiscal officer may issue rules and regulations governing the
2 provisions of this subdivision. Violations of this subdivision shall be
3 grounds for determinations and orders pursuant to section two hundred
4 twenty-b of the labor law.

5 (g) Where a complaint is received pursuant to this subdivision, if the
6 fiscal officer finds cause to believe that an applicant or any person
7 acting on behalf of or as an agent of an applicant, in connection with
8 the performance of any contract for construction work pursuant to this
9 subdivision, has committed a violation of the provisions of this subdivi-
10 vision, the fiscal officer may recapture tax abatements or exemptions
11 provided pursuant to this section and/or terminate future tax abatements
12 or exemptions made available pursuant to this section pursuant to the
13 following:

14 (i) If an applicant or any person acting on behalf of or as an agent
15 of an applicant, in connection with the performance of any contract for
16 construction work pursuant to this subdivision, has committed three
17 violations of the requirements of paragraph (a), (b), or (c) of this
18 subdivision within a five-year period, the fiscal officer may recapture
19 tax abatements or exemptions provided pursuant to this section and/or
20 terminate future tax abatements or exemptions made available pursuant to
21 this section, provided, however, that after a second such violation, the
22 applicant shall be notified that any further violation may result in the
23 recapture of tax abatements or exemptions provided pursuant to this
24 section and/or termination of future tax abatements or exemptions made
25 available pursuant to this section and that the fiscal officer shall
26 publish on its website a list of all applicants with two violations as
27 defined in this paragraph.

28 (ii) For purposes of this subdivision, a "violation" of paragraph (a),
29 (b), or (c) of this subdivision shall be deemed a finding by the fiscal
30 officer that the applicant or any person acting on behalf of or as an
31 agent of an applicant has failed to comply with paragraph (a), (b), or
32 (c) of this subdivision and has failed to cure the deficiency within
33 three months of such finding.

34 (iii) If the fiscal officer recaptures tax abatements or exemptions
35 provided pursuant to this section and/or terminates future tax abate-
36 ments or exemptions made available pursuant to this section for noncom-
37 pliance with paragraph (a), (b), or (c) of this subdivision pursuant to
38 this paragraph: (a) all of the restricted units shall remain subject to
39 rent stabilization and all other requirements of this section for the
40 restriction period, and any additional period expressly provided in this
41 section, as if the ANNY Program benefits had not been recaptured or
42 terminated; or (b) for a homeownership project, such project shall
43 continue to comply with affordability requirements set forth in this
44 section and all other requirements of this section for the restriction
45 period and any additional period expressly provided in this section, as
46 if the ANNY Program benefits had not been recaptured or terminated.

47 (h) An eligible site shall be excluded from the requirements of para-
48 graphs (a), (b), (c) and (d) of this subdivision where the performance
49 of all construction work on the eligible site is covered by a project
50 labor agreement.

51 (i) A contractor and owner may be excluded from the requirements of
52 paragraphs (a), (b), (c) and (d) of this subdivision with respect to
53 only those construction employees of the contractor that are performing
54 construction work on the eligible site under a collective bargaining
55 agreement or a jobsite agreement that has expressly waived the
56 provisions of paragraphs (a), (b), (c) and (d) of this subdivision.

1 4. In addition to all other requirements set forth in this section, an
2 eligible site must, over the course of the design and construction of
3 such eligible site, make all reasonable efforts to spend on contracts
4 with minority and women owned business enterprises at least twenty-five
5 percent of the total applicable costs, as such enterprises and costs are
6 defined in rules of the agency. Such rules shall set forth required
7 measures with respect to contracts for design and construction that are
8 comparable, to the extent practicable, to the measures used by agencies
9 of the city of New York to enhance minority and women owned business
10 enterprise participation in agency contracts pursuant to applicable law,
11 including section 6-129 of the administrative code of the city of New
12 York.

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

17 (a) with respect to each eligible multiple dwelling constructed on
18 such eligible site, real property taxes on the assessed valuation of
19 such land and any improvements thereon in effect during the tax year
20 prior to the commencement date of such eligible multiple dwelling, with-
21 out regard to any exemption from or abatement of real property taxation
22 in effect during such tax year, which real property taxes shall be
23 calculated using the tax rate in effect at the time such taxes are due,
24 provided, however, that this paragraph shall not apply to any very large
25 rental project during the construction period or extended construction
26 period, as applicable; and

27 (b) all assessments for local improvements.

28 6. Limitation on benefits for non-residential space. If the aggregate
29 floor area of commercial, community facility and accessory use space in
30 an eligible site, other than parking which is located not more than
31 twenty-three feet above the curb level, exceeds twelve percent of the
32 aggregate floor area in such eligible site, any ANNY Program benefits
33 shall be reduced by a percentage equal to such excess. If an eligible
34 site contains multiple tax lots, the tax arising out of such reduction
35 in ANNY Program benefits shall first be apportioned pro rata among any
36 non-residential tax lots. After any such non-residential tax lots are
37 fully taxable, the remainder of the tax arising out of such reduction in
38 ANNY Program benefits, if any, shall be apportioned pro rata among the
39 remaining residential tax lots.

40 7. Calculation of benefit. Based on the certification of the agency
41 certifying the applicant's eligibility for ANNY Program benefits, the
42 assessors shall certify to the collecting officer the amount of taxes to
43 be exempted.

44 8. Affordability and rent stabilization requirements. During the
45 restriction period, a large rental project and a very large rental
46 project shall comply with affordability option A, a modest rental
47 project shall comply with affordability option B, a small rental project
48 shall comply with the requirements of affordability option C, and a
49 homeownership project shall comply with affordability option D. Such
50 election shall be made in the application and shall not thereafter be
51 changed.

52 (a) All rental dwelling units in an eligible multiple dwelling shall
53 share the same common entrances and common areas as market rate units in
54 such eligible multiple dwelling and shall not be isolated to a specific
55 floor or area of an eligible multiple dwelling. Common entrances shall
56 mean any area regularly used by any resident of a rental dwelling unit

1 in the eligible multiple dwelling for ingress and egress from such
2 eligible multiple dwelling.

3 (b) Unless preempted by the requirements of a federal, state or local
4 housing program, either (i) the affordable housing units in an eligible
5 multiple dwelling shall have a unit mix proportional to the market
6 units, or (ii) at least fifty percent of the affordable housing units in
7 an eligible multiple dwelling shall have two or more bedrooms and no
8 more than twenty-five percent of the affordable housing units shall have
9 less than one bedroom.

10 (c) Notwithstanding any provision of rent stabilization to the contra-
11 ry, (i) all restricted units shall remain fully subject to rent stabili-
12 zation both during and subsequent to the restriction period, and (ii)
13 any restricted unit occupied by a tenant whose eligibility has been
14 approved by the agency shall remain subject to rent stabilization until
15 such tenant vacates such affordable housing unit where, (A) such
16 approval occurred prior to the agency's denial of an application for
17 ANNY program benefits for the multiple dwelling containing such
18 restricted unit, or (B) such restricted unit is in a multiple dwelling
19 for which an application for ANNY program benefits has not been filed or
20 has been withdrawn after filing.

21 (d) All rent stabilization registrations required to be filed shall:
22 (i) contain a designation that specifically identifies affordable hous-
23 ing units created pursuant to this section as "ANNY Program affordable
24 housing units"; (ii) contain a designation that specifically identifies
25 dwelling units that are subject to rent stabilization in accordance with
26 affordability option C; and (iii) contain an explanation of the require-
27 ments that apply to all such restricted units.

28 (e) Failure to comply with the provisions of this subdivision that
29 require the creation, maintenance, rent stabilization compliance and
30 occupancy of restricted units or for purposes of a homeownership project
31 the failure to comply with the affordable homeownership project require-
32 ments shall result in the exercise of the agency's enforcement powers in
33 accordance with this section, which include, but are not limited to,
34 revocation of any ANNY Program benefits.

35 (f) Nothing in this section shall (i) prohibit the occupancy of an
36 affordable housing unit by individuals or families whose income at any
37 time is less than the maximum percentage of the area median income,
38 adjusted for family size, specified for such affordable housing unit
39 pursuant to this section, or (ii) prohibit the owner of an eligible site
40 from requiring, upon initial rental or upon any rental following a
41 vacancy, the occupancy of any affordable housing unit by such lower
42 income individuals or families.

43 (g) Following issuance of a temporary certificate of occupancy and
44 upon each vacancy thereafter, an affordable housing unit shall promptly
45 be offered for rental by individuals or families whose income does not
46 exceed the maximum percentage of the area median income, adjusted for
47 family size, specified for such affordable housing unit pursuant to this
48 section and who intend to occupy such affordable housing unit as their
49 primary residence. A restricted unit shall not be (i) rented to a corpo-
50 ration, partnership or other entity, or (ii) held off the market for a
51 period longer than is reasonably necessary to perform repairs needed to
52 make such restricted unit available for occupancy.

53 (h) A restricted unit shall not be rented on a temporary, transient or
54 short-term basis. Every lease and renewal thereof for a restricted unit
55 shall be for a term of one or two years, at the option of the tenant.

1 (i) A restricted unit shall not be converted to cooperative or condo-
2 minium ownership.

3 (j) The agency may establish by rule such requirements as the agency
4 deems necessary or appropriate for (i) the marketing of restricted
5 units, both upon initial occupancy and upon any vacancy, (ii) monitoring
6 compliance with the provisions of this subdivision, and (iii) the estab-
7 lishment of marketing bands for affordable housing units, and (iv) the
8 marketing and monitoring of any homeownership project that is granted an
9 exemption pursuant to this subdivision. Such requirements may include,
10 but need not be limited to, retaining a monitor approved by the agency
11 and paid for by the owner.

12 (k) Notwithstanding any provision of this section to the contrary, a
13 market unit shall not be subject to rent stabilization unless, in the
14 absence of ANNY Program benefits, the unit would be subject to rent
15 stabilization.

16 9. Building service employees. (a) For the purposes of this subdivi-
17 sion, (i) "applicant" shall mean an applicant for ANNY Program benefits
18 and/or any successor to such applicant; and (ii) "covered building
19 service employer" shall mean any applicant and/or any employer of build-
20 ing service employees for such applicant, including, but not limited to,
21 a property management company or contractor.

22 (b) All building service employees employed by the covered building
23 service employer at the eligible site shall receive the applicable
24 prevailing wage for the duration of the applicable benefit period,
25 regardless of whether such benefits are revoked or terminated.

26 (c) The fiscal officer shall have the power to enforce the provisions
27 of this subdivision. In enforcing such provisions, the fiscal officer
28 shall have the power:

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

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

38 (iii) to examine the books, documents and records pertaining to the
39 wages paid to, and the hours of work performed by, building service
40 employees;

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

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

49 (vi) to require the applicant to file with the fiscal officer a record
50 of the wages actually paid to the building service employees and of
51 their hours of work;

52 (vii) to delegate any of the foregoing powers to such fiscal officer's
53 deputy or other authorized representative;

54 (viii) to promulgate rules as such fiscal officer shall consider
55 necessary for the proper execution of the duties, responsibilities and

1 powers conferred upon such fiscal officer by the provisions of this
2 paragraph; and

3 (ix) to prescribe appropriate sanctions for failure to comply with the
4 provisions of this subdivision. For each violation of paragraph (b) of
5 this subdivision, the fiscal officer may require the payment of: (A)
6 back wages and fringe benefits; (B) liquidated damages up to three times
7 the amount of the back wages and fringe benefits for willful violations;
8 and/or (C) reasonable attorney's fees. If the fiscal officer finds that
9 the applicant has failed to comply with the provisions of this subpara-
10 graph, he or she shall present evidence of such non-compliance to the
11 agency.

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

13 (i) an eligible multiple dwelling containing less than thirty dwelling
14 units; or

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

22 (e) The applicant shall submit a sworn affidavit with its application
23 certifying that it shall ensure compliance with the requirements of this
24 subdivision or is exempt in accordance with paragraph (d) of this subdi-
25 vision. Upon the agency's approval of such application, the applicant
26 who is not exempt in accordance with paragraph (d) of this subdivision
27 shall submit annually a sworn affidavit to the fiscal officer certifying
28 that it shall ensure compliance with the requirements of this subdivi-
29 sion.

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

33 10. Replacement ratio. If the land on which an eligible site is
34 located contained any dwelling units three years prior to the commence-
35 ment date of the first eligible multiple dwelling thereon, then such
36 eligible multiple dwelling or dwellings built thereon shall contain at
37 least one affordable housing unit for each dwelling unit that existed on
38 such date and was thereafter demolished, removed or reconfigured,
39 provided that if such eligible multiple dwelling or dwellings built
40 thereon is a small rental project, then such eligible multiple dwelling
41 or dwellings built thereon shall contain at least one restricted unit
42 for each dwelling unit that existed on such date and was thereafter
43 demolished, removed or reconfigured.

44 11. Concurrent exemptions or abatements. An eligible multiple dwelling
45 receiving ANNY Program benefits shall not receive any exemption from or
46 abatement of real property taxation under any other law.

47 12. Voluntary renunciation or termination. Notwithstanding the
48 provisions of any general, special or local law to the contrary, an
49 owner shall not be entitled to voluntarily renounce or terminate ANNY
50 Program benefits unless the agency authorizes such renunciation or
51 termination in connection with the commencement of a new tax exemption
52 pursuant to either the private housing finance law or section four
53 hundred twenty-c of this title.

54 13. Termination or revocation. The agency may terminate or revoke ANNY
55 Program benefits for failure to comply with this section; provided,
56 however, that the agency shall not terminate or revoke ANNY Program

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

26 14. Powers cumulative. The enforcement provisions of this section
27 shall not be exclusive, and are in addition to any other rights, reme-
28 diates, or enforcement powers set forth in any other law or available at
29 law or in equity.

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

36 16. Applicant registration. (a) Prospective applicants for ANNY
37 Program benefits pursuant to this section shall file with the agency a
38 form supplied by the agency which: (i) states an intention to file for
39 such benefits under the provisions of this subdivision; (ii) includes
40 the commencement date; and (iii) establishes the intended number of
41 total dwelling units and, if applicable, restricted units. The agency
42 shall promulgate such form no later than ninety days after the effective
43 date of this section.

44 (b) The form described in paragraph (a) of this subdivision shall be
45 filed: (i) for projects with a commencement date before the effective
46 date of this section, no later than six months after such effective date
47 or six months after the agency promulgates the form described in para-
48 graph (a) of this subdivision, whichever is later; or (ii) for projects
49 with a commencement date on or after the effective date of this section,
50 no later than six months after such commencement date or six months
51 after the agency promulgates the form described in paragraph (a) of this
52 subdivision, whichever is later.

53 (c) Applicants who fail to comply with the requirements of this subdi-
54 vision shall be subject to a penalty not to exceed one hundred percent
55 of the application filing fee otherwise payable pursuant to subdivision
56 eighteen of this section.

1 17. Applications. (a) The application with respect to any eligible
2 multiple dwelling shall be filed with the agency not later than one year
3 after the completion date of such eligible multiple dwelling.

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

7 (c) The agency may rely on certification by an architect or engineer
8 submitted by an applicant in connection with the filing of an applica-
9 tion. A false certification by such architect or engineer shall be
10 deemed to be professional misconduct pursuant to section sixty-five
11 hundred nine of the education law. Any licensee found guilty of such
12 misconduct under the procedures prescribed in section sixty-five hundred
13 ten of the education law shall be subject to the penalties prescribed in
14 section sixty-five hundred eleven of the education law and shall there-
15 after be ineligible to submit a certification pursuant to this section.

16 (d) The agency shall not require that the applicant demonstrate
17 compliance with the requirements of subdivision three of this section as
18 a condition to approval of the application.

19 18. Filing fee. (a) The agency may require a filing fee of: (i) three
20 thousand dollars per dwelling unit in connection with any application
21 for an eligible site consisting of more than five and less than eleven
22 residential rental dwelling units; (ii) four thousand dollars per dwell-
23 ing unit in connection with any application for an eligible site
24 consisting of more than eleven units and less than one hundred residen-
25 tial dwelling units; (iii) four thousand dollars per dwelling unit in
26 connection with any application for a homeownership project; and (iv)
27 five thousand dollars per dwelling unit in connection with any applica-
28 tion for an eligible site consisting of one hundred or more residential
29 dwelling units.

30 (b) Notwithstanding the provisions contained in paragraph (a) of this
31 subdivision, the agency may promulgate rules: (i) imposing a lesser fee
32 for eligible sites containing eligible multiple dwellings constructed
33 with the substantial assistance of grants, loans or subsidies provided
34 by a federal, state or local governmental agency or instrumentality
35 pursuant to a program for the development of affordable housing; and
36 (ii) requiring a portion of the filing fee to be paid upon the
37 submission of the information the agency requires in advance of approv-
38 ing the commencement of the marketing process for a modest rental
39 project, a large rental project, or a very large rental project.

40 19. Rules. Except as provided in subdivisions three and nine of this
41 section, the agency shall have the sole authority to enforce the
42 provisions of this section and may promulgate rules to carry out the
43 provisions of this section.

44 20. Reporting. On or before June thirtieth of each year, the commis-
45 sioner of the agency shall issue a report to the governor, the temporary
46 president of the senate and the speaker of the assembly setting forth
47 the number of total projects and units created by this section by year,
48 level of affordability, and community board, the cost of the ANNY
49 Program, and other such factors as the commissioner of the New York city
50 department of housing preservation and development deems appropriate.
51 The New York city department of housing preservation and development may
52 request and shall receive cooperation and assistance from all depart-
53 ments, divisions, boards, bureaus, commissions, public benefit corpo-
54 rations or agencies of the state of New York, the city of New York or
55 any other political subdivisions thereof, or any entity receiving bene-
56 fits pursuant to this section.

1 21. Penalties for violations of affordability and rent stabilization
2 requirements. (a) On and after the expiration date of the ten year bene-
3 fit, twenty year benefit, thirty-five year benefit, or forty year bene-
4 fit, as applicable, the agency may impose, after notice and an opportu-
5 nity to be heard, a fine for any violation of the affordability and rent
6 stabilization requirements established pursuant to subdivision eight of
7 this section by such small rental project, modest rental project, large
8 rental project, very large rental project, or homeownership project.
9 The agency shall establish a schedule and method of calculation of such
10 finest pursuant to subdivision nineteen of this section.

11 (b) A fine under this subdivision may be imposed against the owner of
12 the eligible site containing such small rental project, modest rental
13 project, large rental project, very large rental project, or homeowne-
14 rship project at the time the violation occurred, even if such owner no
15 longer owns such eligible site. A failure to pay such fine may result
16 in a lien and such other remedies as may be available pursuant to appli-
17 cable law and regulation.

18 § 2. Paragraphs f and g of subdivision 3 of section 224-a of the labor
19 law, as added by section 1 of part FFF of chapter 58 of the laws of
20 2020, are amended and a new paragraph h is added to read as follows:

21 f. funds provided pursuant to subdivision three of section twenty-
22 eight hundred fifty-three of the education law; ~~and~~

23 g. any other public monies, credits, savings or loans, determined by
24 the public subsidy board created in section two hundred twenty-four-c of
25 this article as exempt from this definition~~[-]~~; ~~and~~

26 h. benefits under section four hundred eighty-five-x of the real prop-
27 erty tax law.

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

37 § 4. This act shall take effect immediately.

38 PART V

39 Section 1. The executive law is amended by adding a new section 373-b
40 to read as follows:

41 § 373-b. Standards for single-exit, single stairway multi-unit resi-
42 dential buildings study. The council shall conduct a study relating to
43 standards for egress including provisions for multi-unit residential
44 buildings above three stories, up to at least six stories. Such study
45 shall consider examining existing building codes for single-exit, single
46 stairway multi-unit residential buildings above three stories, up to at
47 least six stories in the city of New York and in other cities and juris-
48 dictions that have adopted provisions allowing for the construction of
49 such buildings into their building codes. Such study shall be completed
50 on or before July first, two thousand twenty-six. The council shall
51 consider such study findings and amend the uniform code if necessary.

52 § 2. This act shall take effect immediately and shall expire and be
53 deemed repealed January 1, 2029.

1

PART W

2 Section 1. Paragraph a of subdivision 1 of section 667-c of the educa-
3 tion law, as amended by section 1 of part E of chapter 56 of the laws of
4 2022, is amended to read as follows:

5 a. part-time students enrolled at [~~the state university, a community~~
6 ~~college, the city university of New York, and a non-profit college or~~
7 ~~university~~] a degree granting institution of higher education incorpo-
8 rated by the regents or by the legislature who meet all requirements for
9 tuition assistance program awards except for the students' part-time
10 attendance; or

11 § 2. This act shall take effect July 1, 2024.

12

PART X

13 Section 1. Subparagraphs (ii), (iii), and (vi) of paragraph a of
14 subdivision 3 of section 667 of the education law, subparagraphs (ii)
15 and (vi) as amended by section 1 of part B of chapter 60 of the laws of
16 2000, subparagraph (iii) as amended by section 3 of part H of chapter 58
17 of the laws of 2011, are amended and a new (vii) is added to read as
18 follows:

19 (ii) Except for students as noted in subparagraph (iii) of this para-
20 graph, the base amount as determined from subparagraph (i) of this para-
21 graph, shall be reduced in relation to income as follows:

22 Amount of income	23 Schedule of reduction of base amount
24 (A) Less than seven thousand 25 dollars	None
26 (B) Seven thousand dollars or 27 more, but less than eleven 28 thousand dollars	Seven per centum of excess over seven thousand dollars
29 (C) Eleven thousand dollars or 30 more, but less than eighteen 31 thousand dollars	Two hundred eighty dollars plus ten per centum of excess over eleven thousand dollars
32 (D) Eighteen thousand dollars or 33 more, but not more than 34 [eighty] <u>one hundred twenty-five</u> 35 thousand dollars	Nine hundred eighty dollars plus twelve per centum of excess over eighteen thousand dollars

36 (iii) (A) For students who have been granted exclusion of parental
37 income and were single with no dependent for income tax purposes during
38 the tax year next preceding the academic year for which application is
39 made, the base amount, as determined in subparagraph (i) of this para-
40 graph, shall be reduced in relation to income as follows:

41 Amount of income	42 Schedule of reduction of base amount
43 (1) Less than three thousand 44 dollars	None
45 (2) Three thousand dollars or 46 more, but not more than 47 [ten] <u>thirty</u> thousand 48 dollars	Thirty-one per centum of amount in excess of three thousand dollars

1 (B) For those students who have been granted exclusion of parental
2 income who have a spouse but no other dependent, for income tax purposes
3 during the tax year next preceding the academic year for which applica-
4 tion is made, the base amount, as determined in subparagraph (i) of this
5 paragraph, shall be reduced in relation to income as follows:

6 Amount of income	Schedule of reduction
7	of base amount
8 (1) Less than seven thousand	None
9 dollars	
10 (2) Seven thousand dollars or	Seven per centum of excess
11 more, but less than eleven	over seven thousand dollars
12 thousand dollars	
13 (3) Eleven thousand dollars or	Two hundred eighty dollars
14 more, but less than eighteen	plus ten per centum of excess
15 thousand dollars	over eleven thousand dollars
16 (4) Eighteen thousand dollars	Nine hundred eighty dollars
17 or more, but not more than	plus twelve per centum of
18 [forty sixty thousand	excess over eighteen
19 dollars	thousand dollars

20 (vi) For the two thousand two--two thousand three through two thousand
21 twenty-three--twenty-four academic [~~year and thereafter~~] years, the
22 award shall be the net amount of the base amount determined pursuant to
23 subparagraph (i) of this paragraph reduced pursuant to subparagraph (ii)
24 or (iii) of this paragraph but the award shall not be reduced below five
25 hundred dollars.

26 (vii) For the two thousand twenty-four--two thousand twenty-five
27 academic year and thereafter, the award shall be the net amount of
28 the base amount determined pursuant to subparagraph (i) of this
29 paragraph reduced pursuant to subparagraph (ii) or (iii) of this para-
30 graph but the award shall not be reduced below one thousand dollars.

31 § 2. This act shall take effect July 1, 2024.

32 PART Y

33 Section 1. Section 410-x of the social services law is amended by
34 adding a new subdivision 10 to read as follows:

35 10. Differential payment rates for child care services shall be estab-
36 lished as required by this subdivision; provided however no provider
37 shall receive an aggregate differential in excess of a limit to be set
38 by the regulations of the office.

39 (a) Local social services districts shall establish a differential
40 payment rate for child care services provided by licensed or registered
41 child care providers who provide care to a child or children experienc-
42 ing homelessness. Such differential payment rate shall be no less than
43 ten percent higher but no greater than fifteen percent higher than the
44 actual cost of care or the applicable market-related payment rate estab-
45 lished by the office in regulations, whichever is less.

46 (b) Local social services districts shall establish a differential
47 payment rate for child care services provided by licensed, registered,
48 or enrolled child care providers who provide care to a child during
49 nontraditional hours. Nontraditional hours shall mean care provided
50 other than between six o'clock ante meridian and seven o'clock post
51 meridian on weekdays. Such differential payment rate shall be no less

1 than ten percent higher but no greater than fifteen percent higher than
2 the actual cost of care or the applicable market-related payment rate
3 established by the office in regulations, whichever is less.

4 (c) Nothing in this subdivision shall be construed to limit the
5 authority of the office of children and family services to establish
6 additional differential payment rates by regulation.

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

9

PART Z

10 Section 1. Section 33 of chapter 277 of the laws of 2021 amending the
11 labor law relating to the calculation of weekly employment insurance
12 benefits for workers who are partially unemployed, as amended by section
13 1 of part CC of chapter 56 of the laws of 2023, is amended to read as
14 follows:

15 § 33. This act shall take effect on the thirtieth day after it shall
16 have become a law; provided, however, that sections one through thirty
17 of this act shall take effect on [~~the first Monday after April 1,~~ the
18 first Monday after October 1, 2024 or thirty days after the commissioner
19 of labor certifies that the department of labor has an information tech-
20 nology system capable of accommodating the amendments in this act,
21 whichever occurs earlier, and shall be applicable to all claims filed
22 and payments made after such date; provided that section thirty-one of
23 this act shall take effect on the thirtieth day after it shall have
24 become a law and shall be applicable to new claims on such date and
25 thereafter and shall be deemed repealed on the same date as the remain-
26 ing provisions of this act take effect. Such effective date applicable
27 to sections one through thirty of this act may be extended in fifteen
28 day increments upon notice and report of the reason necessitating such
29 extension from the commissioner of labor to the temporary president of
30 the senate and speaker of the assembly, provided the effective date
31 shall not be extended past February 1, 2025. In a manner consistent with
32 the provisions of this section, the commissioner of labor shall notify
33 the legislative bill drafting commission upon issuing [~~his or her~~
34 ~~certification~~] such extensions every such fifteen days and if prior to
35 February 1, 2025, and shall inform such commission of the date of imple-
36 mentation of such information technology system in order that the
37 commission may maintain an accurate and timely effective data base of
38 the official text of the laws of the state of New York in furtherance of
39 effecting the provisions of section 44 of the legislative law and
40 section 70-b of the public officers law, and provided further that the
41 amendments to subdivision 1 of section 591 of the labor law made by
42 section twelve of this act shall be subject to the expiration and rever-
43 sion of such subdivision pursuant to section 10 of chapter 413 of the
44 laws of 2003, as amended, when upon such date the provisions of section
45 thirteen of this act shall take effect; provided further that the amend-
46 ments to section 591-a of the labor law made by section fifteen of this
47 act shall not affect the repeal of such section and shall be deemed
48 repealed therewith.

49 § 2. This act shall take effect immediately and shall be deemed to
50 have been in full force and effect on and after April 1, 2024.

51

PART AA

1 Section 1. Paragraphs 1, 1-a, 2 and subparagraph (iii) of paragraph 4
2 of subdivision (a) of section 1174-a of the vehicle and traffic law, as
3 added by chapter 145 of the laws of 2019, are amended to read as
4 follows:

5 1. Notwithstanding any other provision of law, a county, city, town or
6 village located within a school district ("district") is hereby author-
7 ized and empowered to adopt and amend a local law or ordinance estab-
8 lishing a demonstration program imposing monetary liability on the owner
9 of a vehicle for failure of an operator thereof to comply with subdivi-
10 sion (a) of section eleven hundred seventy-four of this [~~chapter~~] arti-
11 cle when meeting a school bus marked and equipped as provided in subdivi-
12 sions twenty and twenty-one-c of section three hundred seventy-five of
13 this chapter and operated in such county, city, town or village, in
14 accordance with the provisions of this section. Such demonstration
15 program shall empower such county, city, town or village to install and
16 operate school bus photo violation monitoring systems which may be
17 stationary or mobile, and which may be installed, pursuant to an agree-
18 ment with a school district within such county, city, town or village,
19 on school buses owned and operated by such school district or privately
20 owned and operated for compensation under contract with such district.
21 Provided, however, that (a) no stationary school bus photo violation
22 monitoring system shall be installed or operated by a county, city, town
23 or village except on roadways under the jurisdiction of such county,
24 city, town or village, and (b) no mobile school bus photo violation
25 monitoring system shall be installed or operated on any such school
26 buses unless such county, city, town or village and such district enter
27 into an agreement for such installation and operation.

28 1-a. Any county, city, town or village, located within a school
29 district, that has adopted a local law or ordinance pursuant to this
30 section establishing a demonstration program imposing liability on the
31 owner of a vehicle for failure of an operator thereof to comply with
32 subdivision (a) of section eleven hundred seventy-four of this [~~chapter~~] arti-
33 article when meeting a school bus marked and equipped as provided in
34 subdivisions twenty and twenty-one-c of section three hundred seventy-
35 five of this chapter and operated in such county, city, town or village
36 may enter into an agreement with the applicable school district for the
37 installation, maintenance and use of school bus photo violation monitor-
38 ing systems on school buses pursuant to this section and section twen-
39 ty-two of the chapter of the laws of two thousand nineteen which added
40 this section, for the proper handling and custody of photographs, micro-
41 photographs, videotapes, other recorded images and data produced by such
42 systems, and for the forwarding of such photographs, microphotographs,
43 videotapes, other recorded images and data to the applicable county,
44 city, town or village. Any agreement entered into hereunder shall be
45 approved by each participating county, city, town or village by a major-
46 ity vote of the voting strength of its governing body and by resolution
47 of the district pursuant to section sixteen hundred four, section seven-
48 teen hundred nine, section twenty-five hundred three, section twenty-
49 five hundred fifty-four or section twenty-five hundred ninety-h of the
50 education law, as applicable. Provided, however, that where a district
51 has entered an agreement as provided hereunder with a county, no cities,
52 towns or villages within the same county may enter into, or be a party
53 to, any agreement with such district pursuant to this section. Provided
54 further, however, that no county shall enter an agreement with any city
55 school district wholly contained within a city. Nothing in this section
56 shall be construed to prevent a county, city, town, village or district

1 at any time to withdraw from or terminate an agreement entered pursuant
2 to this section and section twenty-two of [~~the~~] chapter one hundred
3 forty-five of the laws of [~~2019~~] two thousand nineteen which added this
4 section.

5 2. Any image or images captured by school bus photo violation monitor-
6 ing systems shall be inadmissible in any disciplinary proceeding
7 convened by any school district or any school bus contractor thereof,
8 and any proceeding initiated by the department involving licensure priv-
9 ileges of school bus operators. Any school bus photo violation monitor-
10 ing device mounted on a school bus shall be directed outwardly from such
11 school bus to capture images of vehicles operated in violation of subdi-
12 vision (a) of section eleven hundred seventy-four of this [~~chapter~~]
13 article, and images produced by such device shall not be used for any
14 other purpose.

15 (iii) the installation of signage in conformance with standards estab-
16 lished in the MUTCD at each roadway entrance of the jurisdictional boun-
17 daries of such county, city, town or village giving notice that school
18 bus photo violation monitoring systems are used to enforce restrictions
19 on vehicles violating subdivision (a) of section eleven hundred seven-
20 ty-four of this [~~chapter~~] article. For the purposes of this paragraph,
21 the term "roadway" shall not include state expressway routes or state
22 interstate routes but shall include controlled-access highway exit ramps
23 that enter the jurisdictional boundaries of a county, city, town or
24 village; and

25 § 2. Paragraph 2 of subdivision (k) of section 1174-a of the vehicle
26 and traffic law, as added by chapter 145 of the laws of 2019, is amended
27 to read as follows:

28 2. Notwithstanding any other provision of this section, no owner of a
29 vehicle shall be subject to a monetary fine imposed pursuant to this
30 section if the operator of such vehicle was operating such vehicle with-
31 out the consent of the owner at the time such operator failed to comply
32 with subdivision (a) of section eleven hundred seventy-four of this
33 [~~chapter~~] article. For purposes of this subdivision there shall be a
34 presumption that the operator of such vehicle was operating such vehicle
35 with the consent of the owner at the time such operator failed to comply
36 with subdivision (a) of section eleven hundred seventy-four of this
37 [~~chapter~~] article.

38 § 3. Subdivision (d) of section 1174-a of the vehicle and traffic law,
39 as added by chapter 145 of the laws of 2019, is amended to read as
40 follows:

41 (d) A certificate, sworn to or affirmed by a technician employed by
42 the county, city, town or village in which the charged violation
43 occurred, or a facsimile thereof, based upon inspection of photographs,
44 microphotographs, videotape or other recorded images produced by a
45 school bus photo violation monitoring system, and other documents or
46 declarations pertaining to inspections by the department of transporta-
47 tion, shall be prima facie evidence of the facts contained therein. Such
48 certificate, or a facsimile thereof, shall provide the identification
49 number of the school bus photo violation monitoring system which
50 recorded the violation, a statement confirming that at the time such
51 violation was recorded by such school bus photo violation monitoring
52 system, such school bus photo violation monitoring system was installed
53 on a school bus marked and equipped as provided in subdivisions twenty
54 and twenty-one-c of section three hundred seventy-five of this chapter
55 as evidenced by a valid certificate of inspection issued to such school
56 bus by the department of transportation pursuant to section one hundred

1 forty of the transportation law and the safety rules and regulations
2 promulgated thereunder, and the registration number of the school bus to
3 which such school bus photo violation monitoring system was attached.
4 Any photographs, microphotographs, videotape or other recorded images
5 evidencing such a violation shall include a recorded image of the
6 outside of the motor vehicle involved in such violation, the registra-
7 tion number of such vehicle, at least one activated school bus stop-arm,
8 and an electronic indicator or indicators showing the activation of the
9 flashing red signal lamps of the school bus to which the school bus
10 photo violation monitoring system producing such photographs, micropho-
11 tographs, videotape or other recorded images was installed at the time
12 such violation occurred, and shall be available for inspection in any
13 proceeding to adjudicate the liability for such violation pursuant to a
14 local law or ordinance adopted pursuant to this section. Where recorded
15 images from a school bus photo violation monitoring system attached to a
16 school bus, as certified pursuant to this subdivision, show the acti-
17 vation of at least one school bus stop-arm and an electronic indicator
18 or indicators as required pursuant to this subdivision, there shall be a
19 rebuttable presumption that such school bus was stopped for the purpose
20 of receiving or discharging any passengers or because a school bus in
21 front of it had stopped to receive or discharge any passengers. A
22 certificate, sworn to or affirmed by a technician employed by the coun-
23 ty, city, town or village in which the charged violation occurred, or a
24 facsimile thereof, after reviewing evidence that on the day the charged
25 violation occurred such school bus had a valid certificate of inspection
26 issued by the department of transportation pursuant to section one
27 hundred forty of the transportation law and the safety rules and regu-
28 lations promulgated thereunder, shall be prima facie evidence that such
29 school bus was marked and equipped as provided in subdivisions twenty
30 and twenty-one-c of section three hundred seventy-five of this chapter
31 and the flashing red signal lamp of such school bus was in operation at
32 the time the violation occurred.

33 § 4. Paragraph 2 of subdivision (g) of section 1174-a of the vehicle
34 and traffic law, as added by chapter 145 of the laws of 2019, is amended
35 to read as follows:

36 2. A notice of liability shall contain the name and address of the
37 person alleged to be liable as an owner for a violation of subdivision
38 (a) of section eleven hundred seventy-four of this article pursuant to
39 this section, the registration number of the vehicle involved in such
40 violation, the location where such violation took place, the date and
41 time of such violation [~~and~~], the identification number of the [~~camera~~]
42 school bus photo violation monitoring system which recorded the
43 violation or other document locator number, and the registration number
44 of the school bus on which the school bus photo violation monitoring
45 system which recorded the violation was installed.

46 § 5. The opening paragraph of section 25 of chapter 145 of the laws of
47 2019 amending the vehicle and traffic law relating to school bus photo
48 violation monitoring systems and owner liability for failure of operator
49 to stop for a school bus displaying a red visual signal, is amended to
50 read as follows:

51 This act shall take effect on the thirtieth day after it shall have
52 become a law and shall expire December 1, [~~2024~~] 2029 when upon such
53 date the provisions of this act shall be deemed repealed; provided that
54 any such local law as may be enacted pursuant to this act shall remain
55 in full force and effect only until December 1, [~~2024~~] 2029 and
56 provided, further, that:

1 § 6. This act shall take effect immediately; provided, however, that
2 the amendments to section 1174-a of the vehicle and traffic law made by
3 sections one, two, three and four of this act shall not affect the
4 repeal of such section and shall be deemed repealed therewith.

5 PART BB

6 Section 1. The insurance law is amended by adding a new section 3462
7 to read as follows:

8 § 3462. Affordable housing underwriting and rating. (a) An insurer
9 that issues or delivers in this state a policy of insurance covering
10 loss of or damage to real property containing units for residential
11 purposes or legal liability of an owner of such real property, shall not
12 inquire about on an application, nor shall an insurer cancel, refuse to
13 issue, refuse to renew or increase the premium of a policy, or exclude,
14 limit, restrict, or reduce coverage under a policy based on, the follow-
15 ing:

16 (1) The residential building contains dwelling units that shall be
17 affordable to residents at a specific income level pursuant to a stat-
18 ute, regulation, restrictive declaration, or regulatory agreement with a
19 local, state, or federal government entity;

20 (2) The real property owner or tenants of such residential building or
21 the shareholders of a cooperative housing corporation receive rental
22 assistance provided by a local, state, or federal government entity,
23 including, but not limited to, the receipt of federal vouchers issued
24 under section eight of the United States Housing Act of 1937(42 U.S.C. §
25 1437f);

26 (3) The level or source of income of the tenants of the residential
27 building or the shareholders of a cooperative housing corporation; or

28 (4) Whether such residential building is owned by a limited-equity
29 cooperative; owned by a public housing authority; or owned by a cooper-
30 ative housing corporation subject to the provisions of article two,
31 article four, article five or article eleven of the private housing
32 finance law.

33 (b) Nothing in this section shall prohibit an insurer from canceling,
34 refusing to issue, refusing to renew, or increasing the premium of,
35 an insurance policy, or excluding, limiting, restricting, or reducing
36 coverage under such policy, due to other factors that are permitted or
37 not prohibited by any other section of this chapter.

38 § 2. This act shall take effect immediately.

39 PART CC

40 Section 1. Section 370 of the education law is amended by adding a new
41 subdivision 6-a to read as follows:

42 6-a. "Large-scale construction project" shall mean any project for
43 which the total estimated cost of the contract or contracts is ten
44 million dollars or more that is:

45 (a) a project performed under the approved master plan of the state
46 university submitted pursuant to subdivision thirteen of section three
47 hundred fifty-five of this chapter; or

48 (b) which involves the construction, acquisition, reconstruction,
49 rehabilitation or improvement of academic buildings, dormitories and
50 other facilities, with respect to university-related economic develop-
51 ment projects authorized by law pursuant to section three hundred seven-
52 ty-two-a of this article.

1 § 2. Section 376 of the education law is amended by adding a new
2 subdivision 11 to read as follows:

3 11. (a) Each contract involving the awarding of a large-scale
4 construction project shall require the use of a project labor agreement,
5 as defined in subdivision one of section two hundred twenty-two of the
6 labor law, for all contractors and subcontractors on the project,
7 consistent with paragraph (a) of subdivision two of section two hundred
8 twenty-two of the labor law, except as otherwise provided in paragraph
9 (b) of this subdivision.

10 (b) The fund shall not be required to use a project labor agreement
11 where it determines that such agreement would be inconsistent with para-
12 graph (a) of subdivision two of section two hundred twenty-two of the
13 labor law or state competitive bidding laws. Any such determination
14 shall be provided in a written explanation for a particular project
15 contract by the solicitation date. The goals and requirements of arti-
16 cle fifteen-A of the executive law and article three of the veteran
17 services law shall apply to all project labor agreements.

18 (c) An agency may require the use of a project labor agreement on
19 construction projects where the total cost to the fund is less than that
20 for a large-scale construction project, if consistent with paragraph (a)
21 of subdivision two of section two hundred twenty-two of the labor law.

22 § 3. This act shall take effect January 1, 2025 and shall apply to all
23 large-scale construction projects for which a bid advertisement has not
24 been published in the contract reporter as of such effective date.

25 PART DD

26 Section 1. Short title. This act shall be known and may be cited as
27 the "city of Dunkirk fiscal recovery act".

28 § 2. Definitions. As used in this act, the following words and terms
29 shall have the following meanings respectively, unless the text shall
30 indicate another or different meaning or intent:

31 (a) "Budget" means a current operating budget of the city prepared or
32 adopted pursuant to general, special or local law, being the annual
33 budget and estimate of expenditures to be made during a fiscal year for
34 the general support and current expenses of the government of the city
35 to be paid from taxes or assessments or other current revenues of the
36 city for such year.

37 (b) "City" means the city of Dunkirk, in the county of Chautauqua.

38 (c) "City treasurer" means the treasurer of the city.

39 (d) "City council" means the city council of the city.

40 (e) "City fiscal affairs officer" means the city fiscal affairs offi-
41 cer of the city.

42 (f) "City taxes" means and includes all taxes on real property levied
43 and assessed by the city, based on valuation thereof and shall not mean
44 any rent, rate, fee, special assessment or other charge based on benefit
45 or use.

46 (g) "Collecting officer" means the officer empowered to collect and
47 receive city taxes.

48 (h) "Deficit bonds" means the bonds authorized to be issued by section
49 three of this act.

50 (i) "Deficit notes" means bond anticipation notes issued in antic-
51 ipation of the issuance of deficit bonds.

52 (j) "Financial plan" means the three-year financial plan required by
53 section nine of this act.

54 (k) "Fiscal year" means the fiscal year of the city.

1 (l) "Mayor" means the mayor of the city.

2 (m) "Outstanding", when used with respect to obligations of the city
3 as of any particular date, means all obligations of the city theretofore
4 issued and thereupon being issued except any obligation theretofore paid
5 and discharged or for the payment of the principal of and interest on
6 which money is held by or on behalf of the city, in trust solely and in
7 all events only for the purpose and sufficient to pay in full the prin-
8 cipal and redemption premium, if any, of and interest on such obli-
9 gations.

10 (n) "Special debt service" means, with respect to a fiscal year, the
11 amounts required for the timely payment of (i) all principal due or
12 becoming due and payable in said year with respect to any serial bonds,
13 tax anticipation notes, capital notes or budget notes of the city, and
14 all principal amortization for said year required by law with respect to
15 bond anticipation notes or other securities of the city, and not specif-
16 ically mentioned in paragraph (ii) of this subdivision, (ii) all inter-
17 est due or becoming due and payable in said year with respect to any
18 serial bonds, bond anticipation notes, tax anticipation notes, revenue
19 anticipation notes, capital notes, budget notes or other securities of
20 the city not specifically mentioned herein, and (iii) all sinking fund
21 contributions required in said year with respect to any sinking fund
22 bonds.

23 (o) "Special debt service fund" means the fund which is held by the
24 state comptroller and is described and provided for in section thirteen
25 of this act.

26 (p) "State aid" means all aid and incentives for municipalities pursu-
27 ant to section 54 of the state finance law, any successor type of aid
28 and any new aid appropriated by the state as local government assistance
29 for the benefit of the city.

30 (q) "State comptroller" means the comptroller of the state, pursuant
31 to their authority to supervise the accounts of any political subdivi-
32 sion of the state.

33 Unless the context specifically provides otherwise, any terms used in
34 this act such as revenues, expenditures or expenses shall be construed
35 as such term is construed under applicable accounting principles incor-
36 porated in the uniform system of accounts prescribed by the state comp-
37 troller.

38 § 3. Deficit bond and deficit note issuance authorization. The city is
39 hereby authorized to issue bonds, subject to the provisions of this act,
40 on or before December 31, 2025, in an aggregate principal amount not to
41 exceed eighteen million five hundred thousand dollars (\$18,500,000)
42 (exclusive of the costs and expenses incidental to the issuance of the
43 bonds authorized to be issued by this section) for the specific object
44 or purpose of liquidating actual deficits in its general fund, water
45 fund, sewer fund, and the capital projects fund existing at the close of
46 its 2024 fiscal year. In anticipation of the issuance of such bonds,
47 deficit notes are hereby authorized to be issued.

48 § 4. Period of probable usefulness established. It is hereby deter-
49 mined that the financing of the deficits described in section three of
50 this act is an object or purpose of the city for which indebtedness may
51 be incurred, the period of probable usefulness of which is hereby deter-
52 mined to be fifteen years, computed from the date of such deficit bonds
53 or from the date of the first deficit notes, whichever date is earlier.
54 Such deficit bonds and deficit notes shall be general obligations of the
55 city, to which the faith and credit of the city is pledged, and the city

1 shall make an annual appropriation sufficient to pay the principal of
2 and interest on such obligations as the same shall become due.

3 § 5. Certification of deficit. No deficit bonds may be issued unless
4 and until the state comptroller shall first review and confirm the
5 existence of the deficits described in section three of this act, as
6 well as certify the amount of the deficits. As soon as practicable after
7 the effective date of this act, but in no event prior to the close of
8 the city's 2024 fiscal year, the city shall prepare a report detailing
9 the amount and cause of the deficit and submit to the state comptroller
10 such report, together with the independent audit report for its last
11 completed fiscal year and such other information as the state comp-
12 troller may deem necessary. Within thirty days after receiving all
13 necessary reports and information, the state comptroller shall:

- 14 (a) perform such reviews as may be necessary;
15 (b) confirm the existence and certify the amount of the deficits; and
16 (c) provide notification to the city fiscal affairs officer, the city
17 treasurer, the mayor and the city council as to the existence and amount
18 of any such deficits.

19 § 6. Limit on amount of deficit bonds. Deficit bonds may not be issued
20 in an amount exceeding the amount of such deficits as certified by the
21 state comptroller. If the city issues deficit notes prior to a determi-
22 nation by the state comptroller pursuant to section five of this act in
23 an amount in excess of the amount of such deficits as confirmed by the
24 state comptroller, the city shall, from funds other than proceeds of
25 bonds or bond anticipation notes, either redeem such deficit notes in
26 the amount by which the amount of such deficit notes exceeds the amount
27 of such deficits as confirmed by the state comptroller or deposit a sum
28 equal to the amount by which such deficit notes exceed the amount of
29 such deficits as confirmed by the state comptroller into the special
30 debt service fund.

31 § 7. Quarterly budget reports and trial balances. For each fiscal year
32 during the effective period of this act, the city treasurer shall moni-
33 tor budgets of the city and, for each budget, prepare a quarterly report
34 of summarized budget data depicting overall trends of actual revenues
35 and budget expenditures for the entire budget rather than individual
36 line items. Such reports shall compare revenue estimates and appropri-
37 ations as set forth in such budget with the actual revenues and expendi-
38 tures made to date. All quarterly reports shall be accompanied by a
39 recommendation by the city fiscal affairs officer setting forth any
40 remedial action necessary to resolve any unfavorable budget variance
41 including the overestimation of revenues and the underestimation of
42 appropriations, and shall be completed within thirty days of the end of
43 each quarter. The city treasurer shall also prepare, as part of such
44 report, a quarterly trial balance of general ledger accounts. The above
45 quarterly budgetary reports and quarterly trial balances shall be
46 prepared in accordance with applicable accounting principles incorpo-
47 rated in the uniform system of accounts prescribed by the state comp-
48 troller. These reports shall be submitted to the city fiscal affairs
49 officer, the mayor, the city council, the state director of the budget,
50 the state comptroller, the chair of the assembly ways and means commit-
51 tee, and the chair of the senate finance committee.

52 § 8. Budget review by state comptroller. During the effective period
53 of this act, the city fiscal affairs officer shall submit the proposed
54 budget for the next succeeding fiscal year to the state comptroller no
55 later than thirty days before the date scheduled for the city council's
56 vote on the adoption of the final budget or the last date on which the

1 budget may be finally adopted, whichever is sooner. The state comp-
2 troller shall examine such proposed budget and make such recommendations
3 as deemed appropriate thereon to the city prior to the adoption of the
4 budget, but no later than ten days before the date scheduled for the
5 city council's vote on the adoption of the final budget or the last date
6 on which the budget must be adopted, whichever is sooner. Such recommen-
7 dations shall be made after examination into the estimates of revenues
8 and expenditures of the city. The city council, no later than five days
9 prior to the adoption of the budget, shall review any such recommenda-
10 tions and make adjustments to the proposed budget consistent with any
11 recommendations made by the state comptroller.

12 § 9. Multiyear financial plans. During the effective period of this
13 act, the city fiscal affairs officer shall prepare, along with the
14 proposed budget for the next succeeding fiscal year, a three-year finan-
15 cial plan covering the next succeeding fiscal year and the two fiscal
16 years thereafter. The financial plan shall, at a minimum, contain
17 projected employment levels, projected annual expenditures for personal
18 service, fringe benefits, non-personal services and debt service; appro-
19 priate reserve fund amounts; estimated annual revenues including projec-
20 tion of property tax rates, the value of the taxable real property and
21 resulting tax levy, annual growth in sales tax and non-property tax
22 revenues; and the proposed use of one-time revenue sources. The finan-
23 cial plan shall also identify actions necessary to achieve and maintain
24 long-term fiscal stability, including, but not limited to, improved
25 management practices, initiatives to minimize or reduce operating
26 expenses, and potential shared services agreements with other munici-
27 palities. Within thirty days following the adoption by the city council
28 of the budget for the next succeeding fiscal year and upon the
29 completion of each quarterly budget report pursuant to section seven of
30 this act, the city fiscal affairs officer shall update the financial
31 plan consistent with such adopted budget or such quarterly budget
32 report. Copies of the financial plan and any update shall be provided to
33 the city treasurer, the mayor, the city council, the state director of
34 the budget, the state comptroller, the chair of the assembly ways and
35 means committee, and the chair of the senate finance committee.

36 § 10. State comptroller to comment on further debt issuance. During
37 the effective period of this act, the city treasurer shall notify the
38 state comptroller at least fifteen days prior to the issuance of any
39 bonds or notes or entering into any installment purchase contract, and
40 the state comptroller may review and make recommendations regarding the
41 affordability to the city of any such proposed issuance or contract.

42 § 11. Private sale of bonds authorized. To facilitate the marketing of
43 (a) deficit bonds, (b) any bonds issued to refund such deficit bonds,
44 and (c) any other bonds to be issued on or before December 31, 2025, the
45 city may, notwithstanding any limitation on the private sales of bonds
46 provided by law and subject to the approval of the state comptroller of
47 the terms and conditions of such sales:

48 (1) arrange for the underwriting of such bonds at private sale through
49 negotiated fees or by sale of such bonds to an underwriter; or

50 (2) arrange for the private sale of such bonds through negotiated
51 agreement, with compensation for such sales to be provided by negotiated
52 agreement and/or negotiated fee, if required.

53 The cost of such underwriting or private placement shall be deemed to
54 be a preliminary cost for purposes of section 11.00 of the local finance
55 law.

1 § 12. Exceptions to the local finance law. Except as provided in this
2 act, all proceedings in connection with the issuance of such deficit
3 bonds or deficit notes shall be had and taken in accordance with the
4 provisions of the local finance law, provided, however, that any resolu-
5 tion or resolutions authorizing the issuance of such bonds or bond
6 anticipation notes shall not be subject to (a) any mandatory or permis-
7 sive referendum, (b) the provisions of section 107.00 of the local
8 finance law with respect to any requirements for a down payment and (c)
9 the provisions of section 10.10 of the local finance law.

10 § 13. Special debt service fund. (a) Upon the issuance of any deficit
11 bonds or deficit notes, the city council shall establish and thereafter
12 maintain a special debt service fund with the state comptroller for the
13 purpose of paying the special debt service due or becoming due in subse-
14 quent fiscal years. Such special debt service fund shall be discontinued
15 upon the expiration of the effectiveness of this act, and any balance
16 remaining in the special debt service fund at that time shall be paid by
17 the state comptroller to the city treasurer for use by the city in the
18 manner provided by law.

19 (b) The state comptroller shall deposit and pay into the special debt
20 service fund any portion of state aid as the state comptroller deter-
21 mines necessary to ensure sufficient moneys are available to make sched-
22 uled special debt service payments from the special debt service fund
23 over the succeeding twelve month period taking account of the city's
24 receipt of city taxes and state aid during such twelve month period and
25 the availability of other amounts appropriated or set aside by the city
26 to make such payments. Thereafter, the state comptroller shall, as soon
27 as practicable, pay over the remainder of any such state aid to the city
28 treasurer for use by the city in the manner provided by law.

29 (c) Not later than the first day of each fiscal year beginning after
30 issuance of any deficit bonds or deficit notes, the city treasurer shall
31 certify to the state comptroller the percentage obtained by dividing the
32 balance obtained by subtracting the amount of the appropriation for such
33 year for a reserve for uncollected taxes from the total amount of city
34 taxes levied and assessed for such year, into the total appropriation in
35 the budget of such year for special debt service, and the percentage so
36 certified shall constitute the debt service percentage for such fiscal
37 year. Immediately upon receipt of any payment during such fiscal year of
38 or on account of any city taxes, the city, its collecting officer and
39 any agent receiving the same shall remit such payment to the state comp-
40 troller. Of each sum so received, the state comptroller shall deposit
41 and pay into the special debt service fund the portion thereof equal to
42 the debt service percentage of the total sum, and shall deposit and pay
43 into the fund such additional amounts as the state comptroller deter-
44 mines necessary to ensure sufficient moneys are available to make sched-
45 uled special debt service payments from the special debt service fund
46 over the succeeding twelve month period taking account of the timing of
47 the city's receipt of city taxes and state aid during such twelve month
48 period and the availability of other amounts appropriated or set aside
49 by the city to make such payments. Thereafter, the state comptroller
50 shall, as soon as practicable, pay over the remainder of such sum to the
51 city treasurer for use by the city in the manner provided by law.

52 (d) The moneys in the special debt service fund shall be invested in
53 the manner provided by section 11 of the general municipal law,
54 provided, however, that the investments shall be made for and on behalf
55 of the city by the state comptroller upon instructions from the chief
56 fiscal officer of the city which shall be consistent with the city's

1 investment policy adopted pursuant to section 39 of the general municipal law.

2
3 (e) The state comptroller shall from time to time during each fiscal
4 year withdraw from the special debt service fund all amounts required
5 for the payment as the same becomes due of all special debt service of
6 such fiscal year and cause the amounts so withdrawn to be applied to
7 such payments as and when due.

8 (f) The special debt service fund and all monies or securities therein
9 or payable thereto in accordance with this section is hereby declared to
10 be city property devoted to essential governmental purposes and accord-
11 ingly, shall not be applied to any purpose other than as provided herein
12 and shall not be subject to any order, judgment, lien, execution,
13 attachment, setoff or counterclaim by any creditor of the city other
14 than a creditor for whose benefit such fund is established and main-
15 tained and entitled thereto under and pursuant to this act.

16 § 14. Agreement with the state. (a) The state does hereby pledge to
17 and agree with the holders of any bonds, notes or other obligations
18 issued by the city during the effective period of this act and secured
19 by such a pledge that the state will not limit, alter or impair the
20 rights hereby vested in the city to fulfill the terms of any agreements
21 made with such holders pursuant to this act, or in any way impair the
22 rights and remedies of such holders or the security for such bonds,
23 notes or other obligations until such bonds, notes or other obligations
24 together with the interest thereon and all costs and expenses in
25 connection with any action or proceeding by or on behalf of such hold-
26 ers, are fully paid and discharged. The city is authorized to include
27 this pledge and agreement of the state in any agreement with the holders
28 of such bonds, notes or other obligations. Nothing contained in this act
29 shall be deemed to (i) obligate the state to make any payments or impose
30 any taxes to satisfy the debt service obligations of the city, (ii)
31 restrict any right of the state to amend, modify, repeal or otherwise
32 alter (A) section 54 of the state finance law or any other provision
33 relating to state aid, or (B) statutes imposing or relating to taxes or
34 fees, or appropriations relating thereto, or (iii) create a debt of the
35 state within the meaning of any constitutional or statutory provisions.
36 The city shall not include in any resolution, contract or agreement with
37 holders of such bonds, notes or other obligations any provision which
38 provides that an event of default occurs as a result of the state exer-
39 cising its rights described in paragraph (ii) of this subdivision.

40 (b) Any provision with respect to state aid shall be deemed executory
41 only to the extent of moneys available, and no liability shall be
42 incurred by the state beyond the moneys available for that purpose, and
43 any such payment by the state comptroller of state aid shall be subject
44 to annual appropriation of state aid by the state legislature.

45 § 15. Rights of the state comptroller and bondholders. (a) In the
46 event that the city shall fail to comply with any provision of this act,
47 and such non-compliance shall continue for a period of 30 days, (1) the
48 state comptroller acting alone, or (2) a duly appointed representative
49 of the holders of at least 25 per centum in aggregate principal amount
50 of (i) any series of deficit bonds or deficit notes, (ii) any series of
51 bonds issued to refund such deficit bonds or deficit notes, or (iii) any
52 other series of notes or bonds issued by the city during the effective
53 period of this act, by instrument or instruments filed in the office of
54 the clerk of Chautauqua county and proved or acknowledged in the same
55 manner as a deed to be recorded, may bring an action or commence a
56 proceeding in accordance with the civil practice law and rules to (A)

1 require the city to carry out any of its obligations under this act or
2 (B) enjoin any acts or things which may be unlawful or in violation of
3 the obligations imposed on the city under this act. In addition, the
4 duly appointed representative of the bondholders of any such series of
5 notes or bonds may bring an action or commence a proceeding in accord-
6 ance with the civil practice law and rules to enforce the rights of the
7 holders of such series of notes or bonds.

8 (b) The supreme court in the county of Chautauqua shall have jurisdic-
9 tion of any action or proceeding by the state comptroller or the repre-
10 sentative of such bondholders.

11 § 16. Severability clause. If any clause, sentence, paragraph, section
12 or part of this act shall be adjudged by any court of competent juris-
13 diction to be invalid, such judgment shall not affect, impair or invali-
14 date the remainder thereof, but shall be confined in its operation to
15 the clause, sentence, paragraph, section or part involved in the contro-
16 versy in which such judgment shall have been rendered. The provisions of
17 this act shall be liberally construed to assist the effectuation of the
18 public purposes furthered hereby.

19 § 17. This act shall take effect immediately; and shall remain in full
20 force and effect until the fifteenth anniversary of the date of first
21 issuance of deficit bonds or deficit notes pursuant to this act, when
22 upon such date the provisions of this act shall be deemed repealed; and
23 provided, however, that the state comptroller shall notify the legisla-
24 tive bill drafting commission upon the occurrence of this act in order
25 that the commission may maintain an accurate and timely effective data
26 base of the official text of the laws of the state of New York in furth-
27 erance of effectuating the provisions of section 44 of the legislative
28 law and section 70-b of the public officers law.

29 PART EE

30 Section 1. The real property tax law is amended by adding a new
31 section 421-p to read as follows:

32 § 421-p. Exemption of newly-constructed or converted rental multiple
33 dwelling. 1. (a) A city, town or village may, by local law, provide
34 for the exemption of rental multiple dwellings constructed or converted
35 in a benefit area designated in such local law from taxation and special
36 ad valorem levies, as provided in this section. Subsequent to the
37 adoption of such a local law, any other municipal corporation in which
38 the designated benefit area is located may likewise exempt such property
39 from its taxation and special ad valorem levies by local law, or in the
40 case of a school district, by resolution.

41 (b) As used in this section, the term "benefit area" means the area
42 within a city, town or village, designated by local law, to which an
43 exemption, established pursuant to this section, applies.

44 (c) The term "rental multiple dwelling" means a structure, other than
45 a hotel, consisting of ten or more dwelling units, where all of the
46 units are rented for residential purposes, and twenty-five percent of
47 such units, upon initial rental and upon each subsequent rental follow-
48 ing a vacancy during the benefit period, are affordable to and
49 restricted to occupancy by individuals or families whose household
50 income does not exceed a weighted average of no less than sixty percent
51 of the area median income and no more than eighty percent of the area
52 median income, adjusted for family size, at the time that such house-
53 holds initially occupy such dwelling units, provided further that all of
54 the income restricted units upon initial rental and upon each subsequent

1 rental following a vacancy during the restriction period or extended
2 restriction period, as applicable, shall be affordable to and restricted
3 to occupancy by individuals or families whose household income does not
4 exceed one hundred percent of the area median income, adjusted for fami-
5 ly size, at the time that such households initially occupy such dwelling
6 units. Provided further, that any local law authorizing an exemption
7 pursuant to this section may provide for the area median income weighted
8 average within the amounts set forth in this paragraph. Such restriction
9 period shall be in effect coterminous with the benefit period, provided,
10 however, that the tenant or tenants in an income restricted dwelling
11 unit at the time such restriction period ends shall have the right to
12 lease renewals at the income restricted level until such time as such
13 tenant or tenants permanently vacate the dwelling unit.

14 2. Eligible newly-constructed or converted rental multiple dwellings
15 in a designated benefit area shall be wholly exempt from taxation while
16 under construction, subject to a maximum of three years. Such property
17 shall then be exempt for an additional period of twenty-five years,
18 provided, that the exemption percentage during such additional period of
19 twenty-five years shall begin at ninety-six percent and shall decrease
20 by four percent each year thereafter. Provided, however:

21 (a) Taxes shall be paid during the exemption period in an amount at
22 least equal to the taxes paid on such land and any improvements thereon
23 during the tax year preceding the commencement of such exemption.

24 (b) No other exemption may be granted concurrently to the same
25 improvements under any other section of law.

26 3. To be eligible for exemption under this section, any new
27 construction shall take place on vacant, predominantly vacant or underu-
28 tilized land, or on land improved with a non-conforming use or on land
29 containing one or more substandard or structurally unsound dwellings, or
30 a dwelling that has been certified as unsanitary by the local health
31 agency. The provisions of this subdivision shall not apply to any new
32 conversions undertaken pursuant to this section.

33 4. Application for exemption under this section shall be made on a
34 form prescribed by the commissioner and filed with the assessor on or
35 before the applicable taxable status date.

36 5. In the case of a newly constructed or converted property which is
37 used partially as a rental multiple dwelling and partially for commer-
38 cial or other purposes, the portion of the property that is used as a
39 rental multiple dwelling shall be eligible for the exemption authorized
40 by this section if:

41 (a) The square footage of the portion used as a rental multiple dwell-
42 ing represents at least fifty percent of the square footage of the
43 entire property;

44 (b) The rental units are affordable to individuals or families as
45 determined according to the criteria set forth in paragraph (c) of
46 subdivision one of this section; and

47 (c) The requirements of this section are otherwise satisfied with
48 respect to the portion of the property used as a rental multiple dwell-
49 ing.

50 6. (a) For the purposes of this subdivision, the following terms shall
51 have the following meanings:

52 (i) "Applicant" shall mean an applicant for the exemption authorized
53 by this section and/or any successor to such applicant.

54 (ii) "Covered building service employer" shall mean any applicant
55 and/or any employer of building service employees for such applicant

1 including, but not limited to, a property management company or contrac-
2 tor.

3 (iii) "Building service employee" shall mean any person who is regu-
4 larly employed at, and performs work in connection with the care or
5 maintenance of, an eligible multiple dwelling, including, but not limit-
6 ed to, a watchman, guard, doorman, building cleaner, porter, handyman,
7 janitor, gardener, groundskeeper, elevator operator and starter, and
8 window cleaner, but not including persons regularly scheduled to work
9 fewer than eight hours per week at such eligible multiple dwelling.

10 (iv) "Fiscal officer" shall mean the commissioner of labor.

11 (v) "Eligible multiple dwelling" shall mean any newly-constructed or
12 converted rental multiple dwellings that receive benefits pursuant to
13 this section.

14 (b) All building service employees employed by the covered building
15 service employer at the eligible multiple dwelling shall receive the
16 applicable prevailing wage in accordance with article nine of the labor
17 law for the duration of the benefit period, regardless of whether such
18 benefits are revoked or terminated. Such applicable prevailing wage
19 shall in no case be lower than the prevailing wage provided to building
20 service employees for work performed within the respective county under
21 the collective bargaining agreement covering the largest number of hour-
22 ly building service employees employed at residential buildings within
23 such county in each job classification established by the commissioner
24 of labor. The commissioner of labor shall determine the applicable
25 prevailing wage rates and prevailing rate of fringe benefits for each
26 job classification consistent with the corresponding job classifications
27 covered by such collective bargaining agreements. To determine the
28 applicable supplement benefit rate, the commissioner of labor shall
29 identify the applicable hourly, weekly or monthly cost to an employer as
30 specified under the applicable collective bargaining agreement of
31 providing such supplements.

32 (c) (i) The fiscal officer shall have the power to enforce the
33 provisions of this subdivision. In enforcing such provisions, the fiscal
34 officer shall have the power: (A) to investigate or cause an investi-
35 gation to be made to determine the prevailing wages for building service
36 employees, and in making such investigation, the fiscal officer may
37 utilize wage and fringe benefit data from various sources, including,
38 but not limited to, data and determinations of federal, state or other
39 governmental agencies; provided, however, that the provision of a dwell-
40 ing unit shall not be considered wages or a fringe benefit; (B) to
41 institute and conduct inspections at the site of the work or elsewhere;
42 (C) to examine the books, documents and records pertaining to the wages
43 paid to, and the hours of work performed by, building service employees;
44 (D) to hold hearings and, in connection therewith, to issue subpoenas,
45 the enforcement of which shall be regulated by the civil practice law
46 and rules, administer oaths and examine witnesses; (E) to make a classi-
47 fication by craft, trade or other generally recognized occupational
48 category of the building service employees and to determine whether such
49 work has been performed by the building service employees in such clas-
50 sification; (F) to require the applicant to file with the fiscal officer
51 a record of the wages actually paid to the building service employees
52 and of their hours of work; (G) to delegate any of the foregoing powers
53 to such fiscal officer's deputy or other authorized representative; (H)
54 to promulgate rules as such fiscal officer shall consider necessary for
55 the proper execution of the duties, responsibilities and powers
56 conferred upon him or her by the provisions of this subdivision; and (I)

1 to prescribe appropriate sanctions for failure to comply with the
2 provisions of this subdivision.

3 (ii) For each violation of paragraph (b) of this subdivision, the
4 fiscal officer may require the payment of:

5 (A) back wages and fringe benefits;

6 (B) liquidated damages up to three times the amount of the back wages
7 and fringe benefits for willful violations; and/or

8 (C) reasonable attorneys' fees. If the fiscal officer finds that the
9 applicant has failed to comply with the provisions of this subdivision,
10 such fiscal officer shall present evidence of such non-compliance to the
11 village, town, or city that enacted a local law pursuant to this
12 section, or to any municipal agency or entity identified in such local
13 law.

14 (d) Paragraph (b) of this subdivision shall not be applicable to: (i)
15 an eligible multiple dwelling containing less than thirty dwelling
16 units; or (ii) an eligible multiple dwelling whose new construction or
17 conversion is carried out with the substantial assistance of grants,
18 loans or subsidies provided by a federal, state or local governmental
19 agency or instrumentality pursuant to a program for the development of
20 affordable housing.

21 (e) The applicant shall submit a sworn affidavit with its application
22 certifying that it shall ensure compliance with the requirements of this
23 subdivision or is exempt in accordance with paragraph (d) of this subdi-
24 vision. Upon the approval of the village, town, or city that enacted a
25 local law pursuant to this section, or of any municipal agency or entity
26 identified in such local law, of such application, the applicant who is
27 not exempt in accordance with paragraph (d) of this subdivision shall
28 submit annually a sworn affidavit to the fiscal officer certifying that
29 it shall ensure compliance with the requirements of this subdivision.

30 (f) The village, town, or city that enacted a local law pursuant to
31 this section, or any municipal agency or entity identified in such local
32 law shall annually publish a list of all eligible sites subject to the
33 requirements of this subdivision and the affidavits required pursuant to
34 paragraph (e) of this subdivision.

35 (g) If a covered building service employer has committed three
36 violations of the requirements of paragraph (b) of this subdivision with
37 respect to the same eligible multiple dwelling within a five-year peri-
38 od, the village, town, or city that enacted a local law pursuant to this
39 section, or any municipal agency or entity identified in such local law
40 may revoke any benefits associated with such eligible multiple dwelling
41 under this section. For purposes of this paragraph, a "violation" of
42 paragraph (b) of this subdivision will be deemed a finding by the fiscal
43 officer that a covered building service employer has failed to comply
44 with paragraph (b) of this subdivision and has failed to cure the defi-
45 ciency within three months of such finding. Provided, however, that
46 after a second such violation, the applicant shall be notified that any
47 further violation may result in the revocation of benefits under this
48 section and that the fiscal officer shall publish on its website a list
49 of all applicants with two violations as defined in this paragraph. If
50 benefits are terminated or revoked for failure to comply with this
51 subdivision all of the affordable housing units shall remain subject to
52 rent stabilization and all other requirements of this section for the
53 duration of the restriction period, regardless of whether such benefits
54 have been terminated or revoked.

55 7. The exemption authorized by this section shall not be available in
56 a city with a population of one million or more.

1 8. Any recipient of the exemption authorized by this section or their
2 designee shall certify compliance with the provisions of this section
3 under penalty of perjury, at such time or times and in such manner as
4 may be prescribed in the local law adopted by the city, town or village
5 pursuant to paragraph (a) of subdivision one of this section, or by a
6 subsequent local law. Such city, town or village may establish such
7 procedures as it deems necessary for monitoring and enforcing compliance
8 of an eligible building with the provisions of this section.

9 § 2. The real property tax law is amended by adding a new section
10 421-pp to read as follows:

11 § 421-pp. Exemption of newly converted or constructed fully income
12 restricted rental multiple dwellings. 1. (a) A city, town or village
13 may, by local law, provide for the exemption of rental multiple dwell-
14 ings constructed or converted in a benefit area designated in such local
15 law from taxation and special ad valorem levies, as provided in this
16 section. Subsequent to the adoption of such a local law, any other
17 municipal corporation in which the designated benefit area is located
18 may likewise exempt such property from its taxation and special ad valo-
19 rem levies by local law, or in the case of a school district, by resol-
20 ution.

21 (b) As used in this section, the term "benefit area" means the area
22 within a city, town or village, designated by local law, to which an
23 exemption, established pursuant to this section, applies.

24 (c) As used in this section, the term "rental multiple dwelling" means
25 a structure, other than a hotel, consisting of ten or more dwelling
26 units, where all but a maximum of two of the units are rented for resi-
27 dential purposes, and all of such units, upon initial rental and upon
28 each subsequent rental following a vacancy during the restriction period
29 or extended restriction period, as applicable, is affordable to and
30 restricted to occupancy by individuals or families whose household
31 income does not exceed a weighted average of no less than sixty percent
32 of the area median income and no more than eighty percent of the area
33 median income, adjusted for family size, at the time that such house-
34 holds initially occupy such dwelling units, provided further that all of
35 the income restricted units upon initial rental and upon each subsequent
36 rental following a vacancy during the restriction period or extended
37 restriction period, as applicable, shall be affordable to and restricted
38 to occupancy by individuals or families whose household income does not
39 exceed one hundred percent of the area median income, adjusted for fami-
40 ly size, at the time that such households initially occupy such dwelling
41 units. The two residential units that are not income restricted must be
42 occupied by superintendents, caretakers, managers or other employees to
43 whom the space is provided as part or all of their compensation without
44 payment of rent and who are employed for the purpose of rendering
45 services in connection with the premises of which the housing accommo-
46 modation is a part. In the event no unit is provided or rented to such an
47 employee, all units in the building must be income restricted pursuant
48 to this paragraph. Provided further that any local law authorizing an
49 exemption pursuant to this section may provide for the area median
50 income weighted average within the amounts set forth in this paragraph.
51 Such restriction period shall be in effect coterminous with the benefit
52 period, provided, however, that the tenant or tenants in an income
53 restricted dwelling unit at the time such restriction period ends shall
54 have the right to lease renewals at the income restricted level until
55 such time as such tenant or tenants permanently vacate the dwelling
56 unit.

1 2. Eligible newly-constructed or converted rental multiple dwellings
 2 in a designated benefit area shall be wholly exempt from taxation while
 3 under construction, subject to a maximum of three years. Such property
 4 shall then be exempt for an additional period of thirty years. Provided,
 5 however:

6 (a) Taxes shall be paid during the exemption period in an amount to be
 7 determined by the local law providing the exception pursuant to this
 8 section, provided, however, that amount shall be no greater than ten per
 9 centum of the shelter rent of the eligible rental multiple dwelling
 10 exempted pursuant to this section.

11 (b) No other exemption may be granted concurrently to the same
 12 improvements under any other section of law.

13 3. To be eligible for exemption under this section, any new
 14 construction shall take place on vacant, predominantly vacant or underu-
 15 tilized land, or on land improved with a non-conforming use or on land
 16 containing one or more substandard or structurally unsound dwellings, or
 17 a dwelling that has been certified as unsanitary by the local health
 18 agency. The provisions of this subdivision shall not apply to any new
 19 conversions undertaken pursuant to this section.

20 4. Application for exemption under this section shall be made on a
 21 form prescribed by the commissioner and filed with the assessor on or
 22 before the applicable taxable status date.

23 5. In the case of newly constructed property which is used partially
 24 as a rental multiple dwelling and partially for commercial or other
 25 purposes, the portion of the newly constructed property that is used as
 26 a rental multiple dwelling shall be eligible for the exemption author-
 27 ized by this section if:

28 (a) the square footage of the portion used as a rental multiple dwell-
 29 ing represents at least fifty percent of the square footage of the
 30 entire property;

31 (b) the rental units are affordable to individuals or families as
 32 determined according to the criteria set forth in paragraph (c) of
 33 subdivision one of this section; and

34 (c) the requirements of this section are otherwise satisfied with
 35 respect to the portion of the property used as a rental multiple dwell-
 36 ing.

37 6. The exemption authorized by this section shall not be available in
 38 a city with a population of one million or more.

39 7. Any recipient of the exemption authorized by this section or their
 40 designee shall certify compliance with the provisions of this section
 41 under penalty of perjury, at such time or times and in such manner as
 42 may be prescribed in the local law adopted by the city, town or village
 43 pursuant to paragraph (a) of subdivision one of this section, or by a
 44 subsequent local law. Such city, town or village may establish such
 45 procedures as it deems necessary for monitoring and enforcing compliance
 46 of an eligible building with the provisions of this section.

47 § 3. This act shall take effect immediately.

48 PART FF

49 Section 1. Paragraph 1 of subdivision d of section 6 of section 4 of
 50 chapter 576 of the laws of 1974, constituting the emergency tenant
 51 protection act of nineteen seventy-four, as amended by section 18 of
 52 part Q of chapter 39 of the laws of 2019, is amended to read as follows:

53 (1) there has been a substantial modification or increase of dwelling
 54 space, or installation of new equipment or improvements or new furniture

1 or furnishings, provided in or to a tenant's housing accommodation, on
2 written informed tenant consent to the rent increase. In the case of a
3 vacant housing accommodation, tenant consent shall not be required. [~~The~~
4 ~~temporary~~] Except as provided in subparagraph (B) of this paragraph, the
5 increase in the legal regulated rent for the affected housing accommo-
6 dation shall be one-one hundred sixty-eighth, in the case of a building
7 with thirty-five or fewer housing accommodations or one-one hundred
8 eightieth in the case of a building with more than thirty-five housing
9 accommodations where such increase takes effect on or after the effec-
10 tive date of the chapter of the laws of two thousand nineteen that
11 amended this paragraph, of the total actual cost incurred by the land-
12 lord up to [~~fifteen thousand dollars~~] an amount set forth in this para-
13 graph in providing such reasonable and verifiable modification or
14 increase in dwelling space, furniture, furnishings, or equipment,
15 including the cost of installation but excluding finance charges and any
16 costs that exceed reasonable costs established by rules and regulations
17 promulgated by the division of housing and community renewal. Such rules
18 and regulations shall include: (i) requirements for work to be done by
19 licensed contractors and a prohibition on common ownership between the
20 landlord and the contractor or vendor; and (ii) a requirement that the
21 owner resolve within the dwelling space all outstanding hazardous or
22 immediately hazardous violations of the Uniform Fire Prevention and
23 Building Code (Uniform Code), New York City Fire Code, or New York City
24 Building and Housing Maintenance Codes, if applicable. Provided further
25 that an owner who is entitled to a rent increase pursuant to this para-
26 graph shall not be entitled to a further rent increase based upon the
27 installation of similar equipment, or new furniture or furnishings with-
28 in the useful life of such new equipment, or new furniture or
29 furnishings. Provided further that the recoverable costs incurred by the
30 landlord, pursuant to this paragraph, shall be limited to an aggregate
31 cost [~~of fifteen thousand dollars that may be expended on no more than~~
32 ~~three separate individual apartment improvements in a fifteen year peri-~~
33 ~~od beginning with the first individual apartment improvement on or after~~
34 ~~June fourteenth, two thousand nineteen. Provided further that increases~~
35 ~~to the legal regulated rent pursuant to this paragraph shall be removed~~
36 ~~from the legal regulated rent thirty years from the date the increase~~
37 ~~became effective inclusive of any increases granted by the applicable~~
38 ~~rent guidelines board.~~] pursuant to the following:

39 (A) thirty thousand dollars that may be expended in a fifteen-year
40 period beginning with the first individual apartment improvement on or
41 after June fourteenth, two thousand nineteen, provided further that:

42 (1) if there is a tenant in place at the time the individual apartment
43 improvement is undertaken, no costs incurred by the landlord shall be
44 recoverable pursuant to this subparagraph unless the landlord obtains
45 written tenant consent from the tenant in place at the time the individ-
46 ual apartment improvement was undertaken;

47 (2) increases to the legal regulated rent pursuant to this subpara-
48 graph shall be permanent; and

49 (3) the thirty thousand dollars may be expended, in the aggregate, on
50 any number of separate individual apartment improvements in a fifteen-
51 year period, but in no event shall costs above thirty thousand dollars
52 be recoverable in a fifteen-year period pursuant to this subparagraph.

53 (B) fifty thousand dollars that may be expended in a fifteen-year
54 period beginning with the first individual apartment improvement on or
55 after June fourteenth, two thousand nineteen, pursuant to regulation,

1 operational bulletin or such other guidance as the division of housing
2 and community renewal may issue, provided further that:

3 (1) costs shall only be recoverable by a landlord pursuant to this
4 subparagraph for an individual apartment improvement undertaken during a
5 vacancy;

6 (2) costs shall only be recoverable by a landlord pursuant to this
7 subparagraph for an individual apartment improvement if (i) the apart-
8 ment was timely registered as vacant by no later than the thirty-first
9 of December in each of two thousand twenty-two, two thousand twenty-
10 three, and two thousand twenty-four, provided that a landlord may
11 recover costs on this basis no more than once, or (ii) if the apartment
12 is vacant following a period of continuous occupancy of at least twen-
13 ty-five years that occurred immediately prior to the commencement of
14 such individual apartment improvement;

15 (3) costs shall only be recoverable by a landlord pursuant to this
16 subparagraph if such landlord has received prior certification to
17 recover costs pursuant to this subparagraph from the division of housing
18 and community renewal based on establishing that the landlord satisfies
19 one of the eligibility criteria delineated in clause two of this subpar-
20 agraph, provided further that such certification shall not be deemed as
21 evidence that the work performed or costs claimed for the individual
22 apartment improvement was substantiated or to otherwise act as a defense
23 in any subsequent rent overcharge proceeding, determination, or audit;

24 (4) increases to the legal regulated rent pursuant to this subpara-
25 graph shall be permanent;

26 (5) the increase in the legal regulated rent for the affected housing
27 accommodation shall be one-one hundred forty-fourth, in the case of a
28 building with thirty-five or fewer housing accommodations or one-one
29 hundred fifty-sixth in the case of a building with more than thirty-five
30 housing accommodations where such increase takes effect on or after the
31 effective date of the chapter of the laws of two thousand twenty-four
32 that amended this paragraph, of the total actual cost incurred by the
33 landlord up to fifty thousand dollars in providing such reasonable and
34 verifiable modification or increase in dwelling space, furniture,
35 furnishings, or equipment, including the cost of installation but
36 excluding finance charges and any costs that exceed reasonable costs
37 established by rules and regulations promulgated by the division of
38 housing and community renewal;

39 (6) costs shall only be recoverable by a landlord pursuant to this
40 subparagraph for an individual apartment improvement if, immediately
41 prior to undertaking such individual apartment improvement, the landlord
42 submits to the division of housing and community renewal any evidence
43 that the division of housing and community renewal deems necessary and
44 requests pursuant to regulation, operational bulletin or other guidance,
45 demonstrating that the improvement was necessitated by a sub-standard
46 condition or exceeding its useful life immediately prior to the land-
47 lord's work to improve the unit and the landlord's planned work to
48 improve the unit. Such evidence shall include, but shall not be limited
49 to, photos of any areas, aspects or appliances in the apartment that
50 will be improved, and any necessary permits required to undertake the
51 improvements;

52 (7) costs shall only be recoverable by a landlord pursuant to this
53 subparagraph for an individual apartment improvement if, immediately
54 subsequent to undertaking the individual apartment improvement, the
55 landlord submits to the division of housing and community renewal any
56 evidence that the division of housing and community renewal deems neces-

1 sary and requests pursuant to regulation, operational bulletin or other
2 guidance, evidence of the completed work. Such evidence shall include,
3 but shall not be limited to, photographs of the completed work, itemized
4 receipts for all parts, materials, appliances, and labor costs, and
5 proof of payment. Provided further, the division of housing and communi-
6 ty renewal shall require the payment of a fee that equals one percent of
7 the amount claimed for the individual apartment improvement at the time
8 of such filing;

9 (8) for costs recoverable pursuant to item (ii) of clause two of this
10 subparagraph, the fifty thousand dollars may be expended, in the aggre-
11 gate, on any number of separate individual apartment improvements in a
12 fifteen-year period, but in no event shall costs above fifty thousand
13 dollars be recoverable in a fifteen-year period pursuant to this subpar-
14 agraph;

15 (9) the division of housing and community renewal may perform an audit
16 of any individual apartment improvement conducted pursuant to this
17 subparagraph to determine whether the individual apartment improvement
18 was undertaken in the manner described and to the extent claimed by the
19 landlord, whether the costs claimed were substantiated by records, and
20 whether the rent was properly adjusted. Such audit may incorporate an
21 inspection of the accommodation at bar. The landlord and the tenant
22 living in the accommodation may participate in such audit. In the event
23 the audit finds that the recoverable costs claimed by the landlord
24 cannot be substantiated, the resulting overcharge shall be considered to
25 be willful. In addition, the division of housing and community renewal
26 may issue any fines or penalties set forth in regulations;

27 (10) the division of housing and community renewal shall perform
28 random on-site inspections, as it deems necessary, for any unit for
29 which the owner seeks to recover costs pursuant to this subparagraph;
30 and

31 (11) no owner shall be eligible for the rent increase based on indi-
32 vidual apartment improvements pursuant to this subparagraph if, within
33 the five year period prior to filing such individual apartment improve-
34 ment, any unit within any building owned by any owner of the building in
35 which the unit for which the owner seeks an individual apartment
36 improvement is located, including but not limited to partial or benefi-
37 cial owners, has been the subject of an award or determination by the
38 division of housing and community renewal or a court of competent juris-
39 isdiction for treble damages due to an overcharge or the owner of the
40 building in which the unit is located has been the subject of an award
41 or determination by the division of housing and community renewal or a
42 court of competent jurisdiction for harassment of any tenants, provided
43 that such owner shall provide an affidavit confirming such owner's
44 eligibility under this clause to the division of housing and community
45 renewal at the same time as, and in addition to, any other materials the
46 division of housing and community renewal shall require an owner to
47 submit pursuant to clause six of this subparagraph, and provided further
48 that such affidavit shall not be deemed to be evidence of compliance
49 with this clause or a defense in any subsequent rent overcharge proceed-
50 ing, determination, or audit.

51 § 2. Paragraph 12 of subdivision (a) of section 10-b of section 4 of
52 chapter 576 of the laws of 1974, constituting the emergency tenant
53 protection act of nineteen seventy-four, as amended by section 23 of
54 part Q of chapter 39 of the laws of 2019, is amended to read as follows:

55 12. establish a form in the top six languages other than English
56 spoken in the state according to the latest available data from the U.S.

1 Bureau of Census for [~~a temporary~~] an individual apartment improvement
2 rent increase for a tenant in occupancy which shall be used by landlords
3 to obtain written informed consent that shall include the estimated
4 total cost of the improvement and the estimated monthly rent increase.
5 Such consent shall be executed in the tenant's primary language. Such
6 form shall be completed and preserved in the centralized electronic
7 retention system to be operational by June 14, 2020, provided further
8 that any changes to the form required due to the individual apartment
9 improvement being permanent shall be completed as of October 14, 2024.

10 Nothing herein shall relieve a landlord, lessor, or agent thereof of
11 [~~his or her~~] such person's duty to retain proper documentation of all
12 improvements performed or any rent increases resulting from said
13 improvements.

14 § 3. Paragraph 13 of subdivision c of section 26-511 of the adminis-
15 trative code of the city of New York, as amended by section 19 of part Q
16 of chapter 39 of the laws of 2019, is amended to read as follows:

17 (13) provides that an owner is entitled to a rent increase where there
18 has been a substantial modification or increase of dwelling space, or
19 installation of new equipment or improvements or new furniture or
20 furnishings provided in or to a tenant's housing accommodation, on writ-
21 ten informed tenant consent to the rent increase. In the case of a
22 vacant housing accommodation, tenant consent shall not be required. [~~The~~
23 ~~temporary~~] Except as provided in subparagraph (B) of this paragraph,
24 increase in the legal regulated rent for the affected housing accommo-
25 dation shall be one-one hundred sixty-eighth, in the case of a building
26 with thirty-five or fewer housing accommodations or one-one hundred
27 eightieth in the case of a building with more than thirty-five housing
28 accommodations where such increase takes effect on or after the effec-
29 tive date of the chapter of the laws of two thousand nineteen that
30 amended this paragraph, of the total actual cost incurred by the land-
31 lord in providing such reasonable and verifiable modification or
32 increase in dwelling space, furniture, furnishings, or equipment,
33 including the cost of installation but excluding finance charges and any
34 costs that exceed reasonable costs established by rules and regulations
35 promulgated by the division of housing and community renewal. Such rules
36 and regulations shall include: (i) requirements for work to be done by
37 licensed contractors and prohibit common ownership between the landlord
38 and the contractor or vendor; and (ii) a requirement that the owner
39 resolve within the dwelling space all outstanding hazardous or imme-
40 diately hazardous violations of the Uniform Fire Prevention and Building
41 Code (Uniform Code), New York City Fire Code, or New York City Building
42 and Housing Maintenance Codes, if applicable. Provided further that an
43 owner who is entitled to a rent increase pursuant to this paragraph
44 shall not be entitled to a further rent increase based upon the instal-
45 lation of similar equipment, or new furniture or furnishings within the
46 useful life of such new equipment, or new furniture or furnishings.
47 Provided further that the recoverable costs incurred by the landlord,
48 pursuant to this paragraph, shall be limited to an aggregate cost of
49 [~~fifteen thousand dollars that may be expended on no more than three~~
50 ~~separate individual apartment improvements in a fifteen year period~~] an
51 amount set forth in this paragraph beginning with the first individual
52 apartment improvement on or after June fourteenth, two thousand nine-
53 teen. Provided further that increases to the legal regulated rent pursu-
54 ant to this paragraph shall [~~be removed from the legal regulated rent~~
55 ~~thirty years from the date the increase became effective inclusive of~~

1 ~~any increases granted by the applicable rent guidelines board.] be~~
2 limited to an aggregate cost pursuant to the following:

3 (A) thirty thousand dollars that may be expended in a fifteen-year
4 period beginning with the first individual apartment improvement on or
5 after June fourteenth, two thousand nineteen, provided further that:

6 (1) if there is a tenant in place at the time the individual apartment
7 improvement is undertaken, no costs incurred by the landlord shall be
8 recoverable pursuant to this subparagraph unless the landlord obtains
9 written tenant consent from the tenant in place at the time the individ-
10 ual apartment improvement was undertaken;

11 (2) increases to the legal regulated rent pursuant to this subpara-
12 graph shall be permanent; and

13 (3) the thirty thousand dollars may be expended, in the aggregate, on
14 any number of separate individual apartment improvements in a fifteen-
15 year period, but in no event shall costs above thirty thousand dollars
16 be recoverable in a fifteen-year period pursuant to this subparagraph.

17 (B) fifty thousand dollars that may be expended in a fifteen-year
18 period beginning with the first individual apartment improvement on or
19 after June fourteenth, two thousand nineteen, pursuant to regulation,
20 operational bulletin or such other guidance as the division of housing
21 and community renewal may issue, provided further that:

22 (1) costs shall only be recoverable by a landlord pursuant to this
23 subparagraph for an individual apartment improvement undertaken during a
24 vacancy;

25 (2) costs shall only be recoverable by a landlord pursuant to this
26 subparagraph for an individual apartment improvement if (i) the apart-
27 ment was timely registered as vacant by no later than the thirty-first
28 of December in each of two thousand twenty-two, two thousand twenty-
29 three, and two-thousand twenty-four, provided that a landlord may
30 recover costs on this basis no more than once, or (ii) if the apartment
31 is vacant following a period of continuous occupancy of at least twen-
32 ty-five years that occurred immediately prior to the commencement of
33 such individual apartment improvement;

34 (3) costs shall only be recoverable by a landlord pursuant to this
35 subparagraph if such landlord has received prior certification to
36 recover costs pursuant to this subparagraph from the division of housing
37 and community renewal based on establishing that the landlord satisfies
38 one of the eligibility criteria delineated in clause two of this subpar-
39 agraph, provided further that such certification shall not be deemed as
40 evidence that the work performed or costs claimed for the individual
41 apartment improvement was substantiated or to otherwise act as a defense
42 in any subsequent rent overcharge proceeding, determination, or audit;

43 (4) increases to the legal regulated rent pursuant to this subpara-
44 graph shall be permanent;

45 (5) the increase in the legal regulated rent for the affected housing
46 accommodation shall be one-one hundred forty-fourth, in the case of a
47 building with thirty-five or fewer housing accommodations or one-one
48 hundred fifty-sixth in the case of a building with more than thirty-five
49 housing accommodations where such increase takes effect on or after the
50 effective date of this chapter, of the total actual cost incurred by the
51 landlord up to fifty thousand dollars in providing such reasonable and
52 verifiable modification or increase in dwelling space, furniture,
53 furnishings, or equipment, including the cost of installation but
54 excluding finance charges and any costs that exceed reasonable costs
55 established by rules and regulations promulgated by the division of
56 housing and community renewal;

1 (6) costs shall only be recoverable by a landlord pursuant to this
2 subparagraph for an individual apartment improvement if, immediately
3 prior to undertaking such individual apartment improvement, the landlord
4 submits to the division of housing and community renewal any evidence
5 that the division of housing and community renewal deems necessary and
6 requests pursuant to regulation, operational bulletin or other guidance,
7 demonstrating that the improvement was necessitated by a sub-standard
8 condition or exceeding its useful life immediately prior to the land-
9 lord's work to improve the unit and the landlord's planned work to
10 improve the unit. Such evidence shall include, but shall not be limited
11 to, photos of any areas, aspects or appliances in the apartment that
12 will be improved, and any necessary permits required to undertake the
13 improvements;

14 (7) costs shall only be recoverable by a landlord pursuant to this
15 subparagraph for an individual apartment improvement if, immediately
16 subsequent to undertaking the individual apartment improvement, the
17 landlord submits to the division of housing and community renewal any
18 evidence that the division of housing and community renewal deems neces-
19 sary and requests pursuant to regulation, operational bulletin or other
20 guidance, evidence of the completed work. Such evidence shall include,
21 but shall not be limited to, photographs of the completed work, itemized
22 receipts for all parts, materials, appliances, and labor costs, and
23 proof of payment. Provided further, the division of housing and communi-
24 ty renewal shall require the payment of a fee that equals one percent of
25 the amount claimed for the individual apartment improvement at the time
26 of such filing;

27 (8) for costs recoverable pursuant to item (ii) of clause two of this
28 subparagraph, the fifty thousand dollars may be expended, in the aggre-
29 gate, on any number of separate individual apartment improvements in a
30 fifteen-year period, but in no event shall costs above fifty thousand
31 dollars be recoverable in a fifteen-year period pursuant to this subpar-
32 agraph;

33 (9) the division of housing and community renewal may perform an audit
34 of any individual apartment improvement conducted pursuant to this
35 subparagraph to determine whether the individual apartment improvement
36 was undertaken in the manner described and to the extent claimed by the
37 landlord, whether the costs claimed were substantiated by records, and
38 whether the rent was properly adjusted. Such audit may incorporate an
39 inspection of the accommodation at bar. The landlord and the tenant
40 living in the accommodation may participate in such audit. In the event
41 the audit finds that the recoverable costs claimed by the landlord
42 cannot be substantiated, the resulting overcharge shall be considered to
43 be willful. In addition, the division of housing and community renewal
44 may issue any fines or penalties set forth in regulations;

45 (10) the division of housing and community renewal shall perform
46 random on-site inspections, as it deems necessary, for any unit for
47 which the owner seeks to recover costs pursuant to this subparagraph;
48 and

49 (11) no owner shall be eligible for the rent increase based on indi-
50 vidual apartment improvements pursuant to this subparagraph if, within
51 the five-year period prior to filing such individual apartment improve-
52 ment, any unit within any building owned by any owner of the building in
53 which the unit for which the owner seeks an individual apartment
54 improvement is located, including but not limited to partial or benefi-
55 cial owners, has been the subject of an award or determination by the
56 division of housing and community renewal or a court of competent juris-

1 diction for treble damages due to an overcharge or the owner of the
2 building in which the unit is located has been the subject of an award
3 or determination by the division of housing and community renewal or a
4 court of competent jurisdiction for harassment of any tenants, provided
5 that such owner shall provide an affidavit confirming such owner's
6 eligibility under this clause to the division of housing and community
7 renewal at the same time as, and in addition to, any other materials the
8 division of housing and community renewal shall require an owner to
9 submit pursuant to clause six of this subparagraph, and provided further
10 that such affidavit shall not be deemed to be evidence of compliance
11 with this clause or a defense in any subsequent rent overcharge proceed-
12 ing, determination, or audit.

13 § 4. Paragraph 12 of subdivision a of section 26-511.1 of the adminis-
14 trative code of the city of New York, as amended by section 21 of part Q
15 of chapter 39 of the laws of 2019, is amended to read as follows:

16 (12) establish a form in the top six languages other than English
17 spoken in the state according to the latest available data from the U.S.
18 Bureau of Census for [~~a temporary~~] an individual apartment improvement
19 rent increase for a tenant in occupancy which shall be used by landlords
20 to obtain written informed consent that shall include the estimated
21 total cost of the improvement and the estimated monthly rent increase.

22 Such consent shall be executed in the tenant's primary language. Such
23 form shall be completed and preserved in the centralized electronic
24 retention system to be operational by June 14, 2020, provided further
25 that any changes to the form required due to the individual apartment
26 improvement being permanent shall be completed as of October 14, 2024.

27 Nothing herein shall relieve a landlord, lessor, or agent thereof of
28 [~~his or her~~] such person's duty to retain proper documentation of all
29 improvements performed or any rent increases resulting from said
30 improvements.

31 § 5. Subparagraph (e) of paragraph 1 of subdivision g of section
32 26-405 of the administrative code of the city of New York, as amended by
33 section 20 of part Q of chapter 39 of the laws of 2019, is amended to
34 read as follows:

35 (e) The landlord and tenant by mutual voluntary written agreement
36 demonstrating informed consent agree to a substantial increase or
37 decrease in dwelling space or a change in furniture, furnishings or
38 equipment provided in the housing accommodations. An adjustment under
39 this subparagraph shall be equal to one-one hundred sixty-eighth, in the
40 case of a building with thirty-five or fewer housing accommodations or
41 one-one hundred eightieth in the case of a building with more than thir-
42 ty-five housing accommodations where such [~~temporary~~] adjustment takes
43 effect on or after the effective date of the chapter of the laws of two
44 thousand nineteen that amended this subparagraph, of the total actual
45 cost incurred by the landlord in providing such reasonable and verifi-
46 able modification or increase in dwelling space, furniture, furnishings,
47 or equipment, including the cost of installation but excluding finance
48 charges and any costs that exceed reasonable costs established by rules
49 and regulations promulgated by the division of housing and community
50 renewal. Such rules and regulations shall include: (i) requirements for
51 work to be done by licensed contractors and prohibit common ownership
52 between the landlord and the contractor or vendor; and (ii) a require-
53 ment that the owner resolve within the dwelling space all outstanding
54 hazardous or immediately hazardous violations of the Uniform Fire
55 Prevention and Building Code (Uniform Code), New York City Fire Code, or
56 New York City Building and Housing Maintenance Codes, if applicable.

1 Provided further that an owner who is entitled to a rent increase pursu-
2 ant to this subparagraph shall not be entitled to a further rent
3 increase based upon the installation of similar equipment, or new furni-
4 ture or furnishings within the useful life of such new equipment, or new
5 furniture or furnishings. Provided further that the recoverable costs
6 incurred by the landlord, pursuant to this subparagraph shall be limited
7 to an aggregate cost of [~~fifteen~~ thirty] thousand dollars [~~that may be~~
8 ~~expended on no more than three separate individual apartment improve-~~
9 ~~ments~~] in a fifteen year period beginning with the first individual
10 apartment improvement on or after June fourteenth, two thousand nine-
11 teen. [~~Provided further that increases to the legal regulated rent~~
12 ~~pursuant to this subparagraph shall be removed from the legal regulated~~
13 ~~rent thirty years from the date the increase became effective inclusive~~
14 ~~of any increases granted by the applicable rent guidelines board.~~] The
15 owner shall give written notice to the city rent agency of any such
16 [~~temporary~~] adjustment pursuant to this subparagraph; or

17 § 6. Paragraph 12 of subdivision a of section 26-405.1 of the adminis-
18 trative code of the city of New York, as amended by section 22 of part Q
19 of chapter 39 of the laws of 2019, is amended to read as follows:

20 (12) establish a form in the top six languages other than English
21 spoken in the state according to the latest available data from the U.S.
22 Bureau of Census for [~~a temporary~~ an] individual apartment improvement
23 rent increase for a tenant in occupancy which shall be used by landlords
24 to obtain written informed consent that shall include the estimated
25 total cost of the improvement and the estimated monthly rent increase.
26 Such consent shall be executed in the tenant's primary language. Such
27 form shall be completed and preserved in the centralized electronic
28 retention system to be operational by June 14, 2020, provided further
29 that any changes to the form required due to the individual apartment
30 improvement being permanent shall be completed as of October 14, 2024.
31 Nothing herein shall relieve a landlord, lessor, or agent thereof of
32 [~~his or her~~ such person's] duty to retain proper documentation of all
33 improvements performed or any rent increases resulting from said
34 improvements.

35 § 7. Subparagraph 5 of the second undesignated paragraph of paragraph
36 (a) of subdivision 4 of section 4 of chapter 274 of the laws of 1946
37 constituting the emergency housing rent control law, as amended by
38 section 36 of part Q of chapter 39 of the laws of 2019, is amended to
39 read as follows:

40 (5) the landlord and tenant by mutual voluntary written informed
41 agreement agree to a substantial increase or decrease in dwelling space,
42 furniture, furnishings or equipment provided in the housing accommo-
43 dations; provided that an owner shall be entitled to a rent increase
44 where there has been a substantial modification or increase of dwelling
45 space, or installation of new equipment or improvements or new furniture
46 or furnishings provided in or to a tenant's housing accommodation. The
47 [~~temporary~~] increase in the maximum rent for the affected housing accom-
48 modation shall be one-one hundred sixty-eighth, in the case of a build-
49 ing with thirty-five or fewer housing accommodations, or one-one hundred
50 eightieth, in the case of a building with more than thirty-five housing
51 accommodations where such increase takes effect on or after the effec-
52 tive date of the chapter of the laws of two thousand nineteen that
53 amended this subparagraph, of the total actual cost incurred by the
54 landlord up to [~~fifteen~~ thirty] thousand dollars in providing such
55 reasonable and verifiable modification or increase in dwelling space,
56 furniture, furnishings, or equipment, including the cost of installation

1 but excluding finance charges and any costs that exceed reasonable costs
2 established by rules and regulations promulgated by the division of
3 housing and community renewal. Such rules and regulations shall include:
4 (i) requirements for work to be done by licensed contractors and a
5 prohibition on common ownership between the landlord and the contractor
6 or vendor; and (ii) a requirement that the owner resolve within the
7 dwelling space all outstanding hazardous or immediately hazardous
8 violations of the uniform fire prevention and building code (Uniform
9 Code), New York city fire code, or New York city building and housing
10 maintenance codes, if applicable. Provided further that an owner who is
11 entitled to a rent increase pursuant to this clause shall not be enti-
12 tled to a further rent increase based upon the installation of similar
13 equipment, or new furniture or furnishings within the useful life of
14 such new equipment, or new furniture or furnishings. Provided further
15 that the recoverable costs incurred by the landlord, pursuant to this
16 subparagraph, shall be limited to an aggregate cost of [~~fifteen~~] thirty
17 thousand dollars [~~that may be expended on no more than three separate~~
18 ~~individual apartment improvements~~] in a fifteen year period beginning
19 with the first individual apartment improvement on or after June four-
20 teenth, two thousand nineteen. [~~Provided further that increases to the~~
21 ~~legal regulated rent pursuant to this paragraph shall be removed from~~
22 ~~the legal regulated rent thirty years from the date the increase became~~
23 ~~effective inclusive of any increases granted by the applicable rent~~
24 ~~guidelines board.~~] The owner shall give written notice to the commission
25 of any such adjustment pursuant to this clause; or

26 § 8. Paragraph (1) of subdivision 1 of section 8-a of chapter 274 of
27 the laws of 1946, constituting the emergency housing rent control law,
28 as amended by section 24 of part Q of chapter 39 of the laws of 2019, is
29 amended to read as follows:

30 (1) establish a form in the top six languages other than English
31 spoken in the state according to the latest available data from the U.S.
32 Bureau of Census for [~~a temporary~~] an individual apartment improvement
33 rent increase for a tenant in occupancy which shall be used by landlords
34 to obtain written informed consent that shall include the estimated
35 total cost of the improvement and the estimated monthly rent increase.
36 Such consent shall be executed in the tenant's primary language. Such
37 form shall be completed and preserved in the centralized electronic
38 retention system to be operational by June 14, 2020, provided further
39 that any changes to the form required due to the individual apartment
40 improvement being permanent shall be completed as of October 14, 2024.
41 Nothing herein shall relieve a landlord, lessor, or agent thereof of
42 [~~his or her~~] such person's duty to retain proper documentation of all
43 improvements performed or any rent increases resulting from said
44 improvements.

45 § 9. This act shall take effect on the one hundred eightieth day after
46 it shall have become a law; provided that the amendments to sections
47 26-405 and 26-405.1 of the city rent and rehabilitation law made by
48 sections five and six of this act shall remain in full force and effect
49 only as long as the public emergency requiring the regulation and
50 control of residential rents and evictions continues, as provided in
51 subdivision 3 of section 1 of the local emergency housing rent control
52 act; and provided, further, that the amendments to sections 26-511 and
53 26-511.1 of chapter 4 of title 26 of the administrative code of the city
54 of New York made by sections three and four of this act shall expire on
55 the same date as such law expires and shall not affect the expiration of
56 such law as provided under section 26-520 of such law.

1

PART GG

2 Section 1. Subdivision 10 of section 292 of the executive law, as
3 added by chapter 340 of the laws of 1955, is amended to read as follows:

4 10. The term "housing accommodation" includes any building, structure,
5 or portion thereof which is used or occupied or is intended, arranged or
6 designed to be used or occupied, as the home, residence or sleeping
7 place of one or more human beings. The term "housing accommodation"
8 also includes any accessory dwelling unit, defined as any attached or a
9 detached residential dwelling unit that provides complete independent
10 living facilities for one or more persons which is located on a lot with
11 a proposed or existing primary residence and shall include permanent
12 provisions for living, sleeping, eating, cooking, and sanitation on the
13 same lot as the single-family or multi-family dwelling.

14 § 2. The real property tax law is amended by adding a new section
15 421-p to read as follows:

16 § 421-p. Exemption of capital improvements to residential new
17 construction involving the creation of accessory dwelling units. 1.
18 Residential buildings reconstructed, altered, improved, or newly
19 constructed in order to create one or more additional residential dwell-
20 ing units on the same parcel as a pre-existing residential building to
21 provide independent living facilities for one or more persons subsequent
22 to the effective date of a local law or resolution enacted pursuant to
23 this section shall be exempt from taxation and special ad valorem levies
24 to the extent provided hereinafter. After a public hearing, the govern-
25 ing board of a county, city, town or village may adopt a local law and a
26 school district, other than a school district subject to article fifty-
27 two of the education law, may adopt a resolution to grant the exemption
28 authorized pursuant to this section. A copy of such local law or resol-
29 ution shall be filed with the commissioner and the assessor of such
30 county, city, town or village who prepares the assessment roll on which
31 the taxes of such county, city, town, village or school district are
32 levied.

33 2. (a) Such buildings shall be exempt for a period of five years to
34 the extent of one hundred per centum of the increase in assessed value
35 thereof attributable to such reconstruction, alteration, improvement, or
36 new construction for such additional residential unit or units that
37 provide independent living facilities for one or more persons, and for
38 an additional period of five years subject to the following:

39 (i) The extent of such exemption shall be decreased by twenty-five per
40 centum of the "exemption base" for each of the first three years during
41 such additional period and shall be decreased by a further ten per
42 centum of the "exemption base" during each of the final two years of
43 such additional period. The exemption shall expire at the end of the
44 extended period. The "exemption base" shall be the increase in assessed
45 value as determined in the initial year of the term of the exemption,
46 except as provided in subparagraph (ii) of this paragraph.

47 (ii) In any year in which a change in level of assessment of fifteen
48 percent or more is certified for a final assessment roll pursuant to the
49 rules of the commissioner, the exemption base shall be multiplied by a
50 fraction, the numerator of which shall be the total assessed value of
51 the parcel on such final assessment roll (after accounting for any phys-
52 ical or quantity changes to the parcel since the immediately preceding
53 assessment roll), and the denominator of which shall be the total
54 assessed value of the parcel on the immediately preceding final assess-
55 ment roll. The result shall be the new exemption base. The exemption

1 shall thereupon be recomputed to take into account the new exemption
2 base, notwithstanding the fact that the assessor receives certification
3 of the change in level of assessment after the completion, verification
4 and filing of the final assessment roll. In the event the assessor does
5 not have custody of the roll when such certification is received, the
6 assessor shall certify the recomputed exemption to the local officers
7 having custody and control of the roll, and such local officers are
8 hereby directed and authorized to enter the recomputed exemption certi-
9 fied by the assessor on the roll. The assessor shall give written notice
10 of such recomputed exemption to the property owner, who may, if such
11 property owner believes that the exemption was recomputed incorrectly,
12 apply for a correction in the manner provided by title three of article
13 five of this chapter for the correction of clerical errors.

14 (iii) Such exemption shall be limited to two hundred thousand dollars
15 in increased market value of the property attributable to such recon-
16 struction, alteration, improvement, or new construction and any increase
17 in market value greater than such amount shall not be eligible for the
18 exemption pursuant to this section. For the purposes of this section,
19 the market value of the reconstruction, alteration, improvement, or new
20 construction as authorized by subdivision one of this section shall be
21 equal to the increased assessed value attributable to such recon-
22 struction, alteration, improvement, or new construction divided by the
23 class one ratio in a special assessing unit or the most recently estab-
24 lished state equalization rate or special equalization rate in the
25 remainder of the state, except where the state equalization rate or
26 special equalization rate equals or exceeds ninety-five percent, in
27 which case the increase in assessed value attributable to such recon-
28 struction, alteration, improvement, or new construction shall be deemed
29 to equal the market value of such reconstruction, alteration, improve-
30 ment, or new construction.

31 (b) No such exemption shall be granted for reconstruction, alter-
32 ations, improvements, or new construction unless:

33 (i) such reconstruction, alteration, improvement, or new construction
34 was commenced subsequent to the effective date of the local law or
35 resolution adopted pursuant to subdivision one of this section; and

36 (ii) the value of such reconstruction, alteration, improvement, or new
37 construction exceeds three thousand dollars; and

38 (iii) such reconstruction, alteration, improvement, or new
39 construction created one or more additional residential dwelling units
40 on the same parcel as the pre-existing residential building to provide
41 independent living facilities for one or more persons.

42 (c) For purposes of this section the terms reconstruction, alteration,
43 improvement, and new construction shall not include ordinary maintenance
44 and repairs.

45 3. Such exemption shall be granted only upon application by the owner
46 of such building on a form prescribed by the commissioner. The applica-
47 tion shall be filed with the assessor of the city, town, village or
48 county having the power to assess property for taxation on or before the
49 appropriate taxable status date of such city, town, village or county.

50 4. If satisfied that the applicant is entitled to an exemption pursu-
51 ant to this section, the assessor shall approve the application and such
52 building shall thereafter be exempt from taxation and special ad valorem
53 levies as herein provided commencing with the assessment roll prepared
54 on the basis of the taxable status date referred to in subdivision three
55 of this section. The assessed value of any exemption granted pursuant to
56 this section shall be entered by the assessor on the assessment roll

1 with the taxable property, with the amount of the exemption shown in a
2 separate column.

3 5. For the purposes of this section, a residential building shall mean
4 any building or structure designed and occupied exclusively for residen-
5 tial purposes by not more than two families.

6 6. In the event that a building granted an exemption pursuant to this
7 section ceases to be used primarily for residential purposes, or title
8 thereto is transferred to other than the heirs or distributees of the
9 owner, the exemption granted pursuant to this section shall cease.

10 7. (a) A county, city, town or village may, by its local law, or
11 school district, by its resolution:

12 (i) reduce the per centum of exemption otherwise allowed pursuant to
13 this section; and

14 (ii) limit eligibility for the exemption to those forms of recon-
15 struction, alterations, improvements, or new construction as are
16 prescribed in such local law or resolution.

17 (b) No such local law or resolution shall repeal an exemption granted
18 pursuant to this section until the expiration of the period for which
19 such exemption was granted.

20 § 3. This act shall take effect immediately and shall apply to assess-
21 ment rolls based on taxable status dates occurring on or after such
22 effective date.

23 PART HH

24 Section 1. The real property law is amended by adding a new article
25 6-A to read as follows:

26 ARTICLE 6-A
27 GOOD CAUSE EVICTION LAW

28 Section 210. Short title.

29 211. Definitions.

30 212. Applicability in the city of New York.

31 213. Voluntary participation by local governments outside the
32 city of New York.

33 214. Covered housing accommodations.

34 215. Necessity for good cause.

35 216. Grounds for removal of tenants.

36 217. Preservation of existing requirements of law.

37 218. Waiver of rights void.

38 § 210. Short title. This article shall be cited as the "good cause
39 eviction law".

40 § 211. Definitions. 1. The term "housing accommodation", as used in
41 this article shall mean any residential premises, including any residen-
42 tial premises located within a mixed-use residential premises.

43 2. The term "landlord" as used in this article shall mean any fee
44 owner, lessor, sublessor, assignor, court appointed receiver, or any
45 other person or entity receiving or entitled to receive rent for the
46 occupancy of any housing accommodation or an agent of any of the forego-
47 ing.

48 3. (a) The term "small landlord" as used in this article shall mean a
49 landlord of no more than (i) ten units in the state, or (ii) such other
50 number of units in the state designated by local law pursuant to para-
51 graph (b) of subdivision two of section two hundred thirteen of this
52 article.

53 (b) If a landlord is a single natural person, then that landlord is a
54 small landlord if they own or are a beneficial owner of, directly or

1 indirectly, in whole or in part, no more than the number of units estab-
2 lished pursuant to paragraph (a) of this subdivision; if there is more
3 than one natural person owner, then no one person may own or be a bene-
4 ficial owner of, directly or indirectly, in whole or in part, more than
5 the number of units established pursuant to paragraph (a) of this subdi-
6 vision.

7 (c) If a landlord is an entity, organized under the laws of this state
8 or of any other jurisdiction, then that landlord is a small landlord if
9 each natural person with a direct or indirect ownership interest in the
10 entity or any affiliated entity owns no more than the number of units
11 established pursuant to paragraph (a) of this subdivision. If an entity
12 cannot provide the names of all natural persons with a direct or indi-
13 rect ownership interest in the entity, such entity shall not qualify as
14 a small landlord.

15 4. The term "tenant" as used in this article shall mean a tenant,
16 sub-tenant, lessee, sublessee, or any other person entitled to the
17 lawful possession, use or occupancy of any housing accommodation. An
18 individual shall not be considered a tenant for the purposes of this
19 article if:

20 (a) no landlord-tenant relationship exists, as established pursuant to
21 any of the grounds set forth in section seven hundred thirteen of the
22 real property actions and proceedings law; or

23 (b) the individual is an occupant, as defined in paragraph (b) of
24 subdivision one of section two hundred thirty-five-f of this chapter,
25 who has not received the landlord's express or implied consent to use
26 the housing accommodation as their primary residence in exchange for
27 payment of rent.

28 5. The term "rent" as used in this article shall mean any consider-
29 ation, including any bonus, benefit or gratuity demanded or received for
30 or in connection with the possession, use or occupancy of housing accom-
31 modations or the execution or transfer of a lease for such housing
32 accommodations. The term "rent" shall not include any separate charges
33 for services, amenities or facilities which the tenant pays in addition
34 to rent, including but not limited to charges for fitness centers, park-
35 ing, storage, or facility rentals, provided that such charges are not
36 imposed or increased for the purposes of circumventing this article.

37 6. The term "disabled person" as used in this article shall mean a
38 person who has an impairment which results from anatomical, physiolog-
39 ical or psychological conditions, other than addiction to alcohol,
40 gambling, or any controlled substance, which are demonstrable by
41 medically acceptable clinical and laboratory diagnostic techniques, and
42 which are expected to be permanent and which substantially limit one or
43 more of such person's major life activities.

44 7. The term "inflation index" shall mean five percent plus the annual
45 percentage change in the consumer price index for all urban consumers
46 for all items as published by the United States bureau of labor statis-
47 tics for the region in which the housing accommodation is located, as
48 established for the most recent preceding calendar year as shall be
49 published by the division of housing and community renewal no later than
50 the first of August in any given year, provided further that for New
51 York city and any village, town, or city that adopts the provisions of
52 this article by local law pursuant to subdivision one of section two
53 hundred thirteen of this article in the counties of Dutchess, Nassau,
54 Orange, Putnam, Rockland, Suffolk, and Westchester, such consumer price
55 index shall be the New York-Newark-Jersey City, NY-NJ-PA consumer price
56 index, and provided further that for any other village, town, or city

1 that adopts the provisions of this article by local law pursuant to
2 subdivision one of section two hundred thirteen of this article, such
3 consumer price index shall be the Northeast Region consumer price index.

4 8. The term "local rent standard" shall mean a rent increase equal to
5 the inflation index or ten percent, whichever is lower.

6 § 212. Applicability in the city of New York. Upon the effective date
7 of this section, this article shall apply to the city of New York.

8 § 213. Voluntary participation by local governments outside the city
9 of New York. 1. Applicability. This article shall apply in any village,
10 town, or a city, other than the city of New York, that, acting through
11 its local legislative body, adopts the provisions of this article by
12 local law.

13 2. Opt-in by a village, town, or city, other than the city of New
14 York. A village, town, or city that adopts the provisions of this arti-
15 cle by local law pursuant to subdivision one of this section may:

16 (a) provide that any unit on or within a housing accommodation shall
17 be exempt from the provisions of this article if such unit has a monthly
18 rent above a percent of fair market rent, as published by the United
19 States department of housing and urban development and as shall be
20 published for each county in the state by the division of housing and
21 community renewal pursuant to subdivision fifteen of section two hundred
22 fourteen of this article, that shall be established in the local law
23 adopted pursuant to subdivision one of this section, provided that if
24 such local law does not establish such percent of fair market rent, any
25 unit on or within a housing accommodation with a monthly rent greater
26 than two hundred forty-five percent of such fair market rent shall be
27 exempt from the provisions of this article; and/or

28 (b) define "small landlord" as a landlord of no more than any number
29 of units in the state that the village, town, or city enacts by local
30 law, provided that if such local law does not define "small landlord," a
31 "small landlord" shall mean a landlord of no more than ten units in the
32 state.

33 3. Notwithstanding the foregoing provisions of this section, if a town
34 and a village within such town both adopt the provisions of this article
35 by local law pursuant to subdivision one of this section, the local law
36 adopted by such town shall not apply within the territorial limits of a
37 village within such town.

38 4. Nothing in this section shall permit a village, town, or city to
39 which this article applies to preempt or alter the terms and provisions
40 of this article within such village, town or city.

41 5. Within thirty days of receipt of a local law adopted pursuant to
42 subdivision one of this section, and filed with the department of state
43 pursuant to section twenty-seven of the municipal home rule law, the
44 department of state shall notify the division of housing and community
45 renewal of such adoption.

46 6. The division of housing and community renewal shall include in the
47 annual publication required pursuant to subdivision seven of section two
48 hundred eleven of this article a list including any village, town, or
49 city, other than the city of New York, as to which the division of hous-
50 ing and community renewal has received the notice from the department of
51 state required pursuant to subdivision five of this section indicating
52 that such village, town, or city has adopted a local law pursuant to
53 subdivision one of this section to apply the provisions of this article
54 within such village, town, or city. Such list shall include the name of
55 each village, town, or city that has adopted such a local law, the
56 applicable fair market rent threshold within such village, town, or city

1 for exemption from the provisions of this article established pursuant
2 to paragraph (a) of subdivision two of this section, and the applicable
3 definition of small landlord within such village, town, or city estab-
4 lished pursuant to paragraph (b) of subdivision two of this section.

5 § 214. Covered housing accommodations. Where this article applies, it
6 shall apply to all housing accommodations except a:

7 1. premises owned by a small landlord provided that in connection with
8 any eviction proceeding in which the landlord claims an exemption from
9 the provisions of this article on the basis of being a small landlord,
10 such landlord shall provide to the tenant or tenants subject to the
11 proceeding the name of each natural person who owns or is a beneficial
12 owner of, directly or indirectly, in whole or in part, the housing
13 accommodation at issue in the proceeding, the number of units owned,
14 jointly or separately, by each such natural person owner, and the
15 addresses of any such units, excluding each natural person owner's prin-
16 cipal residence; provided further that if the landlord is an entity,
17 organized under the laws of this state or of any other jurisdiction,
18 then such landlord shall provide to the tenant or tenants subject to the
19 proceeding the name of each natural person with a direct or indirect
20 ownership interest in such entity or any affiliated entity, the number
21 of units owned, jointly or separately, by each such natural person
22 owner, and the addresses of any such units, excluding each natural
23 person owner's principal residence;

24 2. owner-occupied housing accommodation with no more than ten units;

25 3. unit on or within a housing accommodation where such unit is sublet
26 pursuant to section two hundred twenty-six-b of this chapter, or other-
27 wise, where the sublessor seeks in good faith to recover possession of
28 such housing accommodation for their own personal use and occupancy;

29 4. unit on or within a housing accommodation where the possession, use
30 or occupancy of which is solely incident to employment and such employ-
31 ment is being or has been lawfully terminated;

32 5. unit on or within a housing accommodation where such unit is other-
33 wise subject to regulation of rents or evictions pursuant to local,
34 state or federal law, rule, or regulation;

35 6. unit on or within a housing accommodation where such unit must be
36 affordable to tenants at a specific income level pursuant to statute,
37 regulation, restrictive declaration, or pursuant to a regulatory agree-
38 ment with a local, state, or federal government entity;

39 7. unit on or within a housing accommodation owned as a condominium or
40 cooperative, or a unit on or within a housing accommodation subject to
41 an offering plan submitted to the office of the attorney general,
42 provided that nothing herein shall abrogate or otherwise limit any
43 rights or obligations a tenant residing in a unit within a condominium
44 or cooperative or a purchaser, owner, or offeror of a condominium or
45 cooperative unit has pursuant to any other state law;

46 8. housing accommodation for which a temporary or permanent certif-
47 icate of occupancy was issued on or after the first of January, two
48 thousand nine, for a period of time of thirty years following issuance
49 of such certificate;

50 9. unit on or within a housing accommodation that qualifies as a
51 seasonal use dwelling unit pursuant to subdivisions four and five of
52 section 7-108 of the general obligations law;

53 10. housing accommodation in a hospital as defined in subdivision one
54 of section twenty-eight hundred one of the public health law, continuing
55 care retirement community licensed pursuant to article forty-six or
56 forty-six-A of the public health law, assisted living residence licensed

1 pursuant to article forty-six-B of the public health law, adult care
2 facility licensed pursuant to article seven of the social services law,
3 senior residential community that have submitted an offering plan to the
4 attorney general, and not-for-profit independent retirement community
5 that offer personal emergency response, housekeeping, transportation and
6 meals to their residents;

7 11. manufactured home located on or in a manufactured home park as
8 defined in section two hundred thirty-three of the real property law;

9 12. hotel room or other transient use covered by the definition of a
10 class B multiple dwelling under subdivision nine of section four of the
11 multiple dwelling law, regardless of whether such use is located in a
12 jurisdiction in which the multiple dwelling law applies;

13 13. dormitory owned and operated by an institution of higher education
14 or a kindergarten and grades 1 to 12, inclusive, school;

15 14. housing accommodation within and for use by a religious facility
16 or institution; and

17 15. unit on or within a housing accommodation where the monthly rent
18 is greater than the percent of fair market rent established pursuant to
19 paragraph (a) of subdivision two of section two hundred thirteen of this
20 article in a local law of a village, town, or city, other than the city
21 of New York, adopting the provisions of this article pursuant to subdivi-
22 vision one of section two hundred thirteen of this article, or two
23 hundred forty-five percent of the fair market rent, provided that fair
24 market rent shall refer to the figure published by the United States
25 department of housing and urban development, for the county in which the
26 housing accommodation is located, as shall be published by the division
27 of housing and community renewal no later than the first of August in
28 any given year. The division of housing and community renewal shall
29 publish the fair market rent and two hundred forty-five percent of the
30 fair market rent for each unit type for which such fair market rent is
31 published by the United States department of housing and urban develop-
32 ment for each county in New York state in the annual publication
33 required pursuant to subdivision seven of section two hundred eleven of
34 this article.

35 § 215. Necessity for good cause. No landlord shall, by action to evict
36 or to recover possession, by exclusion from possession, by failure to
37 renew any lease, or otherwise, remove any tenant from housing accommo-
38 dations covered by section two hundred fourteen of this article except
39 for good cause as defined in section two hundred sixteen of this arti-
40 cle.

41 § 216. Grounds for removal of tenants. 1. No landlord shall remove a
42 tenant from any housing accommodation covered by section two hundred
43 fourteen of this article, or attempt such removal or exclusion from
44 possession, notwithstanding that the tenant has no written lease or that
45 the lease or other rental agreement has expired or otherwise terminated,
46 except upon order of a court of competent jurisdiction entered in an
47 appropriate judicial action or proceeding in which the petitioner or
48 plaintiff has established one of the following grounds as good cause for
49 removal or eviction:

50 (a) (i) The tenant has failed to pay rent due and owing, provided
51 however that the rent due and owing, or any part thereof, did not result
52 from a rent increase which is unreasonable. In determining whether all
53 or part of the rent due and owing is the result of an unreasonable rent
54 increase, it shall be a rebuttable presumption that the rent for a
55 dwelling not protected by rent regulation is unreasonable if said rent
56 has been increased in any calendar year, after the effective date of

1 this article, or after the effective date of the local law in any
2 village, town, or city that enacts such local law to apply this article
3 to such village, town, or city pursuant to subdivision one of section
4 two hundred thirteen of this article, by an amount greater than the
5 local rent standard, provided further that no rent increase less than or
6 equal to the local rent standard shall be deemed unreasonable.

7 (ii) Whenever a court considers whether a rent increase is unreason-
8 able, the court may consider all relevant facts, including but not
9 limited to a landlord's costs for fuel and other utilities, insurance,
10 and maintenance; but in all cases, the court shall consider the land-
11 lord's property tax expenses and any recent increases thereto; such
12 relevant facts also shall include whether the landlord, other than in
13 circumstances governed by paragraph (d) of this subdivision, seeks in
14 good faith to raise the rent upon a renewal lease to reflect completed
15 significant repairs to the housing accommodation, or to any other part
16 of the building or real property in which the housing accommodation is
17 located, provided that the landlord can establish that the repairs
18 constituted significant repairs and that such repairs did not result
19 from the landlord's failure to properly maintain the building or housing
20 accommodation, and provided further that for the purposes of this
21 subparagraph, "significantly repair" means the replacement or substan-
22 tial modification of any structural, electrical, plumbing, or mechanical
23 system that requires a permit from a governmental agency, or abatement
24 of hazardous materials, including lead-based paint, mold, or asbestos in
25 accordance with applicable federal, state, and local laws, and provided
26 further cosmetic improvements alone, including painting, decorating, and
27 minor repairs, do not qualify as significant repairs;

28 (b) The tenant is violating a substantial obligation of their tenancy
29 or breaching any of the landlord's rules and regulations governing said
30 premises, other than the obligation to surrender possession, and has
31 failed to cure such violation after written notice that the violation
32 cease within ten days of receipt of such written notice, provided howev-
33 er, that the obligation of tenancy for which violation is claimed was
34 not imposed for the purpose of circumventing the intent of this article
35 and provided such rules or regulations are reasonable and have been
36 accepted in writing by the tenant or made a part of the lease at the
37 beginning of the lease term;

38 (c) The tenant is committing or permitting a nuisance in such housing
39 accommodation, or elsewhere in the building or on the real property in
40 which the housing accommodation is located, or is maliciously or by
41 reason of gross negligence substantially damaging the housing accommo-
42 dation, or causing substantial damage elsewhere in the building or on
43 the real property in which the housing accommodation is located; or the
44 tenant's conduct is such as to interfere with the comfort and safety of
45 the landlord or other tenants or occupants of the same or another adja-
46 cent building or structure;

47 (d) Occupancy of the housing accommodation by the tenant is in
48 violation of or causes a violation of law and the landlord is subject to
49 civil or criminal penalties therefor; provided however that an agency of
50 the state or municipality having jurisdiction has issued an order
51 requiring the tenant to vacate the housing accommodation. No tenant
52 shall be removed from possession of a housing accommodation on such
53 ground unless the court finds that the cure of the violation of law
54 requires the removal of the tenant and that the landlord did not through
55 neglect or deliberate action or failure to act create the condition
56 necessitating the vacate order. In instances where the landlord does not

1 undertake to cure conditions of the housing accommodation causing such
2 violation of the law, the tenant shall have the right to pay or secure
3 payment in a manner satisfactory to the court, to cure such violation
4 provided that any tenant expenditures shall be applied against rent to
5 which the landlord is entitled. In instances where removal of a tenant
6 is absolutely essential to such tenant's health and safety, the removal
7 of the tenant shall be without prejudice to any leasehold interest or
8 other right of occupancy the tenant may have and the tenant shall be
9 entitled to resume possession at such time as the dangerous conditions
10 have been removed. Nothing herein shall abrogate or otherwise limit the
11 right of a tenant to bring an action for monetary damages against the
12 landlord or to otherwise compel compliance by the landlord with all
13 applicable state or municipal housing codes;

14 (e) The tenant is using or permitting the housing accommodation, or
15 elsewhere in the building or on the real property in which the housing
16 accommodation is located, to be used for an illegal purpose;

17 (f) The tenant has unreasonably refused the landlord access to the
18 housing accommodation for the purpose of making necessary repairs or
19 improvements required by law or for the purpose of showing the housing
20 accommodation to a prospective purchaser, mortgagee or other person
21 having a legitimate interest therein;

22 (g) The landlord seeks in good faith to recover possession of a hous-
23 ing accommodation for the landlord's own personal use and occupancy as
24 the landlord's principal residence, or the personal use and occupancy as
25 principal residence of the landlord's spouse, domestic partner, child,
26 stepchild, parent, step-parent, sibling, grandparent, grandchild,
27 parent-in-law or sibling-in-law, when no other suitable housing accommo-
28 dation in such building is available, provided that no judgment in favor
29 of the landlord may be granted pursuant to this paragraph unless the
30 landlord establishes good faith to recover possession of a housing
31 accommodation for the landlord's own personal use and occupancy as the
32 landlord's principal residence, or the personal use and occupancy as a
33 principal residence of the landlord's spouse, domestic partner, child,
34 stepchild, parent, step-parent, sibling, grandparent, grandchild,
35 parent-in-law or sibling-in-law, by clear and convincing evidence. This
36 paragraph shall not apply to a housing accommodation occupied by a
37 tenant who is sixty-five years of age or older or who is a disabled
38 person;

39 (h) The landlord in good faith seeks to demolish the housing accommo-
40 dation, provided that no judgment in favor of the landlord may be grant-
41 ed pursuant to this paragraph unless the landlord establishes good faith
42 to demolish the housing accommodation by clear and convincing evidence;

43 (i) The landlord seeks in good faith to withdraw a housing accommo-
44 dation from the housing rental market, provided that no judgment in
45 favor of the landlord may be granted pursuant to this paragraph unless
46 the landlord establishes good faith to withdraw the housing accommo-
47 dation from the housing rental market by clear and convincing evidence;
48 or

49 (j) The tenant fails to agree to reasonable changes to a lease at
50 renewal, including increases in rent that are not unreasonable as
51 defined in paragraph (a) of this subdivision, as long as written notice
52 of the changes to the lease were provided to the tenant at least thirty
53 days, but no more than ninety days, prior to the expiration of the
54 current lease.

55 2. A tenant required to surrender a housing accommodation by virtue of
56 the operation of paragraph (g), (h), or (i) of subdivision one of this

1 section shall have a cause of action in any court of competent jurisdic-
2 tion for damages, declaratory, and injunctive relief against a landlord
3 or purchaser of the premises who makes a fraudulent statement regarding
4 a proposed use, removal from the rental housing market, or demolition of
5 the housing accommodation. In any action or proceeding brought pursuant
6 to this subdivision a prevailing tenant shall be entitled to recovery of
7 actual damages, and reasonable attorneys' fees. Except as provided in
8 this subdivision, nothing in this article shall create a civil claim or
9 cause of action by a tenant against a landlord.

10 3. Nothing in this section shall abrogate or limit the tenant's right
11 pursuant to section seven hundred fifty-one of the real property actions
12 and proceedings law to permanently stay the issuance or execution of a
13 warrant or eviction in a summary proceeding, whether characterized as a
14 nonpayment, objectionable tenancy, or holdover proceeding, the underly-
15 ing basis of which is the nonpayment of rent, so long as the tenant
16 complies with the procedural requirements of section seven hundred
17 fifty-one of the real property actions and proceedings law where appli-
18 cable.

19 § 217. Preservation of existing requirements of law. No action shall
20 be maintainable and no judgment of possession shall be entered for hous-
21 ing accommodations pursuant to section two hundred sixteen of this arti-
22 cle, unless the landlord has complied with any and all applicable laws
23 governing such action or proceeding and has complied with any and all
24 applicable laws governing notice to tenants, including without limita-
25 tion the manner and the time of service of such notice and the contents
26 of such notice.

27 § 218. Waiver of rights void. Any agreement by a tenant heretofore or
28 hereinafter entered into in a written lease or other rental agreement
29 waiving or modifying their rights as set forth in this article shall be
30 void as contrary to public policy.

31 § 2. Paragraph (a) of subdivision 1 of section 226-c of the real prop-
32 erty law, as amended by chapter 789 of the laws of 2021, is amended to
33 read as follows:

34 (a) Whenever a landlord intends to offer to renew the tenancy of an
35 occupant in a residential dwelling unit with a rent increase equal to or
36 greater than five percent above the current rent, or the landlord does
37 not intend to renew the tenancy, the landlord shall provide written
38 notice as required in subdivision two of this section. The notice shall
39 append or contain the notice required pursuant to section two hundred
40 thirty-one-c of this article, which shall state the following: (i) if
41 the unit is or is not subject to article six-A of this chapter, the
42 "good cause eviction law", and if the unit is exempt, such notice shall
43 state why the unit is exempt from such law; (ii) if the landlord is not
44 renewing the lease for a unit subject to article six-A of this chapter,
45 the lawful basis for such non-renewal; and (iii) if the landlord is
46 increasing the rent upon an existing lease of a unit subject to article
47 six-A of this chapter above the applicable local rent standard, as
48 defined in subdivision eight of section two hundred eleven of this chap-
49 ter, the justification for such increase. If the landlord fails to
50 provide timely notice, the occupant's lawful tenancy shall continue
51 under the existing terms of the tenancy from the date on which the land-
52 lord gave actual written notice until the notice period has expired,
53 notwithstanding any provision of a lease or other tenancy agreement to
54 the contrary.

55 § 3. The real property law is amended by adding a new section 231-c to
56 read as follows:

1 § 231-c. Good cause eviction law notice. 1. A landlord as defined in
 2 subdivision two of section two hundred eleven of this chapter shall
 3 append to or incorporate into any initial lease, renewal lease, notice
 4 required pursuant to paragraph (a) of subdivision one of section two
 5 hundred twenty-six-c of this article, notice required pursuant to subdivi-
 6 vision two of section seven hundred eleven of the real property actions
 7 and proceedings law, or petition pursuant to section seven hundred forty
 8 one of the real property actions and proceedings law, the following
 9 notice:

10 NOTICE TO TENANT OF APPLICABILITY OR INAPPLICABILITY OF THE NEW YORK
 11 STATE GOOD CAUSE EVICTION LAW

12 This notice from your landlord serves to inform you of whether or not
 13 your unit/apartment/home is covered by the New York State Good Cause
 14 Eviction Law (Article 6-A of the Real Property Law) and, if applicable,
 15 the reason permitted under the New York State Good Cause Eviction Law
 16 that your landlord is not renewing your lease. Even if your apartment is
 17 not protected by Article 6-A, known as the New York State Good Cause
 18 Eviction Law, you may have other rights under other local, state, or
 19 federal laws and regulations concerning rents and evictions. This
 20 notice, which your landlord is required to fill out and give to you,
 21 does not constitute legal advice. You may wish to consult a lawyer if
 22 you have any questions about your rights under the New York State Good
 23 Cause Eviction Law or about this notice.

24 NOTICE (THIS SHOULD BE FILLED OUT BY YOUR LANDLORD)

25 UNIT INFORMATION

26 STREET:

27 _____
 28 UNIT OR APARTMENT NUMBER:

29 _____
 30 CITY/TOWN/VILLAGE:

31 _____
 32 STATE:

33 _____
 34 ZIP CODE:

35 _____
 36 1. IS THIS UNIT SUBJECT TO ARTICLE 6-A OF THE REAL PROPERTY LAW, KNOWN
 37 AS THE NEW YORK STATE GOOD CAUSE EVICTION LAW? (PLEASE MARK APPLICABLE
 38 ANSWER)

39 YES _____

40 NO _____

41 2. IF THE UNIT IS EXEMPT FROM ARTICLE 6-A OF THE REAL PROPERTY LAW,
 42 KNOWN AS THE NEW YORK STATE GOOD CAUSE EVICTION LAW, WHY IS IT EXEMPT
 43 FROM THAT LAW? (PLEASE MARK ALL APPLICABLE EXEMPTIONS)

44 A. Village/Town/City outside of New York City has not adopted good cause
 45 eviction under section 213 of the Real Property Law _____;

46 B. Unit is owned by a "small landlord," as defined in subdivision 3 of
 47 section 211 of the Real Property Law, who owns no more than 10 units for
 48 small landlords located in New York City or the number of units estab-
 49 lished as the maximum amount a "small landlord" can own in the state by
 50 a local law of a village, town, or city, other than New York City,
 51 adopting the provisions of Article 6-A of the Real Property Law, known
 52 as the New York State Good Cause Eviction Law, or no more than 10 units,
 53 as applicable. In connection with any eviction proceeding in which the
 54 landlord claims an exemption from the provisions of Article 6-A of the
 55 Real Property Law, known as the New York State Good Cause Eviction Law,
 56 on the basis of being a small landlord, the landlord shall provide to

1 the tenant or tenants subject to the proceeding the name of each natural
2 person who owns or is a beneficial owner of, directly or indirectly, in
3 whole or in part, the housing accommodation at issue in the proceeding,
4 the number of units owned, jointly or separately, by each such natural
5 person owner, and the addresses of any such units, excluding each
6 natural person owner's principal residence. If the landlord is an enti-
7 ty, organized under the laws of this state or of any other jurisdiction,
8 then such landlord shall provide to the tenant or tenants subject to the
9 proceeding the name of each natural person with a direct or indirect
10 ownership interest in such entity or any affiliated entity, the number
11 of units owned, jointly or separately, by each such natural person
12 owner, and the addresses of any such units, excluding each natural
13 person owner's principal residence (exemption under subdivision 1 of
14 section 214 of the Real Property Law) _____;

15 C. Unit is located in an owner-occupied housing accommodation with no
16 more than 10 units (exemption under subdivision 2 of section 214 of the
17 Real Property Law) _____;

18 D. Unit is subject to regulation of rents or evictions pursuant to
19 local, state, or federal law (exemption under subdivision 5 of section
20 214 of the Real Property Law) _____;

21 E. Unit must be affordable to tenants at a specific income level pursu-
22 ant to statute, regulation, restrictive declaration, or pursuant to a
23 regulatory agreement with a local, state, or federal government entity
24 (exemption under subdivision 6 of section 214 of the Real Property Law)
25 _____;

26 F. Unit is on or within a housing accommodation owned as a condominium
27 or cooperative, or unit is on or within a housing accommodation subject
28 to an offering plan submitted to the office of the attorney general
29 (exemption under subdivision 7 of section 214 of the Real Property Law)
30 _____;

31 G. Unit is in a housing accommodation that was issued a temporary or
32 permanent certificate of occupancy within the past 30 years (only if
33 building received the certificate on or after January 1st, 2009)
34 (exemption under subdivision 8 of section 214 of the Real Property Law)
35 _____;

36 H. Unit is a seasonal use dwelling unit under subdivisions 4 and 5 of
37 section 7-108 of the General Obligations Law (exemption under subdivi-
38 sion 9 of section 214 of the Real Property Law) _____;

39 I. Unit is in a hospital as defined in subdivision 1 of section 2801 of
40 the Public Health Law, continuing care retirement community licensed
41 pursuant to Article 46 or 46-A of the Public Health Law, assisted living
42 residence licensed pursuant to Article 46-B of the Public Health Law,
43 adult care facility licensed pursuant to Article 7 of the Social
44 Services Law, senior residential community that has submitted an offer-
45 ing plan to the attorney general, or not-for-profit independent retire-
46 ment community that offers personal emergency response, housekeeping,
47 transportation and meals to their residents (exemption under subdivision
48 10 of section 214 of the Real Property Law) _____;

49 J. Unit is a manufactured home located on or in a manufactured home park
50 as defined in section 233 of the Real Property Law (exemption under
51 subdivision 11 of section 214 of the Real Property Law) _____;

52 K. Unit is a hotel room or other transient use covered by the definition
53 of a class B multiple dwelling under subdivision 9 of section 4 of the
54 Multiple Dwelling Law (exemption under subdivision 12 of section 214 of
55 the Real Property Law) _____;

1 L. Unit is a dormitory owned and operated by an institution of higher
2 education or a school (exemption under subdivision 13 of section 214 of
3 the Real Property Law) _____;

4 M. Unit is within and for use by a religious facility or institution
5 (exemption under subdivision 14 of section 214 of the Real Property Law)
6 _____;

7 N. Unit has a monthly rent that is greater than the percent of fair
8 market rent established in a local law of a village, town, or city,
9 other than New York City, adopting the provisions of Article 6-A of the
10 Real Property Law, known as the New York Good Cause Eviction Law, or 245
11 percent of the fair market rent, as applicable. Fair market rent refers
12 to the figure published by the United States Department of Housing and
13 Urban Development, for the county in which the housing accommodation is
14 located, as shall be published by the Division of Housing and Community
15 Renewal no later than August 1st in any given year. The Division of
16 Housing and Community Renewal shall publish the fair market rent and 245
17 percent of the fair market rent for each unit type for which such fair
18 market rent is published by the United States Department of Housing and
19 Urban Development for each county in New York State in the annual publi-
20 cation required pursuant to subdivision 7 of section 211 of the Real
21 Property Law (exemption under subdivision 15 of section 214 of the Real
22 Property Law) _____;

23 3. IF THIS UNIT IS SUBJECT TO ARTICLE 6-A OF THE REAL PROPERTY LAW,
24 KNOWN AS THE NEW YORK STATE GOOD CAUSE EVICTION LAW, AND THIS NOTICE
25 SERVES TO INFORM A TENANT THAT THE LANDLORD IS INCREASING THE RENT ABOVE
26 THE THRESHOLD FOR PRESUMPTIVELY UNREASONABLE RENT INCREASES, WHAT IS THE
27 LANDLORD'S JUSTIFICATION FOR INCREASING THE RENT ABOVE THE THRESHOLD FOR
28 PRESUMPTIVELY UNREASONABLE RENT INCREASES? (A rent increase is presump-
29 tively unreasonable if the increase from the prior rent is greater than
30 the lower of: (a) 5 percent plus the annual percentage change in the
31 consumer price index for all urban consumers for all items as published
32 by the United States Bureau of Labor Statistics for the region in which
33 the housing accommodation is located, as published not later than August
34 1st of each year by the Division of Housing and Community Renewal; or
35 (b) 10 percent.) (PLEASE MARK AND FILL OUT THE APPLICABLE RESPONSE)

36 A. The rent is not being increased above the threshold for presumptively
37 unreasonable rent increases described above: _____;

38 B. The rent is being increased above the threshold for presumptively
39 unreasonable rent increases described above: _____;

40 B-1: If the rent is being increased above the threshold for presump-
41 tively unreasonable rent increases described above, what is the justifica-
42 tion for the increase:

43 _____
44 _____
45 _____
46 _____

47 4. IF THIS UNIT IS SUBJECT TO ARTICLE 6-A OF THE REAL PROPERTY LAW,
48 KNOWN AS THE NEW YORK STATE GOOD CAUSE EVICTION LAW, AND THIS NOTICE
49 SERVES TO INFORM A TENANT THAT THE LANDLORD IS NOT RENEWING A LEASE,
50 WHAT IS THE GOOD CAUSE FOR NOT RENEWING THE LEASE? (PLEASE MARK ALL
51 APPLICABLE REASONS)

52 A. This unit is exempt from Article 6-A of the Real Property Law, known
53 as the New York State Good Cause Eviction Law, for the reasons stated in
54 response to question 2, above (IF THIS ANSWER IS CHECKED, NO OTHER
55 ANSWERS TO THIS QUESTION SHOULD BE CHECKED): _____;

1 B. The tenant is receiving this notice in connection with a first lease
2 or a renewal lease, so the landlord does not need to check any of the
3 lawful reasons listed below for not renewing a lease under Article 6-A
4 of the Real Property Law, known as the New York State Good Cause
5 Eviction Law (IF THIS ANSWER IS CHECKED, NO OTHER ANSWERS TO THIS QUES-
6 TION SHOULD BE CHECKED) _____;

7 C. The landlord is not renewing the lease because the unit is sublet and
8 the sublessor seeks in good faith to recover possession of the unit for
9 their own personal use and occupancy (exemption under subdivision 3 of
10 section 214 of the Real Property Law): _____;

11 D. The landlord is not renewing the lease because the possession, use or
12 occupancy of the unit is solely incident to employment and the employ-
13 ment is being or has been lawfully terminated (exemption under subdivi-
14 sion 4 of section 214 of the Real Property Law): _____;

15 E. The landlord is not renewing the lease because the tenant has failed
16 to pay rent due and owing, and the rent due or owing, or any part there-
17 of, did not result from a rent increase which is unreasonable. A rent
18 increase is presumptively unreasonable if the increase from the prior
19 rent is greater than the lower of: (a) 5 percent plus the annual
20 percentage change in the consumer price index for all urban consumers
21 for all items as published by the United States Bureau of Labor Statis-
22 tics for the region in which the housing accommodation is located, as
23 published not later than August 1st of each year by the Division of
24 Housing and Community Renewal; or (b) 10 percent (good cause for
25 eviction under paragraph a of subdivision 1 of section 216 of the Real
26 Property Law): _____;

27 F. The landlord is not renewing the lease because the tenant is violat-
28 ing a substantial obligation of their tenancy or breaching any of the
29 landlord's rules and regulations governing the premises, other than the
30 obligation to surrender possession of the premises, and the tenant has
31 failed to cure the violation after written notice that the violation
32 must cease within 10 days of receipt of the written notice. For this
33 good cause to apply, the obligation the tenant violated cannot be an
34 obligation that was imposed for the purpose of circumventing the intent
35 of Article 6-A of the Real Property Law, known as the New York State
36 Good Cause Eviction Law. The landlord's rules or regulations that the
37 tenant has violated also must be reasonable and have been accepted in
38 writing by the tenant or made a part of the lease at the beginning of
39 the lease term (good cause for eviction under paragraph b of subdivision
40 1 of section 216 of the Real Property Law): _____;

41 G. The landlord is not renewing the lease because the tenant is either
42 (a) committing or permitting a nuisance on the unit or the premises; (b)
43 maliciously or grossly negligently causing substantial damage to the
44 unit or the premises; (c) interfering with the landlord's, another
45 tenant's, or occupants of the same or an adjacent building or struc-
46 ture's comfort and safety (good cause for eviction under paragraph c of
47 subdivision 1 of section 216 of the Real Property Law): _____;

48 H. The landlord is not renewing the lease because the tenant's occupancy
49 of the unit violates law and the landlord is subject to civil or crimi-
50 nal penalties for continuing to let the tenant occupy the unit. For this
51 good cause to apply, a state or municipal agency having jurisdiction
52 must have issued an order requiring the tenant to vacate the unit. No
53 tenant shall be removed from possession of a unit on this basis unless
54 the court finds that the cure of the violation of law requires the
55 removal of the tenant and that the landlord did not, through neglect or
56 deliberate action or failure to act, create the condition necessitating

1 the vacate order. If the landlord does not try to cure the conditions
2 causing the violation of the law, the tenant has the right to pay or
3 secure payment, in a manner satisfactory to the court, to cure the
4 violation. Any tenant expenditures to cure the violation shall be
5 applied against rent owed to the landlord. Even if removal of a tenant
6 is absolutely essential to the tenant's health and safety, the tenant
7 shall be entitled to resume possession at such time as the dangerous
8 conditions have been removed. The tenant also retains the right to
9 bring an action for monetary damages against the landlord or to other-
10 wise compel the landlord to comply with all applicable state or municip-
11 al housing codes (good cause for eviction under paragraph d of subdivi-
12 sion 1 of section 216 of the Real Property Law): _____;

13 I. The landlord is not renewing the lease because the tenant is using or
14 permitting the unit or premises to be used for an illegal purpose (good
15 cause for eviction under paragraph e of subdivision 1 of section 216 of
16 the Real Property Law): _____;

17 J. The landlord is not renewing the lease because the tenant has unrea-
18 sonably refused the landlord access to the unit for the purposes of
19 making necessary repairs or improvements required by law or for the
20 purposes of showing the premises to a prospective purchaser, mortgagee,
21 or other person with a legitimate interest in the premises (good cause
22 for eviction under paragraph f of subdivision 1 of section 216 of the
23 Real Property Law): _____;

24 K. The landlord is not renewing the lease because the landlord seeks in
25 good faith to recover possession of the unit for the landlord's personal
26 use and occupancy as the landlord's principal residence, or for the
27 personal use and occupancy as a principal residence by the landlord's
28 spouse, domestic partner, child, stepchild, parent, step-parent,
29 sibling, grandparent, grandchild, parent-in-law, or sibling-in-law. The
30 landlord can only recover the unit for these purposes if there is no
31 other suitable housing accommodation in the building that is available.
32 Under no circumstances can the landlord recover the unit for these
33 purposes if the tenant is (a) 65 years old or older; or (b) a "disabled
34 person" as defined in subdivision 6 of section 211 of the Real Property
35 Law. To establish this good cause in an eviction proceeding, the land-
36 lord must establish good faith to recover possession of a housing accom-
37 modation for the uses described herein by clear and convincing evidence
38 (good cause for eviction under paragraph g of subdivision 1 of section
39 216 of the Real Property Law): _____;

40 L. The landlord is not renewing the lease because the landlord in good
41 faith seeks to demolish the housing accommodation. To establish this
42 good cause in an eviction proceeding, the landlord must establish good
43 faith to demolish the housing accommodation by clear and convincing
44 evidence (good cause for eviction under paragraph h of subdivision 1 of
45 section 216 of the Real Property Law): _____;

46 M. The landlord is not renewing the lease because the landlord seeks in
47 good faith to withdraw the unit from the housing rental market. To
48 establish this good cause in an eviction proceeding, the landlord must
49 establish good faith to withdraw the unit from the rental housing market
50 by clear and convincing evidence (good cause for eviction under para-
51 graph i of subdivision 1 of section 216 of the Real Property Law): _____;

52 N. The landlord is not renewing the lease because the tenant has failed
53 to agree to reasonable changes at lease renewal, including reasonable
54 increases in rent, and the landlord gave written notice of the changes
55 to the lease to the tenant at least 30 days, but no more than 90 days,
56 before the current lease expired. A rent increase is presumptively

1 unreasonable if the increase from the prior rent is greater than the
2 lower of: (a) 5 percent plus the annual percentage change in the consum-
3 er price index for all urban consumers for all items as published by the
4 United States Bureau of Labor Statistics for the region in which the
5 housing accommodation is located, as published by August 1st of each
6 year by the Division of Housing and Community Renewal; or (b) 10 percent
7 (good cause for eviction under paragraph j of subdivision 1 of section
8 216 of the Real Property Law): .

9 § 4. Subdivision 2 of section 711 of the real property actions and
10 proceedings law, as amended by section 12 of part M of chapter 36 of the
11 laws of 2019, is amended to read as follows:

12 2. The tenant has defaulted in the payment of rent, pursuant to the
13 agreement under which the premises are held, and a written demand of the
14 rent has been made with at least fourteen days' notice requiring, in the
15 alternative, the payment of the rent, or the possession of the premises,
16 has been served upon [~~him~~] the tenant as prescribed in section seven
17 hundred thirty-five of this article. The fourteen-day notice shall
18 append or contain the notice required pursuant to section two hundred
19 thirty-one-c of the real property law, which shall state the following:
20 (i) if the premises are or are not subject to article six-A of the real
21 property law, the "good cause eviction law", and if the premises are
22 exempt, such notice shall state why the premises are exempt from such
23 law; (ii) if the landlord is not renewing the lease for a unit subject
24 to article six-A of the real property law, the lawful basis for such
25 non-renewal; and (iii) if the landlord is increasing the rent upon an
26 existing lease of a unit subject to article six-A of the real property
27 law above the applicable local rent standard, as defined in subdivision
28 eight of section two hundred eleven of the real property law, the justi-
29 fication for such increase. Any person succeeding to the landlord's
30 interest in the premises may proceed under this subdivision for rent due
31 [~~his~~] such person's predecessor in interest if [~~he has~~] such person has
32 a right thereto. Where a tenant dies during the term of the lease and
33 rent due has not been paid and the apartment is occupied by a person
34 with a claim to possession, a proceeding may be commenced naming the
35 occupants of the apartment seeking a possessory judgment only as against
36 the estate. Entry of such a judgment shall be without prejudice to the
37 possessory claims of the occupants, and any warrant issued shall not be
38 effective as against the occupants.

39 § 5. Section 741 of the real property actions and proceedings law is
40 amended by adding two new subdivisions 5-a and 5-b to read as follows:

41 5-a. Append or incorporate the notice required pursuant to section
42 two hundred thirty-one-c of the real property law, which shall state the
43 following: (i) if the premises are or are not subject to article six-A
44 of the real property law, the "good cause eviction law", and if the
45 premises are exempt, such petition shall state why the premises are
46 exempt from such law; (ii) if the landlord is not renewing the lease for
47 a unit subject to article six-A of the real property law, the lawful
48 basis for such non-renewal; and (iii) if the landlord is increasing the
49 rent upon an existing lease of a unit subject to article six-A of the
50 real property law above the applicable local rent standard, as defined
51 in subdivision eight of section two hundred eleven of the real property
52 law, the justification for such increase.

53 5-b. If the petitioner claims exemption from the provisions of article
54 six-A of the real property law pursuant to subdivision one of section
55 two hundred fourteen of the real property law, append or incorporate the

1 information required pursuant to subdivision one of section two hundred
2 fourteen of the real property law.

3 § 6. Severability. If any provision of this act, or any application of
4 any provision of this act, is held to be invalid, that shall not affect
5 the validity or effectiveness of any other provision of this act, or of
6 any other application of any provision of this act, which can be given
7 effect without that provision or application; and to that end, the
8 provisions and applications of this act are severable.

9 § 7. This act shall take effect immediately and shall apply to actions
10 and proceedings commenced on or after such effective date; provided,
11 however, that:

12 (a) sections two, three, four, and five of this act shall take effect
13 on the one hundred twentieth day after this act shall have become a law;

14 (b) this act shall expire and be deemed repealed on June 15, 2034; and

15 (c) any local law as may be enacted pursuant to subdivision 1 of 213
16 of article 6-A of the real property law established by section one of
17 this act shall remain in full force and effect only until June 15, 2034.

18 Effective immediately, the addition, amendment, and/or repeal of any
19 rule or regulation necessary for the implementation of this act on its
20 effective date are authorized to be made and completed on or before such
21 date.

22 PART II

23 Section 1. The opening paragraph of section 711 of the real property
24 actions and proceedings law, as amended by section 12 of part M of chap-
25 ter 36 of the laws of 2019, is amended to read as follows:

26 A tenant shall include an occupant of one or more rooms in a rooming
27 house or a resident, not including a transient occupant, of one or more
28 rooms in a hotel who has been in possession for thirty consecutive days
29 or longer. A tenant shall not include a squatter. For the purposes of
30 this section, a squatter is a person who enters onto or intrudes upon
31 real property without the permission of the person entitled to
32 possession, and continues to occupy the property without title, right or
33 permission of the owner or owner's agent or a person entitled to
34 possession. In the event of a conflict between the provisions regarding
35 squatters of this section and the provisions of subdivision three of
36 section seven hundred thirteen of this article, the provisions of
37 section seven hundred thirteen of this article shall be controlling. No
38 tenant or lawful occupant of a dwelling or housing accommodation shall
39 be removed from possession except in a special proceeding. A special
40 proceeding may be maintained under this article upon the following
41 grounds:

42 § 2. This act shall take effect immediately.

43 PART JJ

44 Section 1. Section 421-a of the real property tax law is amended by
45 adding a new subdivision 18 to read as follows:

46 18. (a) For the purposes of this subdivision:

47 (i) "Agency" shall have the same meaning as in subparagraph (xvi) of
48 paragraph (a) of subdivision sixteen of this section.

49 (ii) "Audit" shall mean any audit of an eligible property performed by
50 the agency under the program created by the agency pursuant to paragraph
51 (b) of this subdivision.

1 (iii) "Eligible property" shall mean any eligible multiple dwelling
 2 that was granted benefits under the Affordable New York Housing Program
 3 pursuant to this section, and any previous iteration of such tax benefit
 4 program, on or after January first, two thousand fourteen, and was
 5 subject to rent registration, affordability, and/or rent stabilization
 6 requirements pursuant to this section on or after January first, two
 7 thousand fourteen.

8 (b) The agency shall create a program to annually audit and review
 9 eligible properties to confirm that owners of eligible properties are
 10 complying with the rent registration, affordability, and rent stabiliza-
 11 tion requirements of the applicable subdivision of this section. Any
 12 owner of an eligible property subject to an audit shall provide any and
 13 all information, data, or documentation within such owner's or an agent
 14 of such owner's reasonable possession or control to the agency which the
 15 agency requests, in such form or manner as the agency requests, in order
 16 to complete an audit. The division of housing and community renewal and
 17 the New York city department of finance shall cooperate with the agency
 18 to provide such information within their reasonable possession and
 19 control to the agency as the agency may request, in such form or manner
 20 as the agency requests, to carry out an audit. The initial audit shall
 21 be completed on or before December thirty-first, two thousand twenty-
 22 five. The agency shall publish the results of the audit annually on or
 23 before December thirty-first and shall make the results of any audit
 24 publicly available on the agency's website. No more than twenty-five
 25 percent of eligible properties shall be subject to an audit each year,
 26 and no eligible property shall be subject to an audit in two consecutive
 27 audits. The agency shall select properties for an audit through a
 28 randomized process to be established and implemented by the agency. Only
 29 eligible properties that received benefits and were subject to afforda-
 30 bility, rent stabilization, and/or rent registration requirements during
 31 the prior year shall be considered eligible.

32 (c) (i) If an audit finds that any owner of an eligible property is
 33 not in compliance with the rent registration, affordability, or rent
 34 stabilization requirements of the applicable subdivision of this
 35 section, the agency shall, where necessary for enforcement, present
 36 evidence of such noncompliance to the division of housing and community
 37 renewal and the New York city department of finance of such noncompli-
 38 ance no later than fifteen days after the results of the audit have been
 39 published on the agency's website.

40 (ii) The agency, the division of housing and community renewal, and
 41 the New York city department of finance may enforce any noncompliance
 42 with the rent registration, affordability, and rent stabilization
 43 requirements of the applicable subdivision of this section that are
 44 identified pursuant to an audit as authorized under this section or any
 45 other law, rule, or regulation.

46 § 2. This act shall take effect immediately.

47 PART KK

48 Section 1. The private housing finance law is amended by adding a new
 49 article 32 to read as follows:

50 ARTICLE 32

51 NEW YORK HOUSING FOR THE FUTURE HOMEOWNERSHIP AND RENTAL HOUSING
 52 PROGRAMS

53 Section 1290. New York housing for the future homeownership program.
 54 1291. New York housing for the future rental housing program.

1 § 1290. New York housing for the future homeownership program. 1.
2 Program establishment. Within amounts appropriated or otherwise avail-
3 able therefor, the division of housing and community renewal, the hous-
4 ing trust fund corporation, or the housing finance agency shall develop
5 and administer a program which shall provide assistance in the form of
6 payments, grants and loans for the formation of limited equity cooper-
7 ative housing utilizing funding appropriated for such a purpose as well
8 as any other funding source or sources which the commissioner may deter-
9 mine is suitable to support such a program. Such program may utilize any
10 appropriate site, including, but not limited to, state owned sites,
11 municipally owned sites, or sites owned by a not-for-profit corporation
12 or community land trust for the purpose of providing housing pursuant to
13 this section. Real property may be acquired by a municipality for the
14 purpose of such program as authorized pursuant to section five hundred
15 seventy-six-a of this chapter, provided, however, that any acquisitions
16 or transfers undertaken to further the goals of this article pursuant to
17 such section shall not be required to be transferred to a housing devel-
18 opment fund company incorporated and organized pursuant to section five
19 hundred seventy-three of this chapter. Such program shall provide (a)
20 housing for households with an income up to one hundred and thirty
21 percent of area median income at the time of purchase, provided further
22 that households that are initially eligible for the program at the time
23 of purchase but realize income gains subsequent to purchase may be
24 required to pay a surcharge as determined by the division of housing and
25 community renewal or other supervising agency, as the case may be, (b) a
26 process in which households shall have the ability to accrue equity over
27 time, and (c) that housing units created pursuant to this section remain
28 affordable in perpetuity. The commissioner may also assist prospective
29 homebuyers to identify funding sources that provide low interest loans
30 to prospective homebuyers.

31 2. Additional responsibilities. The division of housing and community
32 renewal, the housing trust fund corporation, or the housing finance
33 agency shall have the power to issue regulations, plans, guidance docu-
34 ments, or set terms in regulatory agreements to implement such program
35 and the process for:

36 (a) homebuyers obtaining a new unit which shall include both confirm-
37 ing income qualifications as well as a restriction on the maximum amount
38 of assets any qualified homebuyer may have;

39 (b) selling shares in the cooperative in such a way as the affordabil-
40 ity of the cooperative is maintained while allowing households to gain
41 equity over time;

42 (c) prohibiting the use of a fixed percentage appreciation cap for the
43 purposes of determining an allowable sales price for shares in the coop-
44 erative;

45 (d) selecting new households eligible to purchase housing which has
46 been vacated by a previous owner; and

47 (e) the creation of boards of directors for such limited profit hous-
48 ing companies established by this chapter, provided however that such
49 boards shall have the powers and be subject to the limitations contained
50 in the not-for-profit corporation law in the same manner and subject to
51 the same exceptions as set forth in section thirteen-a of the this chap-
52 ter.

53 3. Management. All such housing projects shall be managed independent-
54 ly of the residents of the project by a corporation or not-for-profit
55 corporation determined qualified by the division of housing and communi-
56 ty renewal or other supervising agency, as the case may be, provided

1 further that the board of the limited equity cooperative housing corpo-
2 ration shall have oversight over such qualified corporation or not-for-
3 profit corporation in accordance with standards or guidelines set by the
4 division of housing and community renewal or other supervising agency,
5 as the case may be. Any regulatory agreement that is executed for such
6 program shall include a requirement that resident maintenance fees
7 increase by a minimum percentage annually to ensure that such housing
8 continues to be in good repair.

9 4. Tax exemptions. Housing for such program shall be eligible for tax
10 exemptions in the same manner as projects under article eleven of this
11 chapter.

12 5. Wage requirements. Notwithstanding any law, rule, or regulation to
13 the contrary, any project constructed pursuant to this section shall be
14 subject to prevailing wage requirements in accordance with sections two
15 hundred twenty and two hundred twenty-b of the labor law; provided,
16 however, such requirements shall not apply to construction work
17 performed under a pre-hire collective bargaining agreement between an
18 owner or developer and a bona fide building and construction trade labor
19 organization which has established itself and/or its affiliates as the
20 collective bargaining representative for all persons who will perform
21 work on such a project, and which provides that only contractors and
22 subcontractors who sign a pre-negotiated agreement with the labor organ-
23 ization can perform work on such a project.

24 § 1291. New York housing for the future rental housing program. 1.
25 Program establishment. Within amounts appropriated or otherwise avail-
26 able therefor, the division of housing and community renewal, the hous-
27 ing trust fund corporation, or the housing finance agency shall develop
28 and administer a program which shall provide assistance in the form of
29 payments, grants and loans for the formation of income-limited rental
30 housing utilizing funding appropriated for such a purpose as well as any
31 other funding source or sources which the commissioner may determine is
32 suitable to support such a program. Such program may utilize any appro-
33 priate site, including, but not limited to, state owned sites, municipi-
34 ally owned sites, or sites owned by a not-for-profit corporation or
35 community land trust for the purpose of providing housing pursuant to
36 this section. Real property may be acquired by a municipality for the
37 purpose of such program as authorized pursuant to section five hundred
38 seventy-six-a of this chapter, provided, however, that any acquisitions
39 or transfers undertaken to further the goals of this article pursuant to
40 such section shall not be required to be transferred to a housing devel-
41 opment fund company incorporated and organized pursuant to section five
42 hundred seventy-three of this chapter. Such program shall provide (a)
43 housing for households with an income up to one hundred and thirty
44 percent of area median income at the time such household initially occu-
45 pies a unit, provided further that households that are initially eligi-
46 ble for the program at the time such household initially occupies a unit
47 but realize income gains subsequent to occupying such unit may be
48 required to pay a surcharge as determined by the division of housing and
49 community renewal or other supervising agency, as the case may be, and
50 (b) that housing units created pursuant to this section remain afforda-
51 ble in perpetuity.

52 2. Additional responsibilities. The division of housing and community
53 renewal, the housing trust fund corporation, or the housing finance
54 agency shall have the power to issue regulations, plans, guidance docu-
55 ments, or set terms in regulatory agreements to implement such program
56 and the process for: (a) renters leasing a unit which shall include

1 both confirming income qualifications as well as a restriction on the
2 maximum amount of assets any qualified renter may have; (b) selecting
3 new households eligible to rent housing which has been vacated by a
4 previous renter; and (c) the creation of boards of directors for such
5 income-limited rental housing companies established by this chapter,
6 provided however that such boards shall have the powers and be subject
7 to the limitations contained in the not-for-profit corporation law in
8 the same manner and subject to the same exceptions as set forth in
9 section thirteen-a of this chapter.

10 3. Management. All such income-limited rental housing projects shall
11 be managed independently of the residents of the project by a corpo-
12 ration or not-for-profit corporation determined qualified by the divi-
13 sion of housing and community renewal or other supervising agency, as
14 the case may be, in accordance with standards or guidelines set by the
15 division of housing and community renewal or other supervising agency,
16 as the case may be. Any regulatory agreement that is executed for such
17 program shall include a requirement that resident rent increases by a
18 minimum percentage annually to ensure that such housing continues to be
19 in good repair.

20 4. Tax exemptions. Housing for such program shall be eligible for tax
21 exemptions in the same manner as projects under article eleven of this
22 chapter.

23 5. Wage requirements. Notwithstanding any law, rule, or regulation to
24 the contrary, any project constructed pursuant to this section shall be
25 subject to prevailing wage requirements in accordance with sections two
26 hundred twenty and two hundred twenty-b of the labor law; provided,
27 however, such requirements shall not apply to construction work
28 performed under a pre-hire collective bargaining agreement between an
29 owner or developer and a bona fide building and construction trade labor
30 organization which has established itself and/or its affiliates as the
31 collective bargaining representative for all persons who will perform
32 work on such a project, and which provides that only contractors and
33 subcontractors who sign a pre-negotiated agreement with the labor organ-
34 ization can perform work on such a project.

35 § 2. This act shall take effect immediately.

36 PART LL

37 Section 1. This act shall be known and may be cited as the "Doctor
38 John L. Flateau Voting and Elections Database of New York Act".

39 § 2. The election law is amended by adding a new section 3-112 to read
40 as follows:

41 § 3-112. State board of elections; uniform standards for processing
42 data requests and duty to send data and information to statewide data-
43 base. 1. For the purposes of this section the term "election authority"
44 shall mean any local government entity primarily responsible for main-
45 taining the records listed in this section, including, but not limited
46 to, any county or city board of elections, or any county, city, town,
47 village, or school district that administers their own elections or
48 maintain their own voting and election records.

49 1-a. There is hereby established within the state board of elections
50 the New York voting and elections database. Such database shall be a
51 central repository of certain elections and voting data available to the
52 public from an election authority in the state. The state board of
53 elections shall collect, host, and maintain in an electronic format

1 records provided to the state board of elections pursuant to this
2 section. Such records shall be maintained for at least twelve years.

3 1-b. The state board of elections, shall promulgate regulations within
4 one hundred eighty days of the effective date of this section on data
5 standards for the method of processing and transmitting records required
6 to be provided pursuant to this section. Such data standards promulgated
7 by the state board of elections pursuant to this subdivision shall:

8 (a) be consistent with any relevant standards, guidelines, or guidance
9 developed by the national institute of standards and technology, the
10 election assistance commission, or the cybersecurity and infrastructure
11 security agency; and

12 (b) apply to every election authority in the state.

13 2. Upon the certification of election results and the completion of
14 the voter history file after every election, each election authority
15 shall, by January first after such election, or within ten business
16 days, whichever is later, transmit to the state board of elections, if
17 such election authority is able to maintain the record, copies of: (a)
18 election results at the election district level for every statewide
19 election and every election in every political subdivision; (b) contem-
20 poraneous voter registration lists; (c) voter history files; (d) maps or
21 other documentation of the configuration of districts in any format or
22 formats as specified by the state board of elections; (e) tabulations of
23 the number of valid and invalid affidavit ballots, the reasons for which
24 affidavit ballots were invalid, and the quantity and disposition of
25 affidavit ballots subject to the cure procedure prescribed by subdivi-
26 sion three of section 9-209 of this chapter; (f) tabulations of the
27 number of valid and invalid absentee ballots, the reasons for which
28 absentee ballots were invalid and the quantity of absentee ballots
29 invalid for each such reason, and the quantity and disposition of absen-
30 tee ballots subject to the cure procedure prescribed by subdivision
31 three of section 9-209 of this chapter; (g) lists of election day poll
32 sites and early voting sites and maps or other documentation of the
33 configuration of districts in any format or formats as specified by the
34 state board of elections of the election districts assigned to each
35 election day poll site or early voting site; (h) adopted districting or
36 redistricting plans for every election in every political subdivision;
37 and (i) any other publicly available data as requested by the state
38 board of elections. Nothing in this section shall be construed to
39 require an election authority to create or otherwise provide a record it
40 is not capable of collecting. Within sixty days of receipt of records
41 pursuant to this section, the New York voting and elections database
42 shall post such records to its public facing website, provided that
43 individual voter registration records shall not be published, but only
44 made available to the public upon request pursuant to subdivision five
45 of section 3-103 of the election law. No cost shall be charged to access
46 such records.

47 3. The state board of elections shall provide the attorney general
48 with access to copies of the non-confidential fields of the statewide
49 voter database or any similar successor statewide voter registration
50 database upon request, in a single tabular data file in a common,
51 machine readable format that can be readily accessed and analyzed.

52 4. Every six months, the state board of elections shall determine
53 which election authorities have failed to transmit records to the state
54 board of elections pursuant to this section and shall publish a list of
55 such election authorities. Upon publication of the list, an election
56 authority that failed to transmit records to the state board of

1 elections pursuant to this section shall have a cure period of ten busi-
2 ness days to come into compliance or provide to the state board of
3 elections an adequate reason the authority is not capable of transmit-
4 ting such records. The state board of elections may determine an
5 adequate reason for non-compliance pursuant to its rules and regu-
6 lations. If after ten business days, the election authority has taken no
7 action to cure its non-compliance the state board of elections or the
8 attorney general may file an action against such election authority to
9 enforce compliance with the requirements of this section.

10 § 3. The civil practice law and rules is amended by adding a new rule
11 4551 to read as follows:

12 Rule 4551. New York voting and elections database. The data, informa-
13 tion, and/or estimates maintained by the New York voting and elections
14 database within the state board of elections or copies of such data,
15 information and/or estimates provided to the attorney general pursuant
16 to subdivision three of section 3-112 of the election law shall be
17 granted a rebuttable presumption of validity by any court concerning any
18 claim brought.

19 § 4. The education law is amended by adding a new section 2614 to read
20 as follows:

21 § 2614. Transmission of publicly available data to the New York voting
22 and elections database. Upon the certification of election results and
23 the completion of the voter history file after each election, each
24 school district that holds elections pursuant to this article shall
25 transmit copies of records required to be transmitted pursuant to
26 section 3-112 of the election law in a manner and time provided for in
27 such section.

28 § 5. Section 2038 of the education law is renumbered section 2039 and
29 a new section 2038 is added to read as follows:

30 § 2038. Transmission of publicly available data to the New York voting
31 and elections database. Upon the certification of election results and
32 the completion of the voter history file after each election, each
33 school district that holds school board elections pursuant to this arti-
34 cle shall transmit copies of the records required to be transmitted
35 pursuant to section 3-112 of the election law in a manner and time
36 provided for in such section.

37 § 6. Section 2553 of the education law is amended by adding a new
38 subdivision 2-a to read as follows:

39 2-a. Upon the certification of election results and the completion of
40 the voter history file after each election, each school district that
41 holds school board elections pursuant to this article shall transmit
42 copies of the records required to be transmitted pursuant to section
43 3-112 of the election law in a manner and time provided for in such
44 section.

45 § 7. The election law is amended by adding a new section 15-140 to
46 read as follows:

47 § 15-140. Transmission of publicly available data to the New York
48 voting and elections database. Upon the certification of election
49 results and the completion of the voter history file after each
50 election, each village that holds an election not conducted by a board
51 of elections pursuant to this article shall transmit to the state board
52 of elections copies of the records required to be transmitted pursuant
53 to section 3-112 of this chapter in a manner and time provided for in
54 such section.

55 § 8. This act shall take effect April 1, 2026 and shall apply to any
56 election on or after such date. Effective immediately, the addition,

1 amendment and/or repeal of any rule or regulation necessary for the
2 implementation of this act on its effective date are authorized to be
3 made and completed on or before such date.

4 PART MM

5 Section 1. Chapter 238 of the laws of 2021, relating to permitting the
6 use of municipal space for outdoor dining, is REPEALED.

7 § 2. The alcoholic beverage control law is amended by adding a new
8 section 111-a to read as follows:

9 § 111-a. Use of contiguous and non-contiguous municipal public space
10 for on-premises alcoholic beverage sales by certain licensees. 1. The
11 holder of a retail on-premises license issued pursuant to sections
12 fifty-five, sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, eight-
13 y-one, or eighty-one-a of this chapter or a manufacturing license that
14 includes a privilege to sell and/or serve alcoholic beverages at retail
15 for on-premises consumption on the licensed premises issued pursuant to
16 section thirty, thirty-one, fifty-one, fifty-one-a, fifty-eight, fifty-
17 eight-c, subdivision two-c of section sixty-one, section seventy-six,
18 seventy-six-a, seventy-six-c, or seventy-six-d of this chapter may file
19 an alteration application with the authority pursuant to subdivision one
20 of section ninety-nine-d of this chapter for permission to add municipal
21 public space that is either contiguous or non-contiguous to the licensed
22 premises. Upon approval of such alteration application, such a licensee
23 may exercise the privilege to sell and/or serve alcoholic beverages at
24 retail for on-premises consumption on contiguous municipal public space
25 or non-contiguous municipal public space provided:

26 (a) the municipality in which the licensed premises is located issues
27 a permit or the responsible municipal regulatory body or agency issues
28 written authorization to the licensee to sell and/or serve food on such
29 contiguous municipal public space or non-contiguous municipal public
30 space;

31 (b) the licensee submits to the liquor authority a copy of such munic-
32 ipal permit or other written authorization along with the alteration
33 application;

34 (c) the licensee submits to the liquor authority a copy of the permit
35 application submitted to the municipality to obtain the municipal permit
36 or other written authorization from the municipality along with the
37 alteration application;

38 (d) the licensee submits to the liquor authority a diagram depicting
39 both the licensed premises and the contiguous municipal public space or
40 non-contiguous municipal public space to be used by the licensee with
41 the alteration application;

42 (e) the licensee submits to the liquor authority proof that it has
43 provided community notification to the municipality, including munici-
44 pality outside the city of New York, in a manner consistent with or
45 required by subdivision two of section one hundred ten-b of this article
46 as required for the city of New York;

47 (f) the licensee submits proof to the liquor authority that: (i) such
48 licensee has obtained workers' compensation insurance for all employees,
49 as required by the workers' compensation law; and (ii) such licensee has
50 obtained general liability insurance to provide coverage against liabil-
51 ity for injury sustained by persons on the contiguous municipal public
52 space or non-contiguous municipal public space used by the licensee and,
53 if applicable, persons and cyclists using or crossing a bike thorough-
54 fare that connects the licensed premises to the non-contiguous municipal

1 public space used by the licensee. The licensee shall maintain such
2 general liability coverage during the term of its municipal permit or
3 written authorization to use the contiguous municipal public space or
4 non-contiguous municipal public space; and

5 (g) use of any such contiguous or non-contiguous municipal public
6 space meets all applicable federal, state or local laws, rules, regu-
7 lations, guidance, conditions or requirements.

8 2. For the purposes of this section: (a) "non-contiguous municipal
9 public space" shall mean space that: (i) is located in front of, behind,
10 or to the side of the licensed premises; (ii) is within the property
11 boundaries of the licensed premises as extended out; or within the prop-
12 erty boundaries of the nearest adjacent properties on either side; (iii)
13 does not extend further than the midline of any public roadway; (iv) is
14 separated from the licensed premises only by one or more of the follow-
15 ing: a pedestrian thoroughfare, a thoroughfare primarily restricted to
16 use by bicycles, or a portion of a thoroughfare with such restrictions;
17 and (v) otherwise complies with all applicable federal, state and local
18 requirements.

19 (b) "Contiguous municipal public space" shall mean space that: (i) is
20 located in front of, behind, or to the side of the licensed premises;
21 (ii) is within the property boundaries of the licensed premises as
22 extended out; or within the property boundaries of the nearest adjacent
23 properties on either side; (iii) otherwise complies with all applicable
24 federal, state and local requirements.

25 3. Licensees choosing to utilize non-contiguous municipal public space
26 that includes a thoroughfare primarily restricted to use by bicycles, or
27 a portion of a thoroughfare with such restrictions, shall post a sign or
28 poster in said municipal outdoor space with conspicuous lettering in at
29 least seventy-two point bold face font that states: "CAUTION: BICYCLE
30 LANE" prior to and while utilizing any such municipal space for on-prem-
31 ises alcoholic beverage sales to patrons. Such licensees shall be solely
32 responsible for production of and maintenance of such signage. Compli-
33 ance by the licensee with the provisions of any local law requiring
34 posting of warning signs regarding bicycle lanes enacted on or before
35 the effective date of this section shall be deemed to be in compliance
36 with the provisions of this section. Nothing contained herein, however,
37 shall be deemed to exempt any licensee not otherwise subject to the
38 provisions of any such local law from complying with the provisions of
39 this section.

40 4. If at any time the municipality revokes, cancels or suspends or
41 otherwise terminates the licensee's authorization to use such contiguous
42 municipal public space or non-contiguous municipal public space, the
43 licensee shall immediately cease exercising the privilege to sell and/or
44 serve alcoholic beverages at retail for consumption on such municipal
45 public space. The licensee shall then file a new alteration application
46 removing the municipal public space from its licensed premises. The
47 failure to file a new alteration application with the authority within
48 ten business days of the revocation, cancellation, suspension, or other
49 termination by the local municipality of the licensee's authorization to
50 use such contiguous or non-contiguous municipal public space shall be
51 cause for revocation, cancellation, suspension and/or imposition of a
52 civil penalty against the license in accordance with section one hundred
53 eighteen of this article.

54 5. The authority may promulgate guidance, rules and/or regulations
55 necessary to implement the provisions of this section. Notwithstanding
56 existing provisions of this chapter, the authority is authorized to

1 provide simplified applications and notification procedures for licen-
2 sees seeking to utilize municipal space for on-premises alcoholic bever-
3 age sales whenever possible or appropriate. Nothing in this section
4 shall prohibit the authority from requesting additional information from
5 any applicant seeking to use new municipal space or renewal of existing
6 municipal space.

7 § 3. This act shall take effect immediately and shall apply to all
8 applications received by the state liquor authority on and after such
9 effective date. Effective immediately, the authority is authorized to
10 undertake the addition, amendment and/or repeal of any rule or regu-
11 lation necessary for the implementation of this act.

12 PART NN

13 Section 1. Subparagraph (i-a) of paragraph b of subdivision 9 of
14 section 140 of the transportation law, as added by section 4 of part K
15 of a chapter of the laws of 2024, amending the transportation law and
16 the vehicle and traffic law relating to enacting the stretch limousine
17 passenger safety act, as proposed in legislative bills numbers S. 8308-C
18 and A. 8808-C, is amended to read as follows:

19 (i-a) No person, corporation, limited liability company or business
20 entity, joint stock association, partnership, or any officer or agent
21 thereof, shall operate or knowingly allow, require, permit or authorize
22 any person to operate a motor vehicle while under suspension as provided
23 in subparagraph (i) of this [subdivision] paragraph. A violation of
24 this subparagraph shall constitute a class A misdemeanor punishable by a
25 fine of not less than five thousand dollars nor more than twenty-five
26 thousand dollars in addition to any other penalties provided by law.

27 § 2. This act shall take effect on the same date and in the same
28 manner as section 4 of part K of a chapter of the laws of 2024, amending
29 the transportation law and the vehicle and traffic law relating to
30 enacting the stretch limousine passenger safety act, as proposed in
31 legislative bills numbers S. 8308-C and A. 8808-C, takes effect.

32 PART OO

33 Section 1. Short title. This act shall be known and may be cited as
34 "Sammy's law".

35 § 2. Paragraphs 26 and 27 of subdivision (a) of section 1642 of the
36 vehicle and traffic law, paragraph 26 as added and paragraph 27 as
37 amended by chapter 248 of the laws of 2014, are amended to read as
38 follows:

39 26. (a) With respect to highways (which term for the purposes of this
40 paragraph shall include private roads open to public motor vehicle traf-
41 fic) in such city, other than state highways maintained by the state on
42 which the department of transportation shall have established higher or
43 lower speed limits than the statutory fifty-five miles per hour speed
44 limit as provided in section sixteen hundred twenty of this title, or on
45 which the department of transportation shall have designated that such
46 city shall not establish any maximum speed limit as provided in section
47 sixteen hundred twenty-four of this title, subject to the limitations
48 imposed by section sixteen hundred eighty-four of this title, establish-
49 ment of maximum speed limits at which vehicles may proceed within such
50 city or within designated areas of such city higher or lower than the
51 fifty-five miles per hour maximum statutory limit. No such speed limit
52 applicable throughout such city or within designated areas of such city

1 shall be established at less than [~~twenty-five~~ twenty miles per hour,
2 except that (i) school speed limits may be established at no less than
3 fifteen miles per hour pursuant to the provisions of section sixteen
4 hundred forty-three of this article, and (ii) on portions of highways
5 that consist of three or more vehicular travel lanes in the same direc-
6 tion outside of New York county, speed limits shall be established at no
7 less than twenty-five miles per hour.

8 (b) A city shall not lower or raise a speed limit [~~by more than five~~
9 ~~miles per hour~~] pursuant to this paragraph unless such city provides
10 written notice and an opportunity to comment to the community board or
11 community boards established pursuant to section twenty-eight hundred of
12 the New York city charter with jurisdiction over the area in which the
13 lower or higher speed limit shall apply. Such notice may be provided by
14 electronic mail and shall be provided sixty days prior to the establish-
15 ment of such lower or higher speed limit and a community board may issue
16 an advisory opinion prior to the raising or lowering of such speed
17 limit. Notwithstanding any inconsistent provision of this subdivision, a
18 speed limit applicable throughout such city shall only be lowered or
19 raised pursuant to a local law.

20 27. (a) Establishment of maximum speed limits below [~~twenty-five~~
21 twenty miles per hour at which motor vehicles may proceed on or along
22 designated highways within such city for the explicit purpose of imple-
23 menting traffic calming measures as such term is defined herein;
24 provided, however, that no speed limit shall be set below [~~fifteen~~ ten
25 miles per hour nor shall such speed limit be established where the traf-
26 fic calming measure to be implemented consists solely of a traffic
27 control sign. Establishment of such a speed limit shall, where applica-
28 ble, be in compliance with the provisions of sections sixteen hundred
29 twenty-four and sixteen hundred eighty-four of this [~~chapter~~ title.
30 Nothing contained herein shall be deemed to alter or affect the estab-
31 lishment of school speed limits pursuant to the provisions of section
32 sixteen hundred forty-three of this article. For the purposes of this
33 paragraph, "traffic calming measures" shall mean any physical engineer-
34 ing measure or measures that reduce the negative effects of motor vehi-
35 cle use, alter driver behavior and improve conditions for non-motorized
36 street users such as pedestrians and bicyclists.

37 (b) Any city establishing maximum speed limits below [~~twenty-five~~
38 twenty miles per hour pursuant to clause (i) of this subparagraph shall
39 submit a report to the governor, the temporary president of the senate
40 and the speaker of the assembly on or before March first, two thousand
41 fifteen and biannually thereafter on the results of using traffic calm-
42 ing measures and speed limits lower than [~~twenty-five~~ twenty miles per
43 hour as authorized by this paragraph. This report shall also be made
44 available to the public by such city on its website. Such report shall
45 include, but not be limited to the following:

46 (i) a description of the designated highways where traffic calming
47 measures and a lower speed limit were established [~~and~~];

48 (ii) a description of the specific traffic calming measures used and
49 the maximum speed limit established [~~and~~];

50 (iii) an explanation of the reasons for setting lower speed limits,
51 how those lower speed limits comply with engineering standards, and how
52 they will ensure that motor vehicles can operate at safe speeds in a
53 manner that optimizes all road users' safety and convenience; and

54 (iv) a comparison of the aggregate type, number, and severity of acci-
55 dents reported on streets on which street calming measures and lower
56 speed limits were implemented in the year preceding the implementation

1 of such measures and policies and the year following the implementation
2 of such measures and policies, to the extent this information is main-
3 tained by any agency of the state or the city.

4 § 3. 1. For the purpose of informing and educating persons who operate
5 motor vehicles in this state:

6 (a) Any law enforcement official authorized to issue appearance tick-
7 ets pursuant to the vehicle and traffic law may, during the six-month
8 period beginning on the effective date of this act, stop motor vehicles
9 and issue verbal warnings to persons who are in violation of the maximum
10 speed limits lowered by section two of this act, and who are traveling
11 at a speed of less than fifteen miles per hour over such maximum speed
12 limits.

13 (b) Any municipality authorized to issue a notice of liability where
14 such municipality has installed a photo speed violation monitoring
15 system pursuant to the vehicle and traffic law shall, for sixty days
16 following the establishment of a lower speed limit pursuant to section
17 two of this act, issue notices of liability to owners of vehicles who
18 are in violation of the previous maximum speed limit.

19 2. The department of transportation for the city of New York shall
20 implement an education campaign which shall, at a minimum:

21 (a) Alert drivers to the passage of this act;

22 (b) Educate drivers of the dangers of speeding; and

23 (c) Educate drivers of the dangers of crashes involving pedestrians.

24 3. The department of transportation for the city of New York shall
25 install signage around school speed zones that notifies drivers of the
26 speed limit.

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

29 PART PP

30 Section 1. Article 25-A of the public health law is amended by adding
31 a new section 2599-bb-1 to read as follows:

32 § 2599-bb-1. Reproductive freedom and equity grant program. 1. As used
33 in this section, the following terms shall have the following meanings:

34 (a) "Abortion" shall mean the termination of pregnancy pursuant to
35 section twenty-five hundred ninety-nine-bb of this article.

36 (b) "Health care services" shall mean the range of care related to the
37 provision of abortion.

38 (c) "Program" shall mean the reproductive freedom and equity grant
39 program established pursuant to subdivision two of this section.

40 2. There is hereby established in the department a reproductive free-
41 dom and equity grant program to ensure access to abortion care in the
42 state. The program shall provide funding to abortion providers and non-
43 profit organizations that provide or facilitate access to abortion care.
44 The program shall be designed to provide support to abortion providers
45 and non-profit organizations to increase access to care, fund uncompen-
46 sated care, and to address the support needs of individuals accessing
47 abortion care. Funding used to support the program shall be subject to
48 appropriation.

49 3. The commissioner shall distribute funds made available for expendi-
50 ture under this section. In determining funding for applicants under the
51 grant program, the commissioner shall consider the following criteria
52 and goals:

53 (a) Increase access to care by growing the capacity of abortion
54 providers to meet present and future care needs. Funds may be awarded to

1 support the recruitment, hiring, and retention of clinical and medical
 2 staff, costs of increasing the number of hours, days, and/or alternate
 3 times for currently employed clinical staff to provide increased access,
 4 care management and navigation, staff training, outreach and marketing
 5 costs, and other operational needs that increase access to abortion
 6 care.

7 (b) Fund uncompensated health care services associated with abortion
 8 care, to ensure the affordability of and access to care for individuals
 9 who lack ability to pay for care, for individuals who lack insurance
 10 coverage, are underinsured, or whose insurance is deemed unusable by the
 11 rendering provider.

12 4. In establishing and operating the program, the commissioner may
 13 consult a range of experts including but not limited to individuals and
 14 entities providing abortion care, abortion funds and other organizations
 15 whose mission is to expand access to abortion care, to ensure the
 16 program structure and expenditures reflect the needs of abortion provid-
 17 ers, abortion funds and consumers. The commissioner may make regulations
 18 necessary for implementing the program.

19 5. The department and any non-profit organization or abortion provider
 20 receiving funds from the program shall take all necessary steps to
 21 ensure the confidentiality of the individuals receiving services pursu-
 22 ant to state and federal laws. The commissioner may request aggregate,
 23 de-identified information about how funding allocated pursuant to the
 24 program is spent, provided that no information which, alone or in combi-
 25 nation, would permit a patient, provider, or an individual who sought,
 26 received, provided, or supported health care services under the program
 27 to be identified may be requested or shared.

28 § 2. Severability clause. If any clause, sentence, paragraph, section
 29 or part of this act shall be adjudged by any court of competent juris-
 30 diction to be invalid and after exhaustion of all further judicial
 31 review, the judgment shall not affect, impair, or invalidate the remain-
 32 der thereof, but shall be confined in its operation to the clause,
 33 sentence, paragraph, section or part of this act directly involved in
 34 the controversy in which the judgment shall have been rendered.

35 § 3. This act shall take effect immediately and shall be deemed to
 36 have been in full force and effect on and after April 1, 2024.

37 PART QQ

38 Section 1. Subdivisions a and b of section 512 of the retirement and
 39 social security law, subdivision a as amended by chapter 298 of the laws
 40 of 2016, and subdivision b as amended by chapter 18 of the laws of 2012,
 41 are amended to read as follows:

42 a. A member's final average salary shall be the average wages earned
 43 by such a member during any three consecutive years which provide the
 44 highest average wage; provided, however, if the wages earned during any
 45 year included in the period used to determine final average salary
 46 exceeds that of the average of the previous two years by more than ten
 47 percent, the amount in excess of ten percent shall be excluded from the
 48 computation of final average salary. ~~[Notwithstanding the preceding~~
 49 ~~provisions of this subdivision to the contrary, for a member who first~~
 50 ~~becomes a member of the New York state and local employees' retirement~~
 51 ~~system on or after April first, two thousand twelve, or for a New York~~
 52 ~~city police/fire revised plan member, a New York city enhanced plan~~
 53 ~~member who receives the ordinary disability benefit provided for in~~
 54 ~~subdivision c-1 of section five hundred six of this article or the acci-~~

~~1 dental disability benefit provided for in paragraph three of subdivision
2 e of section five hundred seven of this article, a New York city
3 uniformed correction/sanitation revised plan member or an investigator
4 revised plan member, a member's final average salary shall be the aver-
5 age wages earned by such a member during any five consecutive years
6 which provide the highest average wage; provided, however, if the wages
7 earned during any year included in the period used to determine final
8 average salary exceeds that of the average of the previous four years by
9 more than ten percent, the amount in excess of ten percent shall be
10 excluded from the computation of final average salary.] In determining
11 final average salary pursuant to any provision of this subdivision,
12 where the period used to determine final average salary is the period
13 which immediately precedes the date of retirement, any month or months
14 (not in excess of twelve) which would otherwise be included in computing
15 final average salary but during which the member was on authorized leave
16 of absence at partial pay or without pay shall be excluded from the
17 computation of final average salary and the month or an equal number of
18 months immediately preceding such period shall be substituted in lieu
19 thereof.~~

20 b. Notwithstanding the provisions of subdivision a of this section,
21 with respect to members of the New York state employees' retirement
22 system [~~who first become members of the New York state and local employ-
23 ees' retirement system before April first, two thousand twelve~~], the New
24 York state and local police and fire retirement system and the New York
25 city teachers' retirement system, a member's final average salary shall
26 be equal to one-third of the highest total wages earned during any
27 continuous period of employment for which the member was credited with
28 three years of service credit; provided, however, if the wages earned
29 during any year of credited service included the period used to deter-
30 mine final average salary exceeds the average of the wages of the previ-
31 ous two years of credited service by more than ten percent, the amount
32 in excess of ten percent shall be excluded from the computation of final
33 average salary. [~~For members who first become a member of the New York
34 state and local employees' retirement system on or after April first,
35 two thousand twelve, with respect to members of the New York state and
36 local employees' retirement system, a member's final average salary
37 shall be equal to one fifth of the highest total wages earned during any
38 continuous period of employment for which the member was credited with
39 five years of service credit; provided, however, if the wages earned
40 during any year of credited service included the period used to deter-
41 mine final average salary exceeds the average of the wages of the previ-
42 ous four years of credited service by more than ten percent, the amount
43 in excess of ten percent shall be excluded from the computation of final
44 average salary.]~~

45 § 2. Subdivisions a and b of section 608 of the retirement and social
46 security law, as amended by chapter 18 of the laws of 2012, are amended
47 to read as follows:

48 a. [~~For members who first become members of a public retirement system
49 of the state before April first, two thousand twelve, a~~] A member's
50 final average salary shall be the average wages earned by such a member
51 during any three consecutive years which provide the highest average
52 wage; provided, however, if the wages earned during any year included in
53 the period used to determine final average salary exceeds that of the
54 average of the previous two years by more than ten percent, the amount
55 in excess of ten percent shall be excluded from the computation of final
56 average salary. [~~For members who first become members of the New York~~

~~state and local employees' retirement system or the New York state teachers' retirement system on or after April first, two thousand twelve, a member's final average salary shall be the average wages earned by such member during any five consecutive years which provide the highest average wage; provided, however, if the wages earned during any year included in the period used to determine final average salary exceeds that of the average of the previous four years by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary.]~~ Where the period used to determine final average salary is the period which immediately precedes the date of retirement, any month or months (not in excess of twelve) which would otherwise be included in computing final average salary but during which the member was on authorized leave of absence at partial pay or without pay shall be excluded from the computation of final average salary and the month or an equal number of months immediately preceding such period shall be substituted in lieu thereof.

b. Notwithstanding the provisions of subdivision a of this section, with respect to members [~~who first became members~~] of the New York state and local employees' retirement system and the New York city teachers' retirement system [~~before April first, two thousand twelve~~], a member's final average salary shall be equal to one-third of the highest total wages earned by such member during any continuous period of employment for which the member was credited with three years of service credit; provided, however, if the wages earned during any year of credited service included in the period used to determine final average salary exceeds the average of the wages of the previous two years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary. [~~With respect to members who first become members of the New York state and local employees' retirement system and the New York city teachers' retirement system on or after April first, two thousand twelve, a member's final average salary shall be equal to one-fifth of the highest total wages earned by such member during any continuous period of employment for which the member was credited with five years of service credit; provided, however, if the wages earned during any year of credited service included in the period used to determine final average salary exceeds the average of the wages of the previous four years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary.]~~

§ 3. Subparagraph (ii) of paragraph 14 of subdivision e of section 13-638.4 of the administrative code of the city of New York, as amended by chapter 18 of the laws of 2012, is amended to read as follows:

(ii) Subject to the provisions of subdivision f of this section where those provisions are applicable, and notwithstanding the provisions of subdivisions a and c of section six hundred eight of the RSSL, for a tier IV member of NYCERS who is a New York city revised plan member (as defined in subdivision m of section six hundred one of the RSSL) or a tier IV member of BERS who is a New York city revised plan member, the term "final average salary", as used in article fifteen of the RSSL, shall be equal to [~~one-fifth~~] one-third of the highest total wages earned by such member during any continuous period of employment for which the member was credited with [~~five~~] three years of service credit; provided that if the wages earned during any year of credited service included in the period used to determine final average salary exceeds the average of the wages of the previous four years of credited service by more than ten percent, the amount in excess of ten percent shall be

1 excluded from the computation of final average salary, provided further
2 that "wages", as used in this paragraph, shall mean the applicable
3 provisions and limitations of the term "wages", as defined in subdivi-
4 sion 1 of section six hundred one of the RSSL.

5 § 4. Subdivision a of section 1209 of the retirement and social secu-
6 rity law, as amended by chapter 705 of the laws of 2023, is amended to
7 read as follows:

8 a. For members who first become members of the New York state and
9 local police and fire retirement system on or after April first, two
10 thousand twelve, a member's final average salary shall be equal to one-
11 fifth of the highest total wages earned by such member during any
12 continuous period of employment for which the member was credited with
13 five years of service credit; provided, however, if the wages earned
14 during any year of credited service included in the period used to
15 determine final average salary exceeds the average of the wages of the
16 previous four years of credited service by more than ten percent, the
17 amount in excess of ten percent shall be excluded from the computation
18 of final average salary. Provided, however, beginning on or after April
19 first, two thousand twenty-four, a member's final average salary shall
20 be equal to one-third of the highest total wages earned by such member
21 during any continuous period of employment for which the member was
22 credited with three years of service credit; provided, however, if the
23 wages earned during any year of credited service included in the period
24 used to determine final average salary exceeds the average of the wages
25 of the previous two years of credited service by more than ten percent,
26 the amount in excess of ten percent shall be excluded from the computa-
27 tion of final average salary. Wages in excess of the annual salary paid
28 to the governor pursuant to section three of article four of the state
29 constitution shall be excluded from the computation of final average
30 salary for members who first become members of the New York state and
31 local police and fire retirement system on or after April first, two
32 thousand twelve.

33 § 5. Notwithstanding any other provision of law to the contrary, none
34 of the provisions of this act shall be subject to section 25 of the
35 retirement and social security law.

36 § 6. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would provide Tier 6 members in the New York State and Local Retirement System a final average salary based on their highest salary earned over three consecutive years, where the salary earned in any year cannot exceed the average of the previous two years by more than 10%. Currently, final average salary for these members is based on their highest salary earned over five consecutive years, where the salary earned in any year cannot exceed the average of the previous four years by more than 10%. The provisions of Section 25 of the Retirement and Social Security Law shall not apply.

Insofar as this bill affects the New York State and Local Employees' Retirement System (NYSLERS), the increased costs would be shared by the State of New York and the local participating employers in the NYSLERS. If this bill were enacted during the 2024 Legislative Session, the increase in the present value of benefits would be approximately \$1.17 billion.

NYSLERS	Increase in present value benefits	Increase in required contributions
Tiers 1 - 5	\$0	\$220 million
Tier 6	\$1.17 billion	\$950 million

Total \$1.17 billion \$1.17 billion

In the NYSLERS, this benefit improvement will be funded by increasing the billing rates charged annually to cover both retrospective and prospective benefit increases. The annual contribution required of all participating employers in NYSLERS is 0.4% of billable salary, or approximately \$51 million to the State of New York and approximately \$76 million to the local participating employers. This permanent annual cost will increase as Tier 6 salary grows and will vary by employer based upon the plan coverage and salary reported in Tier 6.

Insofar as this bill affects the New York State and Local Police and Fire Retirement System (NYSLPFRS), the increased costs would be shared by the State of New York and the local participating employers in the NYSLPFRS. If this bill were enacted during the 2024 Legislative Session, the increase in the present value of benefits would be approximately \$341 million.

NYSLPFRS	Increase in present value benefits	Increase in required contributions
Tiers 1 - 5	\$0	\$33 million
Tier 6	\$341 million	\$308 million
Total	\$341 million	\$341 million

In the NYSLPFRS, this benefit improvement will be funded by increasing the billing rates charged annually to cover both retrospective and prospective benefit increases. The annual contribution required of all participating employers in the NYSLPFRS is 0.70% of billable salary, or approximately \$6.0 million to the State of New York and approximately \$25 million to the local participating employers. The permanent annual cost will increase as Tier 6 salary grows and will vary by employer based upon the plan coverage and salary reported in Tier 6.

These estimated costs are based on 265,533 Tier 6 members in the NYSLERS and 16,599 Tier 6 members in the NYSLPFRS, with annual salary of approximately \$12 billion and \$1.5 billion, respectively, as of March 31, 2023.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2023 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated February 2, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-118, prepared by the Actuary for the New York State and Local Retirement System.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

As it relates to the New York State Teacher's Retirement System, this bill would amend subdivisions a and b of Section 608 of the Retirement and Social Security Law to change the definition of final average salary for Tier 6 members to be the same as that for Tier 3, 4 and 5 members. The final average salary for Tier 6 members would be based on any three consecutive years which produce the highest average salary. Currently, the final average salary for Tier 6 members is based on the salaries earned during any five consecutive years which provide the highest average salary. Additionally, under the bill, as in Tier 3, 4 and 5, if the salary for any year used in the period exceeds that of the average of the prior two years by more than 10%, the amount in excess of 10% shall be excluded from the computation. Currently, under Tier 6, if the salary for any year used in the period exceeds that of the average of the prior four years by more than 10%, the amount in excess of 10% is excluded from the computation.

The annual cost to the employers of members of the New York State Teachers' Retirement System for this benefit is estimated to be \$23.1 million or 0.12% of payroll if this bill is enacted.

The System's "new entrant rate", a hypothetical employer contribution rate that would occur if we started a new Retirement System without any assets, is equal to 5.31% of pay under the current Tier 6 benefit structure. This can be thought of as the long-term expected employer cost of Tier 6, based on current actuarial assumptions. For the proposed change to the Tier 6 benefit structure under this bill, this new entrant rate is estimated to increase to 5.55% of pay, an increase of 0.24% of pay.

Member data is from the System's most recent actuarial valuation files as of June 30, 2023, consisting of data provided by the employers to the Retirement System. The most recent data distributions and statistics can be found in the System's Annual Report for fiscal year ended June 30, 2023. System assets are as reported in the System's financial statements and can also be found in the System's Annual Report. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report as of June 30, 2023.

The source of this estimate is Fiscal Note 2024-17 dated February 2, 2024 prepared by the Office of the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2024 Legislative Session. I, Richard A. Young, am the Chief Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

SUMMARY: This proposed legislation, as it relates to the New York City Retirement Systems and Pension Funds (NYCRS), would increase the Final Average Salary used to calculate pension benefits for certain Tier 3 and Tier 6 members of NYCRS by reducing the number of years included in the average from five years to three years.

EXPECTED INCREASE (DECREASE) IN EMPLOYER CONTRIBUTIONS
by Fiscal Year for the first 25 years (\$ in Millions)

Year	NYCERS	TRS	BERS	POLICE	FIRE	TOTAL
2025	67.2	56.2	5.7	47.8	19.4	196.3
2026	63.9	54.9	5.9	44.2	21.3	190.2
2027	68.0	57.8	6.2	49.2	23.3	204.5

2028	72.2	60.9	6.5	54.8	25.5	219.9
2029	76.5	64.2	6.9	60.2	27.8	235.6
2030	80.8	67.7	7.2	66.0	30.2	251.9
2031	85.2	71.4	7.6	71.4	32.7	268.3
2032	89.5	75.4	7.9	76.0	35.3	284.1
2033	93.9	79.6	8.3	80.5	38.0	300.3
2034	98.5	84.1	8.7	85.0	40.8	317.1
2035	103.0	88.9	9.0	89.4	43.7	334.0
2036	107.6	93.9	9.4	93.8	46.7	351.4
2037	112.2	99.2	9.8	98.4	49.8	369.4
2038	116.9	104.8	8.0	103.4	53.1	386.2
2039	121.7	110.8	8.5	108.5	56.3	405.8
2040	103.5	116.9	8.9	113.4	59.6	402.3
2041	108.2	123.3	9.3	107.4	63.0	411.2
2042	113.0	129.7	9.7	112.3	66.4	431.1
2043	117.8	136.1	10.2	117.3	64.2	445.6
2044	122.7	123.8	10.6	122.3	67.6	447.0
2045	127.6	130.1	11.1	127.4	70.9	467.1
2046	132.6	136.4	11.5	132.5	74.2	487.2
2047	137.7	142.5	12.0	137.6	77.4	507.2
2048	142.9	148.6	12.5	142.9	80.7	527.6
2049	148.1	154.8	13.0	148.4	83.9	548.2

Employer Contribution impact beyond Fiscal Year 2049 is not shown. Projected contributions include future new hires that may be impacted.

The initial increase in employer contributions of \$196.3 million is estimated to be \$163.2 million for New York City and \$33.1 million for the other obligors of NYCERS.

INITIAL INCREASE (DECREASE) IN ACTUARIAL LIABILITIES
as of June 30, 2023 (\$ in Millions)

Present Value (PV)	NYCERS	TRS	BERS	POLICE	FIRE
PV of Benefits:	633.8	666.9	53.3	570.7	279.6
PV of Employee Contributions:	0.0	0.0	0.0	0.0	0.0
PV of Employer Contributions:	633.8	666.9	53.3	570.7	279.6
Unfunded Accrued Liabilities:	207.9	189.6	17.8	105.3	53.8

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

	NYCERS	TRS	BERS	POLICE	FIRE
Number of Payments:	15	19	13	16	18
Fiscal Year of Last Payment:	2039	2043	2037	2040	2042
Amortization Payment:	22.9 M	18.6 M	2.2 M	10.8 M	5.5 M
Additional One-time Payment:	7.0 M	4.0 M	0.0 M	7.5 M	0.0 M

Unfunded Accrued Liability (UAL) increases for active members were amortized over the expected remaining working lifetime of those impacted by the benefit changes using level dollar payments. UAL attributable to terminated vested members was recognized in the first year.

CENSUS DATA: The estimates presented herein are based on preliminary census data collected as of June 30, 2023. The census data for the impacted population is summarized below.

	NYCERS	TRS	BERS	POLICE	FIRE
Active Members					
- Number Count:	92,737	60,663	12,932	20,089	5,030
- Average Age:	42.1	38.1	46.9	32.7	33.5
- Average Service:	4.6	5.0	4.0	6.1	5.5
- Average Salary:	80,600	80,000	56,200	107,400	112,400
Term. Vested Members					
- Number Count:	4,274	3,999	397	887	9
- Average Age:	41.5	37.9	44.6	34.6	37.6

IMPACT ON MEMBER BENEFITS: Currently, Final Average Salary (FAS) is based on a five-year average, with each year's salary limited to 110% of the average of the prior four year's salaries for the following groups:

* Tier 3 and Tier 6 members who joined NYCERS on or after April 1, 2012, and

* Tier 3 enhanced members of POLICE and FIRE who retire for disability.

Under the proposed legislation, the FAS for such members would be based on a three-year average, with each year's salary limited to 110% of the average of the prior two year's salaries (prior four year's salaries for NYCERS and BERS).

The five-year FAS for enhanced disability benefits for Corrections and Sanitation members of NYCERS is provided as part of an agreement under Retirement and Social Security Law Article 25 and is assumed to remain unchanged by this proposed legislation.

ASSUMPTIONS AND METHODS: The estimates presented herein have been calculated based on the Revised 2021 Actuarial Assumptions and Methods of the impacted retirement systems. In addition:

* New entrants were assumed to replace exiting members so that total payroll increases by 3% each year for impacted groups. New entrant demographics were developed based on data for recent new hires and actuarial judgement.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the actuarial assumptions, methods, and models used, demographics of the impacted population, and other factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Quantifying these risks is beyond the scope of this Fiscal Note.

This Fiscal Note is intended to measure pension-related impacts and does not include other potential costs (e.g., administrative and Other Postemployment Benefits).

STATEMENT OF ACTUARIAL OPINION: Marek Tyszkiewicz and Gregory Zelikovsky are members of the Society of Actuaries and the American Academy of Actuaries. We are members of NYCERS but do not believe it impairs our objectivity and we meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of our knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2024-10 dated February 2, 2024 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds. This estimate is intended for use only during the 2024 Legislative Session.

1

PART RR

2 Section 1. Paragraph (a) of subdivision 2 of section 452 of the tax
3 law, as added by chapter 32 of the laws of 2016, is amended to read as
4 follows:

5 (a) [~~eight and one-half~~] three percent of gross receipts from ticket
6 sales; and

7 § 2. This act shall take effect December 1, 2024, and shall apply to
8 gross receipts from ticket sales for combative sports matches or exhibi-
9 tions held on or after such date.

10

PART SS

11 Section 1. Legislative findings. The legislature finds that a historic
12 windmill is located on the Southampton campus of the state university of
13 New York at Stony Brook ("Stony Brook").

14 The Windmill was constructed in 1714 and has been at its current
15 location in Shinnecock Hills since 1888, when it was saved from
16 destruction from its location in the Village of Southampton by Janet
17 Hoyt, the wife of William Hoyt, the builder of the Shinnecock Inn. Janet
18 Hoyt, together with Samuel Parrish, founded the Summer School of Art. It
19 is the only windmill of three in Southampton Village that survived. It
20 has been in its current location for 136 years.

21 In the summer of 1957, Tennessee Williams resided there when he wrote
22 the play "The Day on Which a Man Dies" about the death of his friend
23 Jackson Pollock. The Library Association of America officially desig-
24 nated the Windmill, at its current location, as a literary landmark in
25 2013.

26 In 1963, when Long Island University established Southampton College,
27 the Windmill became the symbol of the new campus. The Windmill is
28 beloved by thousands of former students, faculty, and administrators who
29 rightly associate it with the very identity of the school. The College
30 newspaper was aptly named "The Windmill". The Windmill has been on
31 everything related to the college including sports uniforms, yearbooks,
32 apparel, and assorted memorabilia.

33 In 2006, Stony Brook University acquired the campus and has continued
34 the legacy of providing quality education to the residents of eastern
35 Long Island. In 2009, Stony Brook led the effort to rehabilitate the
36 Windmill. The Windmill and the adjacent water view quad have been in
37 continuous use hosting innumerable events, readings, receptions, orien-
38 tations, celebrations, workshops, and fundraising dinners. The annual
39 Windmill Lighting during the holiday season continues to be an East End
40 tradition.

41 The current president of Stony Brook University recently stated that
42 "the Stony Brook University campus community is proud to be the caretak-
43 er of the Windmill, a cherished historical icon that has existed in its
44 current location for over a century".

45 However, in recent years, the Windmill has fallen into disrepair due
46 to lack of maintenance and was condemned by the New York State fire
47 marshal in 2023. It is imperative that this historic structure be reha-
48 bilitated and restored so that it can continue to be the "cherished
49 historical icon" and symbol of the Southampton campus.

50 The legislature further finds that the best alternative to secure the
51 future of the Windmill is through a partnership with the town of South-
52 ampton by providing funds for the rehabilitation and restoration of the
53 Windmill through the town community preservation fund. To accomplish

1 this partnership the legislature further finds that granting the trustees of the State University of New York ("trustees") the authority and power to lease and otherwise contract with the Town of Southampton to make available certain grounds and facilities of Stony Brook's campus will best affect this partnership for the benefit of Stony Brook, the surrounding community, and the general public.

7 § 2. Notwithstanding any other law to the contrary, the state university trustees are hereby authorized and empowered, without any public bidding, to lease and otherwise contract to make available to the town of Southampton, a municipal corporation (the "ground lessee"), a portion of the lands of the university on its Southampton campus, generally described in this act for the purpose of rehabilitating and restoring the historic Windmill located on such campus. Such lease or contract shall be for a period not exceeding 100 years without any fee simple conveyance and otherwise upon terms and conditions determined by such trustees, subject to the approval of the director of the division of the budget, the attorney general and the state comptroller. If the real property that is the subject of such lease or contract shall cease to be used for the purpose described in this act, such lease or contract shall immediately terminate, and the real property and any improvements thereon shall revert to the state university of New York. Any lease or contract entered into pursuant to this act shall provide that the real property that is the subject of such lease or contract and any improvements thereon shall revert to the state university of New York on the expiration of such contract or lease.

26 § 3. Any contract or lease entered into pursuant to this act shall be deemed to be a state contract for purposes of article 15-A of the executive law, and any contractor, subcontractor, lessee or sublessee entering into such contract or lease for the construction, demolition, reconstruction, excavation, rehabilitation, repair, renovation, alteration or improvement authorized pursuant to this act shall be deemed a state agency for the purposes of article 15-A of the executive law and subject to the provisions of such article.

34 § 4. Notwithstanding any general, special or local law or judicial decision to the contrary, all work performed on a project authorized by this act where all or any portion thereof involves a lease or agreement for construction, demolition, reconstruction, excavation, rehabilitation, repair, renovation, alteration or improvement shall be deemed public work and shall be subject to and performed in accordance with the provisions of article 8 of the labor law to the same extent and in the same manner as a contract of the state, and compliance with all the provisions of article 8 of the labor law shall be required of any lessee, sublessee, contractor or subcontractor on the project, including the enforcement of prevailing wage requirements by the fiscal officer as defined in paragraph e of subdivision 5 of section 220 of the labor law to the same extent as a contract of the state.

47 § 5. Notwithstanding any law, rule or regulation to the contrary, the state university of New York shall not contract out to the town of Southampton or any subsidiary for the instruction or any pedagogical functions or services, or any administrative services, and similar professional services currently being performed by state employees. All such functions and services shall be performed by state employees pursuant to the civil service law. Nothing in this act shall result in the displacement of any currently employed state worker or the loss of position (including partial displacement such as reduction in the hours of nonovertime, wages or employment benefits), or result in the impairment

1 of existing contracts for services or collective bargaining rights
2 pursuant to existing agreements. All positions currently at the state
3 university of New York in the unclassified service of the civil service
4 law shall remain in the unclassified service. No services or work on the
5 property described in this act currently performed by public employees
6 or future work that is similar in scope and nature to the work being
7 currently performed by public employees shall be contracted out or
8 privatized by the state university of New York or by an affiliated enti-
9 ty or associated entity of the state university of New York. All such
10 future work shall be performed by public employees.

11 § 6. For the purposes of this act:

12 (a) "project" shall mean work at the property authorized by this act
13 to be leased to the town of Southampton as described in section twelve
14 of this act that involves the design, construction, reconstruction,
15 demolition, excavating, rehabilitation, repair, renovation, alteration
16 or improvement of such property.

17 (b) "project labor agreement" shall mean a pre-hire collective
18 bargaining agreement between a contractor and a labor organization,
19 establishing the labor organization as the collective bargaining repre-
20 sentative for all persons who will perform work on the project, and
21 which provides that only contractors and subcontractors who sign a pre-
22 negotiated agreement with the labor organization can perform project
23 work.

24 § 7. Notwithstanding the provisions of any general, special, or local
25 law or judicial decision to the contrary: (a) the town of Southampton
26 may require a contractor awarded a contract, subcontract, lease, grant,
27 bond, covenant or other agreement for a project to enter into a project
28 labor agreement during and for the work involved with such project when
29 such requirement is part of the ground lessee's request for proposals
30 for the project and when the state university of New York at Stony Brook
31 determines that the record supporting the decision to enter into such an
32 agreement establishes that the interests underlying the competitive
33 bidding laws are best met by requiring a project labor agreement includ-
34 ing obtaining the best work at the lowest possible price; preventing
35 favoritism, fraud and corruption; the impact of delay; the possibility
36 of cost savings; and any local history of labor unrest.

37 (b) If the state university of New York at Stony Brook does not
38 require a project labor agreement, then any contractor, subcontractor,
39 lease, grant, bond, covenant or other agreements for a project shall be
40 awarded pursuant to section 135 of the state finance law.

41 § 8. Nothing in this act shall be deemed to waive or impair any rights
42 or benefits of employees of the state university of New York that other-
43 wise would be available to them pursuant to the terms of agreements
44 between the certified representatives of such employees and the state of
45 New York pursuant to article 14 of the civil service law; all work
46 performed on such property that ordinarily would be performed by employ-
47 ees subject to article 14 of the civil service law shall continue to be
48 performed by such employees.

49 § 9. Without limiting the determination of the terms and conditions of
50 such contracts or leases, such terms and conditions may provide for
51 leasing, subleasing, construction, reconstruction, rehabilitation,
52 improvement, operation and management of and provision of services and
53 assistance and the granting of licenses, easements and other arrange-
54 ments with regard to such grounds and facilities by the ground lessee,
55 and parties contracting with the ground lessee, and in connection with
56 such activities, the obtaining of funding or financing, whether public

1 or private, unsecured or secured, including, but not limited to, secured
2 by leasehold mortgages and assignments of rents and leases, by the
3 ground lessee and parties contracting with the ground lessee for the
4 purposes of completing the project described in this act.

5 § 10. Such lease shall include an indemnity provision whereby the
6 lessee or sublessee promises to indemnify, hold harmless and defend the
7 lessor against all claims, suits, actions, and liability to all persons
8 on the leased premises, including tenant, tenant's agents, contractors,
9 subcontractors, employees, customers, guests, licensees, invitees and
10 members of the public, for damage to any such person's property, whether
11 real or personal, or for personal injuries arising out of tenant's use
12 or occupation of the demised premises.

13 § 11. Any contracts entered into pursuant to this act between the
14 ground lessee and parties contracting with the ground lessee shall be
15 awarded by a competitive process.

16 § 12. The property authorized by this act to be leased to the ground
17 lessee is generally described as that parcel of real property with
18 improvements thereon consisting of a total of .2296 acres situated on
19 the Southampton campus of the state university of New York at Stony
20 Brook.

21 The description in this section of the parcel to be made available
22 pursuant to this act is not meant to be a legal description, but is
23 intended only to identify the parcel:

24 BEGINNING AT A POINT WITHIN CURRENT LOT 1 OF BLOCK 1, SECTION 211 BEING
25 DISTANT 1756.22 FEET ONBEARING OF SOUTH 54 DEGREES 34 MINUTES 13 SECONDS
26 WEST FROM THE INTERSECTION OF THE WESTERLYSIDELINE OF TUCKAHOE ROAD (50
27 FEET WIDE) WITH THE SOUTHERLY SIDELINE OF LOT 9 OF BLOCK 6, SECTION 211
28 BEING THE LANDS NOW OR FORMERLY OF THE MTA-LIRR RAILROAD. THE SAID
29 BEGINNING POINT HAVING STATEPLANE COORDINATE VALUES (NAD83) OF NORTH
30 266595.6968 AND EAST 1414088.8790, AND RUNNING FROM THE SAID POINT OF
31 BEGINNING;

32 THENCE RUNNING THROUGH SAID SECTION 211, BLOCK 1, LOT 1 THE FOLLOWING
33 FOUR (4) COURSES:

34 (1) DUE SOUTH, A DISTANCE OF 100.00 FEET; THENCE

35 (2) DUE WEST, A DISTANCE OF 100.00 FEET; THENCE

36 (3) DUE NORTH, A DISTANCE OF 100.00 FEET; THENCE

37 (4) DUE EAST, A DISTANCE OF 100.00 FEET TO THE POINT AND PLACE OF BEGIN-
38 NING.

39 CONTAINING: 10,000 SQUARE FEET OR 0.2296 ACRES OF LAND. Subject to all
40 existing easements and restrictions of record.

41 § 13. The state university of New York shall not lease lands described
42 in this act unless any such lease shall be executed within 5 years of
43 the effective date of this act.

44 § 14. Insofar as the provisions of this act are inconsistent with the
45 provisions of any law, general, special or local, the provisions of this
46 act shall be controlling.

47 § 15. This act shall take effect immediately.

48

PART TT

49 Section 1. Subdivision 1 of section 2799-gg of the public authorities
50 law, as amended by chapter 182 of the laws of 2009, is amended to read
51 as follows:

52 1. The authority shall have the power and is hereby authorized from
53 time to time to issue bonds, in conformity with applicable provisions of
54 the uniform commercial code, in such principal amounts as it may deter-

1 mine to be necessary pursuant to section twenty-seven hundred ninety-
2 nine-ff of this title to pay the cost of any project and to fund
3 reserves to secure such bonds, including incidental expenses in
4 connection therewith.

5 The aggregate principal amount of such bonds, notes or other obli-
6 gations outstanding shall not exceed [~~thirteen billion, five hundred~~
7 ~~million dollars (\$13,500,000,000)~~], beginning July first, two thousand
8 twenty-four, twenty-one billion five hundred million dollars
9 (\$21,500,000,000) and beginning July first, two thousand twenty-five,
10 twenty-seven billion five hundred million dollars (\$27,500,000,000),
11 excluding bonds, notes or other obligations issued pursuant to sections
12 twenty-seven hundred ninety-nine-ss and twenty-seven hundred ninety-
13 nine-tt of this title; provided, however, that upon any refunding or
14 repayment of bonds (which term shall not, for this purpose, include bond
15 anticipation notes), the total aggregate principal amount of outstanding
16 bonds, notes or other obligations may be greater than [~~thirteen billion,~~
17 ~~five hundred million dollars (\$13,500,000,000)~~], beginning July first,
18 two thousand twenty-four, twenty-one billion five hundred million
19 dollars (\$21,500,000,000), and beginning July first, two thousand twen-
20 ty-five, twenty-seven billion five hundred million dollars
21 (\$27,500,000,000), only if the refunding or repayment bonds, notes or
22 other obligations were issued in accordance with the provisions of
23 subparagraph (a) of subdivision two of paragraph b of section 90.10 of
24 the local finance law, as amended from time to time. Notwithstanding the
25 foregoing, bonds, notes or other obligations issued by the authority may
26 be outstanding in an amount greater than the amount permitted by the
27 preceding sentence, provided that such additional amount at issuance,
28 together with the amount of indebtedness contracted by the city of New
29 York, shall not exceed the limit prescribed by section 104.00 of the
30 local finance law. The authority shall have the power from time to time
31 to refund any bonds of the authority by the issuance of new bonds wheth-
32 er the bonds to be refunded have or have not matured, and may issue
33 bonds partly to refund bonds of the authority then outstanding and part-
34 ly to pay the cost of any project pursuant to section twenty-seven
35 hundred ninety-nine-ff of this title. Bonds issued by the authority
36 shall be payable solely out of particular revenues or other moneys of
37 the authority as may be designated in the proceedings of the authority
38 under which the bonds shall be authorized to be issued, subject to any
39 agreements entered into between the authority and the city, and subject
40 to any agreements with the holders of outstanding bonds pledging any
41 particular revenues or moneys.

42 § 2. For the purpose of achieving the class size targets, as required
43 by section 211-d of the education law, the city of New York shall
44 increase planned spending on classroom construction by two billion
45 dollars (\$2,000,000,000) over and above the planned capital spending
46 detailed in the February 2024 School Construction Authority capital
47 plan.

48 § 3. This act shall take effect immediately and shall be deemed to
49 have been in full force and effect on and after April 1, 2024.

50

PART UU

51 Section 1. Subdivision 5-a of section 1204 of the public authorities
52 law, as amended by chapter 931 of the laws of 1984, is amended to read
53 as follows:

1 5-a. To make, amend and repeal rules governing the conduct and safety
2 of the public as it may deem necessary, convenient or desirable for the
3 use and operation of the transit facilities under its jurisdiction,
4 including without limitation rules relating to the protection or mainte-
5 nance of such facilities, the conduct and safety of the public, the
6 payment of fares or other lawful charges for the use of such facilities,
7 the presentation or display of documentation permitting free passage,
8 reduced fare passage or full fare passage on such facilities and the
9 protection of the revenue of the authority. Violations of such rules
10 shall be an offense punishable by a fine of not exceeding twenty-five
11 dollars or by imprisonment for not longer than ten days, or both, or may
12 be punishable by the imposition by the transit adjudication bureau
13 established pursuant to the provisions of this title of a civil penalty
14 in an amount for each violation not to exceed one hundred dollars or, in
15 the case of certain repeat violations relating to the payment of fares
16 in accordance with subdivision eleven of section twelve hundred nine-a
17 of this title, not to exceed one hundred fifty dollars (in each case
18 exclusive of supplemental penalties, interest or costs assessed there-
19 on), in accordance with a schedule of such penalties as may from time to
20 time be established by rules of the authority. Such schedule of penal-
21 ties may provide for the imposition of [additional] supplemental penal-
22 ties, not to exceed a total of fifty dollars for each violation, upon
23 the failure of a respondent in any proceeding commenced with respect to
24 any such violation to make timely response to or appearance in
25 connection with a notice of violation of such rule or to any subsequent
26 notice or order issued by the authority in such proceeding. There shall
27 be no penalty or increment in fine by virtue of a respondent's timely
28 exercise of [his] their right to a hearing or appeal. The rules may
29 provide, in addition to any other sanctions, for the confiscation of
30 tokens, tickets, cards or other fare media that have been forged, coun-
31 terfeit, improperly altered or transferred, or otherwise used in a
32 manner inconsistent with such rules. The authority shall not use, or
33 arrange for the use, of biometric identifying technology, including but
34 not limited to facial recognition technology, to enforce rules relating
35 to the payment of fares.

36 § 2. Subdivisions 2, 3, 4, 5, 6, 7 and 10 of section 1209-a of the
37 public authorities law, subdivisions 2, 4, 5, 6, 7 and 10 as amended by
38 chapter 379 of the laws of 1992, subdivision 3 and paragraphs b and i of
39 subdivision 4 as amended by chapter 460 of the laws of 2015, are
40 amended, and three new subdivisions 11, 12 and 13 are added to read as
41 follows:

42 2. Hearing officers. The president of the authority shall appoint
43 hearing officers who shall preside at hearings for the adjudication of
44 charges of transit or railroad infractions, as hereinafter defined and
45 the adjudication of allegations of liability for violations of the rules
46 and regulations of the triborough bridge and tunnel authority in accord-
47 ance with section two thousand nine hundred eighty-five of this chapter,
48 and who, as provided below, may be designated to serve on the appeals
49 board of the bureau. Every hearing officer shall have been admitted to
50 the practice of law in this state for a period of at least three years,
51 and shall be compensated for [his] their services on a per diem basis
52 determined by the bureau.

53 3. Jurisdiction. The bureau shall have, with respect to acts or inci-
54 dents in or on the transit or railroad facilities of the authority or
55 the metropolitan transportation authority or a subsidiary thereof
56 committed by or involving persons who are sixteen years of age or over,

1 [~~or with respect to acts or incidents occurring on omnibuses owned or~~
2 ~~operated by the metropolitan transportation authority or a subsidiary~~
3 ~~thereof,~~] and with respect to violation of toll collection regulations
4 of the triborough bridge and tunnel authority as described in section
5 twenty-nine hundred eighty-five of this chapter, non-exclusive jurisdic-
6 tion over violations of: (a) the rules which may from time to time be
7 established by the authority under subdivision five-a of section twelve
8 hundred four of this chapter; (b) article one hundred thirty-nine of the
9 health code of the city of New York, as it may be amended from time to
10 time, relating to public transportation facilities; (c) article four of
11 the noise control code of the city of New York, as it may be amended
12 from time to time, insofar as it pertains to sound reproduction devices;
13 (d) the rules and regulations which may from time to time be established
14 by the triborough bridge and tunnel authority in accordance with the
15 provisions of section twenty-nine hundred eighty-five of this chapter;
16 and (e) rules and regulations which may from time to time be established
17 by the metropolitan transportation authority or a subsidiary thereof in
18 accordance with the provisions of section twelve hundred sixty-six of
19 this chapter. Matters within the jurisdiction of the bureau except
20 violations of the rules and regulations of the triborough bridge and
21 tunnel authority shall be known for purposes of this section as transit
22 or railroad infractions, as applicable. Nothing herein shall be
23 construed to divest jurisdiction from any court now having jurisdiction
24 over any criminal charge or traffic infraction relating to any act
25 committed in a transit or toll facility, or to impair the ability of a
26 police officer to conduct a lawful search of a person in a transit or
27 railroad facility. The criminal court of the city of New York shall
28 continue to have jurisdiction over any criminal charge or traffic
29 infraction brought for violation of the rules of the authority, the
30 triborough bridge and tunnel authority or the metropolitan transporta-
31 tion authority or a subsidiary thereof, as well as jurisdiction relating
32 to any act which may constitute a crime or an offense under any law of
33 the state of New York or any municipality or political subdivision ther-
34 eof and which may also constitute a violation of such rules. The bureau
35 shall have concurrent jurisdiction with the environmental control board
36 and the administrative tribunal of the department of health over the
37 aforesaid provisions of the health code and noise control code of the
38 city of New York.

39 4. General powers. The bureau shall have the following functions,
40 powers and duties:

41 a. To accept pleas (whether made in person or by mail) to, and to hear
42 and determine, charges of transit and railroad infractions and allega-
43 tions of civil liability pursuant to section two thousand nine hundred
44 eighty-five of this chapter within its jurisdiction;

45 b. To impose civil penalties [~~not to exceed a total of one hundred~~
46 ~~fifty dollars~~] and to issue warnings for any transit or railroad infrac-
47 tion within its jurisdiction, in accordance with a penalty schedule
48 established by the authority or the metropolitan transportation authori-
49 ty or a subsidiary thereof, as applicable, and the conditions set forth
50 in subdivisions eleven and twelve of this section and subdivision four
51 of section twelve hundred sixty-six of this article, except that penal-
52 ties for violations of the health code of the city of New York shall be
53 in accordance with the penalties established for such violations by the
54 board of health of the city of New York, and penalties for violations of
55 the noise code of the city of New York shall be in accordance with the
56 penalties established for such violations by law, and civil penalties

1 for violations of the rules and regulations of the triborough bridge and
2 tunnel authority shall be in accordance with the penalties established
3 for such violations by section twenty-nine hundred eighty-five of this
4 chapter;

5 c. In its sole discretion, to suspend or forgive penalties or any
6 portion of penalties imposed on the condition that the respondent volun-
7 tarily agrees to perform and actually does satisfactorily perform unpaid
8 services on transit or railroad facilities as assigned by the authority,
9 such as, without limitation, cleaning of rolling stock;

10 d. To adopt, amend and rescind rules and regulations not inconsistent
11 with any applicable provision of law to carry out the purposes of this
12 section, including but not limited to rules and regulations prescribing
13 the internal procedures and organization of the bureau, the manner and
14 time of entering pleas, the conduct of hearings, and the amount and
15 manner of payment of penalties;

16 e. To enter judgments and enforce them, without court proceedings, in
17 the same manner as the enforcement of money judgments in civil actions,
18 as provided below;

19 f. To compile and maintain complete and accurate records relating to
20 all warnings, charges and dispositions, which records shall be deemed
21 exempt from disclosure under the freedom of information law as records
22 compiled for law enforcement purposes, and provided that, in the absence
23 of an additional violation, records of a warning issued to an individual
24 in accordance with paragraph a of subdivision eleven of this section
25 shall be sealed or expunged as of the date that is four years after the
26 date that such warning was issued;

27 g. To apply to a court of competent jurisdiction for enforcement of
28 any decision or order issued by such bureau or of any subpoena issued by
29 a hearing officer as provided in paragraph d of subdivision seven of
30 this section;

31 h. To enter into contracts with other government agencies, with
32 private organizations, or with individuals to undertake on its behalf
33 such functions as data processing, debt collections, mailing, and gener-
34 al administration, as the executive director deems appropriate, except
35 that the conduct by hearing officers of hearings and of appeals may not
36 be performed by outside contractors, and that biometric identifying
37 technology, including but not limited to facial recognition technology,
38 may not be used or arranged for use by outside contractors to enforce or
39 process transit and railroad infractions relating to the payment of
40 fares;

41 i. To accept payment of penalties and to remit same to the authority
42 or the metropolitan transportation authority or a subsidiary thereof, as
43 applicable; and

44 j. To adjudicate the liability of motor vehicle owners for violations
45 of rules and regulations established in accordance with the provisions
46 of section two thousand nine hundred eighty-five of this chapter.

47 5. Notices of violation. The bureau shall prepare and distribute
48 notices of violation in blank to the transit police and any other person
49 empowered by law, rule and regulation to serve such notices. The form
50 and wording of the notice of violation shall be prescribed by the execu-
51 tive director, and it may be the same as any other notice of violation
52 or summons form already in use if said form meets the requirements here-
53 of. The notice of violation may include provisions to record information
54 which will facilitate the identification and location of respondents,
55 including but not limited to name, address, telephone numbers, date of
56 birth, social security number if otherwise permitted by law, place of

1 employment or school, and name and address of parents or guardian if a
2 minor. Notices of violation shall be issued only to persons who are
3 sixteen years of age or over, and shall be served by delivering the
4 notice within the state to the person to be served. A copy of each
5 notice of violation served hereunder shall be filed and retained by said
6 bureau, and shall be deemed a record kept in the ordinary course of
7 business, and, if sworn to or affirmed, shall be prima facie evidence of
8 the facts contained therein. Said notice of violation shall contain
9 information advising the person charged of the manner and the time with-
10 in which such person may either admit or deny the offense charged in the
11 notice. Such notice of violation shall also contain a warning to advise
12 the person charged that failure to plead in the manner and within the
13 time stated in the notice may result in a default decision and order
14 being entered against such person, and the imposition of supplemental
15 penalties as provided in subdivision five-a of section twelve hundred
16 four or subdivision four of section twelve hundred sixty-six of this
17 chapter. A notice of violation shall not be deemed to be a notice of
18 liability issued pursuant to section two thousand nine hundred eighty-
19 five of this chapter.

20 6. Defaults. Where a respondent has failed to plead to a notice of
21 violation or to a notice of liability issued pursuant to section two
22 thousand nine hundred eighty-five of this chapter within the time
23 allowed by the rules of said bureau or has failed to appear on a desig-
24 nated hearing date or a subsequent date following an adjournment, such
25 failure to plead or appear shall be deemed, for all purposes, to be an
26 admission of liability and shall be grounds for rendering a default
27 decision and order imposing a penalty in such amount as may be
28 prescribed by the authority or the metropolitan transportation authority
29 or a subsidiary thereof.

30 7. Hearings. a. (1) A person charged with a transit or railroad
31 infraction returnable to the bureau or a person alleged to be liable in
32 accordance with the provisions of section two thousand nine hundred
33 eighty-five of this chapter who contests such allegation shall be
34 advised of the date on or by which [~~he or she~~] such person must appear
35 to answer the charge at a hearing. Notification of such hearing date
36 shall be given either in the notice of violation or in a form, the
37 content of which shall be prescribed by the executive director or in a
38 manner prescribed in section two thousand nine hundred eighty-five of
39 this chapter. Any such notification shall contain a warning to advise
40 the person charged that failure to appear on or by the date designated,
41 or any subsequent rescheduled or adjourned date, shall be deemed for all
42 purposes, an admission of liability, and that a default judgment may be
43 rendered and penalties may be imposed. Where notification is given in a
44 manner other than in the notice of violation, the bureau shall deliver
45 such notice to the person charged, either personally or by registered or
46 certified mail.

47 (2) Whenever a person charged with a transit or railroad infraction or
48 alleged to be liable in accordance with the provisions of section two
49 thousand nine hundred eighty-five of this chapter returnable to the
50 bureau requests an alternate hearing date and is not then in default as
51 defined in subdivision six of this section, the bureau shall advise such
52 person personally, or by registered or certified mail, of the alternate
53 hearing date on or by which [~~he or she~~] such person must appear to
54 answer the charge or allegation at a hearing. The form and content of
55 such notice of hearing shall be prescribed by the executive director,
56 and shall contain a warning to advise the person charged or alleged to

1 be liable that failure to appear on or by the alternate designated hear-
2 ing date, or any subsequent rescheduled or adjourned date, shall be
3 deemed for all purposes an admission of liability, and that a default
4 judgment may be rendered and penalties may be imposed.

5 (3) Whenever a person charged with a transit or railroad infraction or
6 alleged to be liable in accordance with the provisions of section two
7 thousand nine hundred eighty-five of this chapter returnable to the
8 bureau appears at a hearing and obtains an adjournment of the hearing
9 pursuant to the rules of the bureau, the bureau shall advise such person
10 personally, or by registered or certified mail, of the adjourned date on
11 which [~~he or she~~] such person must appear to answer the charge or alle-
12 gation at a continued hearing. The form and content of such notice of a
13 continued hearing shall be prescribed by the executive director, and
14 shall contain a warning to advise the person charged or alleged to be
15 liable that failure to appear on the adjourned hearing date shall be
16 deemed for all purposes an admission of liability, and that a default
17 judgment may be rendered and penalties may be imposed.

18 b. Every hearing for the adjudication of a charge of a transit or
19 railroad infraction or an allegation of liability under section two
20 thousand nine hundred eighty-five of this chapter hereunder shall be
21 held before a hearing officer in accordance with the rules and regu-
22 lations promulgated by the bureau.

23 c. The hearing officer shall not be bound by the rules of evidence in
24 the conduct of the hearing, except rules relating to privileged communi-
25 cations.

26 d. The hearing officer may, in [~~his or her~~] their discretion, or at
27 the request of the person charged or alleged to be liable on a showing
28 of good cause and need therefor, issue subpoenas to compel the appear-
29 ance of any person to give testimony, and issue subpoenas duces tecum to
30 compel the production for examination or introduction into evidence of
31 any book, paper or other thing relevant to the charges.

32 e. In the case of a refusal to obey a subpoena, the bureau may make
33 application to the supreme court pursuant to section twenty-three
34 hundred eight of the civil practice law and rules, for an order requir-
35 ing such appearance, testimony or production of materials.

36 f. The bureau shall make and maintain a sound recording or other
37 record of every hearing.

38 g. After due consideration of the evidence and arguments, the hearing
39 officer shall determine whether the charges or allegations have been
40 established. No charge may be established except upon proof by clear and
41 convincing evidence except allegations of civil liability for violations
42 of triborough bridge and tunnel authority rules and regulations will be
43 established in accordance with the provisions of section two thousand
44 nine hundred eighty-five of this chapter. Where the charges have not
45 been established, an order dismissing the charges or allegations shall
46 be entered. Where a determination is made that a charge or allegation
47 has been established or if an answer admitting the charge or allegation
48 has been received, the hearing officer shall set a penalty in accordance
49 with the penalty schedule established by the authority or the metropol-
50 itan transportation authority or its subsidiaries, or for allegations of
51 civil liability in accordance with the provisions of section two thou-
52 sand nine hundred eighty-five of this chapter and an appropriate order
53 shall be entered in the records of the bureau. The respondent shall be
54 given notice of such entry in person or by certified mail. This order
55 shall constitute the final determination of the hearing officer, and for
56 purposes of review it shall be deemed to incorporate any intermediate

1 determinations made by said officer in the course of the proceeding.
2 When no appeal is filed this order shall be the final order of the
3 bureau.

4 10. Funds. All penalties collected pursuant to the provisions of this
5 section shall be paid to the authority to the credit of a transit crime
6 fund which the authority shall establish. Any sums in this fund shall be
7 used to pay for programs selected by the board of the metropolitan
8 transportation authority, in its discretion, to reduce the incidence of
9 crimes and infractions on transit and railroad facilities, or to improve
10 the enforcement of laws against such crimes and infractions. Such funds
11 shall be in addition to and not in substitution for any funds provided
12 by the state or any political subdivision within the [city of New York]
13 metropolitan commuter transportation district as established by section
14 twelve hundred sixty-two of this article for such purposes.

15 11. Civil penalties relating to payment of transit fare violations.
16 Civil penalties imposed by the bureau in connection with a violation by
17 a respondent of the rules of the authority or the MTA bus company relat-
18 ing to the payment of fares shall adhere to the following conditions:

19 a. A violation that is the first such violation by a respondent
20 committed in any four year period shall, absent exceptional circum-
21 stances including a concurrent violation or violations by such individ-
22 ual of the penal law or the rules of conduct of the New York city trans-
23 it authority or the MTA bus company which causes or may tend to cause
24 harm to oneself or to any other person, or to the safe operation of the
25 transit system, be punishable only by an official written warning issued
26 according to and governed by the rules of the authority in all respects;
27 provided that such warning shall not be used for any purpose other than
28 as a predicate to the imposition by the transit adjudication bureau of a
29 civil penalty on such respondent pursuant to this subdivision in the
30 event of a subsequent violation, and provided further that such informa-
31 tion shall not be open to the public, nor subject to civil or criminal
32 process or discovery, nor used by any court or administrative or judi-
33 catory body in any action or proceeding therein except that which is
34 necessary for the adjudication of the notice of violation pursuant to
35 this subdivision or for inspection and copying and use by the respond-
36 ent.

37 b. A penalty for a violation that is the second such violation by a
38 respondent committed in any four year period shall not exceed one
39 hundred dollars (exclusive of supplemental penalties, interest or costs
40 assessed thereon). Upon payment by such respondent of the penalty in
41 full by the date due for such payment, absent exceptional circumstances
42 as set forth in paragraph a of this subdivision, the bureau shall issue
43 a farecard to the respondent for use on transit facilities in an amount
44 not to exceed one-half of the penalty amount.

45 c. A penalty for a violation that is the third or subsequent such
46 violation by a respondent committed in any four year period shall not
47 exceed one hundred fifty dollars (exclusive of supplemental penalties,
48 interest or costs assessed thereon).

49 d. In the case of a violation by a respondent who at the time of such
50 violation is enrolled in the fair fares program administered by the city
51 of New York and provides to the bureau proof of such enrollment, the
52 penalty amount for such violation shall not exceed fifty percent of the
53 penalty amount applicable to such violation pursuant to the schedule of
54 such penalties as may from time to time be established by rules of the
55 authority in accordance with paragraphs a through c of this subdivision

1 (exclusive of supplemental penalties, interest or costs assessed there-
2 on).

3 e. Notwithstanding paragraphs a through d of this subdivision, the
4 bureau shall forgive penalties or any portion of penalties imposed on a
5 respondent for a violation of the rules of the authority or of the MTA
6 bus company relating to the payment of fares on the condition that the
7 respondent enrolls in the fair fares program administered by the city of
8 New York and provides to the bureau proof of such enrollment.

9 12. Civil penalties relating to payment of railroad fare violations.
10 Civil penalties imposed by the bureau in connection with a violation by
11 a respondent of the rules of the authority or the metropolitan transpor-
12 tation authority or any of its subsidiaries relating to the payment of
13 fares to the Metro-North railroad and Long Island rail road shall adhere
14 to the following conditions:

15 a. In the case of a violation by a respondent who at the time of such
16 violation is enrolled in the fair fares program administered by the city
17 of New York and provides to the bureau proof of such enrollment, the
18 penalty amount for such violation shall not exceed fifty percent of the
19 penalty amount applicable to such violation pursuant to the schedule of
20 such penalties as may from time to time be established by rules of the
21 authority or metropolitan transportation authority or any of its subsid-
22 aries.

23 b. Notwithstanding the rules of the authority or the metropolitan
24 transportation authority or any of its subsidiaries, the bureau shall
25 forgive penalties or any portion of penalties imposed on a respondent
26 for a violation of the rules of the authority or of the metropolitan
27 transportation authority or any of its subsidiaries relating to the
28 payment of fares to the Metro-North railroad or Long Island rail road on
29 the condition that the respondent enrolls in the fair fares program
30 administered by the city of New York and provides to the bureau proof of
31 such enrollment.

32 13. Reporting. Within two years of the effective date of this subdivi-
33 sion, the metropolitan transportation authority shall begin publishing
34 through the open data website established under section twelve hundred
35 seventy-nine-i of this article, data regarding fare evasion infractions
36 adjudicated by the bureau, including without limitation the number of
37 transit and railroad infractions issued by location including, to the
38 extent ascertainable, the subway stop, bus route and/or stop if applica-
39 ble, the number and percentage of transit or railroad infractions for
40 which a written warning was issued broken down by location including, to
41 the extent ascertainable, the subway stop, bus route and/or stop if
42 applicable, the date and time of day of each infraction, the number and
43 percentage of transit and railroad infractions issued wherein the
44 infraction was a second or subsequent infraction alleged against the
45 respondent, and such other information as the authority or bureau deem
46 appropriate. No identifiable information about individual violations
47 shall be published in such reporting.

48 § 3. Subdivision 4 of section 1266 of the public authorities law, as
49 amended by chapter 460 of the laws of 2015, is amended to read as
50 follows:

51 4. The authority may establish and, in the case of joint service
52 arrangements, join with others in the establishment of such schedules
53 and standards of operations and such other rules and regulations includ-
54 ing but not limited to rules and regulations governing the conduct and
55 safety of the public as it may deem necessary, convenient or desirable
56 for the use and operation of any transportation facility and related

1 services operated by the authority or under contract, lease or other
2 arrangement, including joint service arrangements, with the authority.
3 Such rules and regulations governing the conduct and safety of the
4 public shall be filed with the department of state in the manner
5 provided by section one hundred two of the executive law. In the case of
6 any conflict between any such rule or regulation of the authority
7 governing the conduct or the safety of the public and any local law,
8 ordinance, rule or regulation, such rule or regulation of the authority
9 shall prevail. Violation of any such rule or regulation of the authority
10 or any of its subsidiaries governing the conduct or the safety of the
11 public in or upon any facility of the authority or any of its subsid-
12 aries shall constitute an offense and shall be punishable by a fine not
13 exceeding fifty dollars or imprisonment for not more than thirty days or
14 both or may be punishable by the imposition of a civil penalty by the
15 transit adjudication bureau established pursuant to the provisions of
16 title nine of this article, except that civil penalties relating to the
17 payment of fares may be punishable by the imposition of a civil penalty
18 not to exceed one hundred fifty dollars, provided that civil penalties
19 relating to the payment of fares to the MTA bus company and the Metro-
20 North railroad and Long Island rail road shall be in accordance with the
21 conditions set forth in subdivisions eleven and twelve of section twelve
22 hundred nine-a of this article, as applicable.

23 § 4. The metropolitan transportation authority shall issue findings
24 and a report on the effects of fare evasion on the authority, its
25 subsidiaries and affiliates, including information about the quality of
26 the bureau's adjudication process and recommendations for improvement of
27 that process. Such report shall be published and delivered to the gover-
28 nor, temporary president of the senate, and the speaker of the assembly
29 by January 1, 2028.

30 § 5. This act shall take effect January 1, 2025. Effective immediate-
31 ly, the addition, amendment and/or repeal of any rule or regulation
32 necessary for the implementation of this act on its effective date are
33 authorized to be made and completed on or before such effective date.

34

PART VV

35 Section 1. Study. The office of children and family services shall,
36 within eighteen months from the effective date of this act, conduct and
37 complete a study to evaluate the feasibility of providing after school
38 programming during the academic year to every school-aged child in New
39 York. Such study shall examine, at a minimum, the following:

40 (a) the costs of implementing an after school program, including but
41 not limited to programming, facility, transportation, labor, and securi-
42 ty costs. The study shall also examine the cost burdens borne by fami-
43 lies, municipalities, New York state, and the federal government, and
44 how those costs might more effectively be shared in a universal program;

45 (b) per-child pay rates for current after school providers;

46 (c) to the extent practicable, current accessibility to subsidized
47 after school programming during the academic year;

48 (d) opportunities for inter- and intra-agency collaboration in deliv-
49 ering after school programming, including but not limited to opportu-
50 nities for the department of education, division of criminal justice
51 services, local youth bureaus, and provider agencies to share resources,
52 best practices, and relevant information to deliver effective after
53 school programming; and

1 (e) any other relevant topic areas deemed necessary to assist in
2 delivering after school programming in New York state.

3 § 2. Report. No later than ninety days after such study has been
4 completed pursuant to section one of this act, the office of children
5 and family services shall complete a report based on such study on the
6 feasibility and costs to implement an after school program for every
7 school-aged child within the state of New York, and shall deliver such
8 report to the governor, the temporary president of the senate, and the
9 speaker of the assembly. The commissioner of the office of children and
10 family services may acquire directly from the head of any department,
11 agency, or instrumentality of the state any available non-identifying
12 information which the office considers useful in the discharge of their
13 duties under this section and such departments, agencies, or instrumen-
14 talities of the state shall cooperate with the office with respect to
15 such information and shall furnish all information requested by the
16 office to the extent permitted by law.

17 § 3. This act shall take effect immediately.

18 PART WW

19 Section 1. This Part enacts into law components of legislation relat-
20 ing to toll enforcement. Each component is wholly contained within a
21 Subpart identified as Subparts A through B. The effective date for each
22 particular provision contained within such Subpart is set forth in the
23 last section of such Subpart. Any provision in any section contained
24 within a Subpart, including the effective date of the Subpart, which
25 makes reference to a section "of this act", when used in connection with
26 that particular component, shall be deemed to mean and refer to the
27 corresponding section of the Subpart in which it is found. Section
28 three of this Part sets forth the general effective date of this Part.

29 SUBPART A

30 Section 1. Subparagraphs (i) and (ii) of paragraph (b) of subdivision
31 1 of section 402 of the vehicle and traffic law, as amended by chapter
32 451 of the laws of 2021, are amended and a new subparagraph (ii-a) is
33 added to read as follows:

34 (i) Number plates shall be kept clean and in a condition so as to be
35 easily readable [~~and shall not be covered by glass or any plastic mate-~~
36 ~~rial~~].

37 (ii) Number plates shall not be knowingly covered or coated with any
38 [~~artificial or synthetic~~] material or substance that conceals or
39 obscures such number plates or that distorts a recorded or photographic
40 image of such number plates.

41 (ii-a) Number plates shall not be covered by glass or any plastic
42 material, nor shall they be covered with a material appearing to be a
43 number plate for display as proof of lawful registration but which has
44 not been lawfully issued by the commissioner, the commissioner's agent,
45 or the equivalent official or agents from another state, territory,
46 district, province, nation or other jurisdiction.

47 § 2. Subdivision 7 of section 402 of the vehicle and traffic law, as
48 added by chapter 648 of the laws of 2006, is amended to read as follows:

49 7. It shall be unlawful for any person, firm, partnership, associ-
50 ation, limited liability company or corporation to sell, offer for sale
51 or distribute any:

1 (a) artificial or synthetic material or substance for the purpose of
2 application to a number plate that will, upon application to a number
3 plate, distort a recorded or photographic image of such number plate; or

4 (b) plate cover, material or device for the purpose of installation
5 on, near or around a number plate that will, upon installation on, near
6 or around a number plate, obstruct or obscure all or any part of the
7 distinguishing number or other identification marks of such number
8 plate; or

9 (c) a material appearing to be a number plate for display as proof of
10 lawful registration but which has not been lawfully issued by the
11 commissioner, the commissioner's agent, or the equivalent official or
12 agents from another state, territory, district, province, nation or
13 other jurisdiction.

14 § 3. Subdivision 8 of section 402 of the vehicle and traffic law, as
15 amended by chapter 451 of the laws of 2021, is amended to read as
16 follows:

17 8. A violation of this section shall be punishable by a fine of not
18 less than twenty-five nor more than two hundred dollars, except that [a]
19 :

20 (a) A violation of subparagraph (ii), subparagraph (ii-a) or subpara-
21 graph (iii) of paragraph (b) of subdivision one of this section shall be
22 punishable by a fine of not less than [fifty] one hundred nor more than
23 [three] five hundred dollars.

24 (b) A person convicted of a violation of subparagraph (ii-a) of para-
25 graph (b) of subdivision one of this section shall surrender the glass
26 or plastic covering or material appearing to be a number plate, as
27 applicable, to the court or administrative tribunal for delivery to the
28 commissioner.

29 (c) Upon conviction of a violation of subparagraph (ii) of paragraph
30 (b) of subdivision one of this section, the court or administrative
31 tribunal having jurisdiction may, in addition to any penalty that may be
32 imposed for such violation, order the removal of any material or
33 substance that conceals or obscures such number plates or the replace-
34 ment of such number plates.

35 § 4. The vehicle and traffic law is amended by adding a new section
36 402-b to read as follows:

37 § 402-b. Obscured and obstructed license plates. 1. If any vehicle is
38 driven or operated on a public highway in violation of subparagraph
39 (ii), (ii-a), or (iii) of paragraph (b) of subdivision one of section
40 four hundred two of this article and is committed in their presence, a
41 police officer, as defined in section one hundred thirty-two of this
42 chapter, shall be authorized to take such actions as may be required or
43 permitted by the provisions of this section.

44 2. If the vehicle is being driven or operated in violation of subpara-
45 graph (ii), (ii-a) or (iii) of paragraph (b) of subdivision one of
46 section four hundred two of this article, such officer shall issue a
47 summons, provided, however, that a summons shall not be issued if, in
48 the discretion and at the request of such officer, the defect is
49 corrected in the presence of such officer. The refusal of a police offi-
50 cer to permit the repair of any defect in their presence shall not be
51 reviewable, and shall not be a defense to any violation charged in a
52 summons issued pursuant to the provisions of this section.

53 3. Any complaint issued for any violation of subparagraph (ii), (ii-a)
54 or (iii) of paragraph (b) of subdivision one of section four hundred two
55 of this article may be dismissed by the court before which the summons
56 is returnable if the violation as set forth in the summons is corrected

1 not later than one-half hour after sunset on the first full business day
2 after the issuance of the summons and proof of such correction is
3 submitted to the court or administrative tribunal. For the purposes of
4 this subdivision, "business day" shall mean any calendar day except
5 Saturday and Sunday, or the following business holidays: New Year's Day,
6 Washington's Birthday, Memorial Day, Independence Day, Labor Day, Colum-
7 bus Day, Veterans' Day, Thanksgiving Day, and Christmas Day.

8 § 5. Section 510 of the vehicle and traffic law is amended by adding a
9 new subdivision 4-h to read as follows:

10 4-h. Suspension of registration for covering license plates with a
11 license plate cover or material appearing to be a number plate or
12 obscuring license plates with any material or substance. (a) Upon
13 receipt of a notification from a court or an administrative tribunal
14 that an owner of a motor vehicle has been convicted three or more times
15 within a period of five years of a violation of subparagraph (ii),
16 (ii-a) or (iii) of paragraph (b) of subdivision one of section four
17 hundred two of this chapter not arising out of the same incident, the
18 commissioner or the commissioner's agent may suspend the registration of
19 the motor vehicle involved in such violation for a period of ninety
20 days. The commissioner may, in the commissioner's discretion, deny a
21 registration or renewal application to any other person for the same
22 vehicle and may deny a registration or renewal application for any other
23 motor vehicle registered in the name of the applicant where the commis-
24 sioner has determined that such registrant's intent has been to evade
25 the purposes of this paragraph and where the commissioner has reasonable
26 grounds to believe that such registration or renewal will have the
27 effect of defeating the purposes of this paragraph. Such denial shall
28 remain in effect only as long as the suspension entered pursuant to this
29 paragraph remains in effect.

30 (b) Upon receipt of notification from a court or an administrative
31 tribunal that an owner of a motor vehicle has failed to comply with
32 paragraph (b) or (c) of subdivision eight of section four hundred two of
33 this chapter, the commissioner or the commissioner's agent may suspend
34 the registration of the motor vehicle involved in such violation and
35 such suspension shall remain in effect until such time as the commis-
36 sioner is advised that such owner has complied with such paragraphs, as
37 applicable. The commissioner may, in the commissioner's discretion, deny
38 a registration or renewal application to any other person for the same
39 vehicle and may deny a registration or renewal application for any other
40 motor vehicle registered in the name of the applicant where the commis-
41 sioner has determined that such registrant's intent has been to evade
42 the purposes of this paragraph and where the commissioner has reasonable
43 grounds to believe that such registration or renewal will have the
44 effect of defeating the purposes of this paragraph. Such denial shall
45 remain in effect only as long as the suspension entered pursuant to this
46 paragraph remains in effect.

47 § 6. Subdivision 8 of section 2985 of the public authorities law, as
48 added by chapter 379 of the laws of 1992, is amended to read as follows:

49 8. (a) Adjudication of the liability imposed upon owners by this
50 section shall be by the entity having jurisdiction over violations of
51 the rules and regulations of the public authority serving the notice of
52 liability or where authorized by an administrative tribunal and all
53 violations shall be heard and determined in the county in which the
54 violation is alleged to have occurred, or in New York city and upon the
55 consent of both parties, in any county within New York city in which the
56 public authority operates or maintains a facility, and in the same

1 manner as charges of other regulatory violations of such public authori-
2 ty or pursuant to the rules and regulations of such administrative
3 tribunal as the case may be.

4 (b) Upon exhaustion of remedies pursuant to this section or section
5 twenty-nine hundred eighty-five-a of this title, as applicable, the New
6 York state bridge authority, thruway authority, triborough bridge and
7 tunnel authority, metropolitan transportation authority, and port
8 authority of New York and New Jersey, a bi-state agency created by
9 compact set forth in chapter one hundred fifty-four of the laws of nine-
10 teen hundred twenty-one, shall have the power to enter judgments for
11 unpaid liabilities, provided that such unpaid liabilities include the
12 failure to pay tolls, fees, or other charges or the failure to have such
13 tolls, fees or other charges dismissed or transferred in response to
14 three or more notices of violation issued within a five year period
15 charging the registrant of a motor vehicle with a violation of toll
16 collection regulations, and to enforce such judgments, without court
17 proceedings, in the same manner as the enforcement of money judgments in
18 civil actions in any court of competent jurisdiction or any other place
19 provided for the entry of civil judgment within the state of New York,
20 after a period of notice pursuant to paragraph (c) of this subdivision.
21 The applicable tolling authority shall not enforce such judgments until
22 thirty days have elapsed from issuing a notice pursuant to paragraph (c)
23 of this subdivision.

24 (c) Prior to entering judgments for unpaid liabilities pursuant to
25 paragraph (b) of this subdivision, the applicable tolling authority
26 shall notify the person subject to such judgment, by first class mail,
27 that such person is at risk of entry of a judgment against them if they
28 fail to pay such unpaid liabilities. The form and content of such notice
29 shall be prescribed by the applicable tolling authority, and shall
30 contain a warning to advise the person that failure to pay the applica-
31 ble unpaid liabilities within a period of not less than thirty days of
32 such notice will result in the enforcement of a judgment against them,
33 and shall further contain information about the process to dispute such
34 liabilities, consistent with this section or section twenty-nine hundred
35 eighty-five-a of this title, as applicable.

36 § 7. This act shall take effect September 1, 2024; provided, however,
37 that the provisions of sections one, two, three, four and five of this
38 act shall apply to violations committed on and after such date. Effec-
39 tive immediately, the addition, amendment and/or repeal of any rule or
40 regulation necessary for the implementation of this act on its effective
41 date are authorized to be made on or before such date.

42 SUBPART B

43 Section 1. This act shall be known and may be cited as the "toll by
44 mail enhancement act".

45 § 2. The public authorities law is amended by adding a new section
46 2985-a to read as follows:

47 § 2985-a. Payment of tolls under the tolls by mail program. 1. This
48 section shall not apply to the payment of tolls by means of an electron-
49 ic toll device that transmits information through an electronic toll
50 collection system as defined in subdivision twelve of section twenty-
51 nine hundred eighty-five of this title.

52 2. For purposes of this section, the following terms shall have the
53 following meanings:

1 (a) "Cashless tolling facility" shall mean a toll roadway, bridge or
2 tunnel facility that does not provide for the immediate on-site payment
3 in cash of a toll owed for the use of such facility.

4 (b) "Owner" shall mean any person, corporation, partnership, firm,
5 agency, association, lessor or organization who, at the time of incur-
6 ring an obligation to pay a toll at a cashless tolling facility, and
7 with respect to the vehicle identified in the toll bill or notice of
8 violation: (i) is the beneficial or equitable owner of such vehicle; or
9 (ii) has title to such vehicle; or (iii) is the registrant or co-regis-
10 trant of such vehicle which is registered with the department of motor
11 vehicles of this state or any other state, territory, district, prov-
12 ince, nation or other jurisdiction; or (iv) subject to the limitations
13 set forth in subdivision ten of section twenty-nine hundred eighty-five
14 of this title, uses such vehicle in its vehicle renting and/or leasing
15 business; or (v) is a person entitled to the use and possession of a
16 vehicle subject to a security interest in another person.

17 (c) "Toll bill" shall mean a notice sent to an owner notifying such
18 owner that the owner's vehicle has been used or operated in or upon a
19 cashless tolling facility and the owner has incurred an obligation to
20 pay a toll.

21 (d) "Notice of violation" shall mean a notice sent to an owner notify-
22 ing such owner that a toll incurred at a cashless tolling facility by
23 the owner has not been paid at the place and time and in the manner
24 established for collection of such toll in the toll bill and that an
25 administrative violation fee is being imposed for each such unpaid toll.

26 (e) "Billing cycle" shall mean a period not to exceed thirty calendar
27 days once tolls have posted for purposes of consolidated toll billing.

28 (f) "Initial billing cycle" shall mean a period not to exceed fifteen
29 business days after identifying the owner or other party responsible for
30 paying the toll for the purpose of consolidated toll billing for an
31 obligation to pay a toll bill for the first time at a cashless tolling
32 facility in a six-month period.

33 (g) "Tolls by mail program" shall mean any program operated by or on
34 behalf of a public authority to send a toll bill to an owner whose vehi-
35 cle crosses a cashless tolling facility without a valid electronic
36 device that successfully transmits information through an electronic
37 toll collection system as defined in subdivision twelve of section twen-
38 ty-nine hundred eighty-five of this title.

39 (h) "Declaration of dispute" shall mean a submission by an owner
40 disputing all or any portion of a toll, fee, penalty, or other obli-
41 gation incurred by an owner whose vehicle crosses a cashless tolling
42 facility, in such form as the public authority shall provide in regu-
43 lations and through display on the authority's website.

44 3. In the case of an owner who incurs an obligation to pay a toll for
45 the first time in six months under the tolls by mail program at a cash-
46 less tolling facility, a toll bill shall be sent within ten business
47 days after the end of the initial billing cycle and of each subsequent
48 billing cycle. In the case of all other owners incurring an obligation
49 to pay a toll at a cashless tolling facility, a toll bill shall be sent
50 at the end of the next billing cycle. Toll bills shall be sent to the
51 owner by first class mail, and may additionally be sent by electronic
52 means of communication upon the affirmative consent of the owner, by or
53 on behalf of the public authority which operates such cashless tolling
54 facility. The owner shall have thirty days from the date of the toll
55 bill to pay the incurred toll. The toll bill shall include: (i) the
56 total amount of the incurred tolls due, (ii) the date by which payment

1 of the incurred tolls is due, (iii) any administrative fees, (iv) the
2 address for receipt of payment and methods of payment for the toll, (v)
3 the procedure for contesting any toll and the contact information for
4 the relevant toll payer advocate office and customer service center,
5 (vi) information related to the failure to timely pay or respond to the
6 notice of liability, in addition to the possibility that a judgment can
7 be entered for repeat unpaid liabilities that could lead to a vehicle
8 being towed or immobilized, (vii) a website address or hyperlink for the
9 owner to access time-stamped photographs or footage of each toll
10 incurred by electronic means, (viii) information related to the avail-
11 ability of the toll payer advocate to discuss payment options, and (ix)
12 other information required by law or by the public authority. Each toll
13 bill shall identify the date, time, location, license plate number, and
14 jurisdiction of the license plate for each toll that has been incurred.
15 Each toll bill shall include an image of the license plate of the vehi-
16 cle being used or operated on the toll facility. If the owner fails to
17 pay the initial toll bill, a second toll bill shall be sent in the next
18 billing cycle, which shall also indicate the overdue toll or tolls and
19 any administrative or late fees due.

20 4. In the case of an owner who does not pay a toll incurred under the
21 tolls by mail program on a cashless facility at the place and time and
22 in the manner established for collection of such toll in the second toll
23 bill, a notice of violation shall be sent notifying the owner that the
24 toll is unpaid and administrative violation fees are being imposed. The
25 notice of violation shall be sent to the owner by first class mail, and
26 may additionally be sent by electronic means of communication upon the
27 affirmative consent of the owner, by or on behalf of the public authori-
28 ty which operates such cashless tolling facility. The notice of
29 violation shall include: (i) the total amount of unpaid tolls and admin-
30 istrative violation fees due, (ii) the date by which payment of the
31 tolls and administrative violation fees is due, (iii) the address for
32 receipt of payment and methods of payment for the toll, (iv) the proce-
33 dure for contesting any toll and the contact information for the rele-
34 vant toll payer advocate office and customer service center, (v) infor-
35 mation related to the failure to timely pay or respond to the notice of
36 liability, in addition to the possibility that a judgment can be entered
37 for repeat unpaid liabilities that could lead to a vehicle being towed
38 or immobilized, (vi) a website address or hyperlink for the owner to
39 access time-stamped photographs or footage of each toll incurred by
40 electronic means, (vii) information related to the availability of the
41 toll payer advocate to discuss payment options, and (viii) other infor-
42 mation required by law or by the public authority. Each notice of
43 violation shall identify the date, time, location, license plate number,
44 and jurisdiction of the license plate for each unpaid toll that has been
45 incurred.

46 5. Any fee or administrative violation fee that is assessed on a
47 notice of violation pursuant to subdivision four of this section shall
48 be dismissed if the notice of violation was not sent within ninety days
49 of the second toll bill, provided that any toll or tolls incurred remain
50 due and payable and provided further that such dismissal shall not apply
51 in the event that exceptional circumstances, including but not limited
52 to technological failures, have delayed the timely mailing of the notice
53 of violation and the public authority has posted notice of such circum-
54 stances prominently on its website within a reasonable time of becoming
55 aware of such circumstances, which shall be adequate record of such
56 circumstances.

1 6. Any toll bill or notice of violation required to be sent pursuant
2 to this section by first class mail may also be sent, with consent of
3 the owner, by electronic means of communication by or on behalf of the
4 public authority. It shall be the sole responsibility of the owner to
5 provide and update the address used for electronic means of communi-
6 cation to the owner by the public authority. A manual or automatic
7 record of electronic communications prepared in the ordinary course of
8 business shall be adequate record of electronic notice.

9 7. Any owner who incurs an obligation to pay a toll under the tolls by
10 mail program at a public authority's cashless tolling facility shall
11 have an option to receive alerts by electronic means of communication
12 that a toll has been incurred. Such alerts shall be provided to the
13 owner who has elected to receive such alerts no more than seventy-two
14 hours after the owner is identified. Each public authority shall create
15 an online registration for an electronic means of communication alert
16 that a toll has been incurred under the tolls by mail program at a cash-
17 less tolling facility. In the event an owner chooses to receive an elec-
18 tronic means of communication alert of a toll incurred, it shall be the
19 owner's sole responsibility to provide and update any mobile numbers,
20 electronic mail addresses, or any other addresses used for electronic
21 means of communication to which alerts are sent. A manual or automatic
22 record of electronic communications prepared in the ordinary course of
23 business shall be adequate record of electronic notice.

24 8. If an owner receives a notice of violation pursuant to this section
25 for any time period during which the vehicle was reported to the police
26 department as having been stolen, it shall be a valid defense to an
27 allegation of liability for a violation of toll collection regulations
28 that the vehicle had been reported to the police as stolen prior to the
29 time the violation occurred and had not been recovered by such time. If
30 an owner receives a notice of violation pursuant to this section for any
31 time period during which the vehicle was stolen, but not as yet reported
32 to the police as having been stolen, it shall be a valid defense to an
33 allegation of liability for a violation of toll collection regulations
34 pursuant to this section that the vehicle was reported as stolen within
35 two hours after the discovery of the theft by the owner. For purposes of
36 asserting the defense provided by this subdivision it shall be suffi-
37 cient that a certified copy of the police report on the stolen vehicle
38 be sent by first class mail to the court or other entity having juris-
39 isdiction.

40 9. An owner who is a lessor of a vehicle to which a notice of
41 violation was issued pursuant to subdivision four of this section shall
42 not be liable for the violation of the toll collection regulations
43 provided the owner sends to the public authority serving the notice of
44 violation and to the court or other entity having jurisdiction a copy of
45 the rental, lease or other such contract document covering such vehicle
46 on the date of the violation, with the name and address of the lessee
47 clearly legible, within thirty days after receiving the original notice
48 of violation. Failure to send such information within such thirty-day
49 time period shall render the lessor liable for the penalty prescribed by
50 this section. Where the lessor complies with the provisions of this
51 subdivision, the lessee of such vehicle on the date of such violation
52 shall be deemed to be the owner of such vehicle for purposes of this
53 section and shall be subject to liability for the violation of the toll
54 collection regulations, provided that the public authority mails a
55 notice of violation to the lessee within ten business days after the
56 public authority deems the lessee to be the owner. For purposes of this

1 subdivision the term "lessor" shall mean any person, corporation, firm,
2 partnership, agency, association or organization engaged in the business
3 of renting or leasing vehicles to any lessee under a rental agreement,
4 lease or otherwise wherein the said lessee has the exclusive use of said
5 vehicle for any period of time. For purposes of this subdivision, the
6 term "lessee" shall mean any person, corporation, firm, partnership,
7 agency, association or organization that rents, leases or contracts for
8 the use of one or more vehicles and has exclusive use thereof for any
9 period of time.

10 10. Except as provided in subdivision nine of this section, if a
11 person receives a notice of violation pursuant to this section it shall
12 be a valid defense to an allegation of liability for a violation of toll
13 collection regulations that the individual who received the notice of
14 violation pursuant to this section was not the owner of the vehicle at
15 the time the violation occurred. If the owner liable for a violation of
16 toll collection regulations pursuant to this section was not the opera-
17 tor of the vehicle at the time of the violation, the owner may maintain
18 an action for indemnification against the operator.

19 11. Any public authority that operates a cashless tolling facility
20 shall: (i) maintain a website and toll-free phone number for any person
21 to receive updated information on any tolls or fees which are outstand-
22 ing; and (ii) establish procedures for owners to dispute any tolls and
23 violation fees incurred in connection with toll bills, including a
24 requirement that written determinations in such disputes shall be issued
25 within forty-five days of receipt of the owner's declaration of dispute.
26 Such information shall be prominently displayed on such public authori-
27 ty's toll bills, notices of violation and website.

28 12. Every public authority that operates a cashless tolling facility
29 shall develop policies and procedures for the establishment on a case-
30 by-case basis of a written payment plan agreement for an owner's unpaid
31 tolls and administrative violation fees incurred at a cashless tolling
32 facility, subject to the availability of sufficient resources for the
33 public authority to administer such payment plans. Information related
34 to payment plans shall be made available upon the owner's request to the
35 public authority's customer service center. The public authority shall
36 not charge any additional amount or fee for enrollment in a payment plan
37 agreement. Owners shall fully comply with all payment plan agreement
38 terms and conditions and shall be subject to payment plan agreement
39 default provisions.

40 13. Every public authority that operates a cashless tolling facility
41 shall establish an office of such authority's toll payer advocate,
42 designed to further assist owners who remain unsatisfied after first
43 attempting resolution in writing of their concern with, and receiving
44 written determination from, such authority's customer service center.
45 The office of the toll payer advocate shall also endeavor to identify
46 any systemic issues and recommend reasonable improvements regarding the
47 use of and process involved with the payment of tolls under the tolls by
48 mail program at cashless tolling facilities to the public authority.

49 14. A public authority that operates a cashless tolling facility,
50 including the officers, employees, contractors and agents of such public
51 authority, shall not report to a consumer reporting agency, as defined
52 in 15 U.S.C. § 1681a, any toll, fee, penalty or other obligation
53 incurred by an owner related to use of a cashless tolling facility.

54 15. Nothing in this section shall prohibit a public authority from
55 collecting any toll or fee in the event that an owner does not properly
56 register a vehicle pursuant to the laws, rules and regulations of this

1 state, or any other state, territory, district, province, nation or
2 other jurisdiction.

3 16. Nothing in this section shall require a public authority to
4 perform any action or forbear from performing any action that would in
5 the public authority's sole discretion impair any covenant with the
6 holders of any of the public authority's bonds, notes or other obli-
7 gations.

8 § 3. No later than 90 days after the effective date of this act, every
9 public authority that operates a cashless tolling facility shall under-
10 take a public awareness campaign to educate motorists regarding the
11 tolls by mail program, of their right to access the office of the rele-
12 vant toll payer advocate and information related to the ability of that
13 office to discuss payment options, of the importance of updating their
14 license and vehicle registration information with the department of
15 motor vehicles, the potential consequences for failure to pay tolls or
16 respond to toll bills, of the benefits of becoming an E-ZPass customer
17 and opportunities available to monitor tolls by mail balances, and
18 potential options for unbanked individuals and individuals who do not
19 have a credit card to obtain an E-ZPass. The outreach campaign may
20 include, among other materials, print, electronic and mobile cellular
21 technology resources, and may be made publicly available via public
22 authority-sponsored communication methods.

23 § 4. This act shall take effect September 1, 2024. Effective imme-
24 diately, the addition, amendment and/or repeal of any rule or regulation
25 necessary for the implementation of this act on its effective date are
26 authorized to be made on or before such date. With respect to the Port
27 Authority of New York and New Jersey, this act shall take effect upon
28 the enactment into law by the state of New Jersey of legislation having
29 an identical effect with this act upon the Port Authority of New York
30 and New Jersey; but if the state of New Jersey shall have already
31 enacted such legislation, this act shall take effect immediately;
32 provided, that the chair of the port authority shall notify the legisla-
33 tive bill drafting commission upon the occurrence of the enactment of
34 the legislation provided for in section two of this act in order that
35 the commission may maintain an accurate and timely effective data base
36 of the official text of the laws of the state of New York in furtherance
37 of effectuating the provisions of section 44 of the legislative law and
38 section 70-b of the public officers law.

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

49 § 3. This act shall take effect immediately; provided, however, that
50 the applicable effective dates of Subparts A through B of this act shall
51 be as specifically set forth in the last section of such Subparts.

52 PART XX

53 Section 1. The state comptroller is hereby authorized and directed to
54 loan money in accordance with the provisions set forth in subdivision 5

1 of section 4 of the state finance law to the following funds and/or
2 accounts:

- 3 1. DOL-Child performer protection account (20401).
- 4 2. Local government records management account (20501).
- 5 3. Child health plus program account (20810).
- 6 4. EPIC premium account (20818).
- 7 5. Education - New (20901).
- 8 6. VLT - Sound basic education fund (20904).
- 9 7. Sewage treatment program management and administration fund
10 (21000).
- 11 8. Hazardous bulk storage account (21061).
- 12 9. Utility environmental regulatory account (21064).
- 13 10. Federal grants indirect cost recovery account (21065).
- 14 11. Low level radioactive waste account (21066).
- 15 12. Recreation account (21067).
- 16 13. Public safety recovery account (21077).
- 17 14. Environmental regulatory account (21081).
- 18 15. Natural resource account (21082).
- 19 16. Mined land reclamation program account (21084).
- 20 17. Great lakes restoration initiative account (21087).
- 21 18. Environmental protection and oil spill compensation fund (21200).
- 22 19. Public transportation systems account (21401).
- 23 20. Metropolitan mass transportation (21402).
- 24 21. Operating permit program account (21451).
- 25 22. Mobile source account (21452).
- 26 23. Statewide planning and research cooperative system account
27 (21902).
- 28 24. New York state thruway authority account (21905).
- 29 25. Financial control board account (21911).
- 30 26. Regulation of racing account (21912).
- 31 27. State university dormitory income reimbursable account (21937).
- 32 28. Criminal justice improvement account (21945).
- 33 29. Environmental laboratory reference fee account (21959).
- 34 30. Training, management and evaluation account (21961).
- 35 31. Clinical laboratory reference system assessment account (21962).
- 36 32. Indirect cost recovery account (21978).
- 37 33. Multi-agency training account (21989).
- 38 34. Bell jar collection account (22003).
- 39 35. Industry and utility service account (22004).
- 40 36. Real property disposition account (22006).
- 41 37. Parking account (22007).
- 42 38. Courts special grants (22008).
- 43 39. Asbestos safety training program account (22009).
- 44 40. Batavia school for the blind account (22032).
- 45 41. Investment services account (22034).
- 46 42. Surplus property account (22036).
- 47 43. Financial oversight account (22039).
- 48 44. Regulation of Indian gaming account (22046).
- 49 45. Rome school for the deaf account (22053).
- 50 46. Seized assets account (22054).
- 51 47. Administrative adjudication account (22055).
- 52 48. New York City assessment account (22062).
- 53 49. Cultural education account (22063).
- 54 50. Local services account (22078).
- 55 51. DHCR mortgage servicing account (22085).
- 56 52. Housing indirect cost recovery account (22090).

- 1 53. Voting Machine Examinations account (22099).
- 2 54. DHCR-HCA application fee account (22100).
- 3 55. Low income housing monitoring account (22130).
- 4 56. Restitution account (22134).
- 5 57. Corporation administration account (22135).
- 6 58. New York State Home for Veterans in the Lower-Hudson Valley
- 7 account (22144).
- 8 59. Deferred compensation administration account (22151).
- 9 60. Rent revenue other New York City account (22156).
- 10 61. Rent revenue account (22158).
- 11 62. Transportation aviation account (22165).
- 12 63. Tax revenue arrearage account (22168).
- 13 64. New York State Campaign Finance Fund account (22211).
- 14 65. New York state medical indemnity fund account (22240).
- 15 66. Behavioral health parity compliance fund (22246).
- 16 67. Pharmacy benefit manager regulatory fund (22255).
- 17 68. State university general income offset account (22654).
- 18 69. Lake George park trust fund account (22751).
- 19 70. Highway safety program account (23001).
- 20 71. DOH drinking water program account (23102).
- 21 72. NYCCC operating offset account (23151).
- 22 73. Commercial gaming revenue account (23701).
- 23 74. Commercial gaming regulation account (23702).
- 24 75. Highway use tax administration account (23801).
- 25 76. New York state secure choice administrative account (23806).
- 26 77. New York state cannabis revenue fund (24800).
- 27 78. Fantasy sports administration account (24951).
- 28 79. Mobile sports wagering fund (24955).
- 29 80. Highway and bridge capital account (30051).
- 30 81. State university residence hall rehabilitation fund (30100).
- 31 82. State parks infrastructure account (30351).
- 32 83. Clean water/clean air implementation fund (30500).
- 33 84. Hazardous waste remedial cleanup account (31506).
- 34 85. Youth facilities improvement account (31701).
- 35 86. Housing assistance fund (31800).
- 36 87. Housing program fund (31850).
- 37 88. Highway facility purpose account (31951).
- 38 89. New York racing account (32213).
- 39 90. Capital miscellaneous gifts account (32214).
- 40 91. Information technology capital financing account (32215).
- 41 92. New York environmental protection and spill remediation account
- 42 (32219).
- 43 93. Mental hygiene facilities capital improvement fund (32300).
- 44 94. Correctional facilities capital improvement fund (32350).
- 45 95. New York State Storm Recovery Capital Fund (33000).
- 46 96. OGS convention center account (50318).
- 47 97. Empire Plaza Gift Shop (50327).
- 48 98. Unemployment Insurance Benefit Fund, Interest Assessment Account
- 49 (50651).
- 50 99. Centralized services fund (55000).
- 51 100. Archives records management account (55052).
- 52 101. Federal single audit account (55053).
- 53 102. Civil service administration account (55055).
- 54 103. Civil service EHS occupational health program account (55056).
- 55 104. Banking services account (55057).
- 56 105. Cultural resources survey account (55058).

- 1 106. Neighborhood work project account (55059).
- 2 107. Automation & printing chargeback account (55060).
- 3 108. OFT NYT account (55061).
- 4 109. Data center account (55062).
- 5 110. Intrusion detection account (55066).
- 6 111. Domestic violence grant account (55067).
- 7 112. Centralized technology services account (55069).
- 8 113. Labor contact center account (55071).
- 9 114. Human services contact center account (55072).
- 10 115. Tax contact center account (55073).
- 11 116. Department of law civil recoveries account (55074).
- 12 117. Executive direction internal audit account (55251).
- 13 118. CIO Information technology centralized services account (55252).
- 14 119. Health insurance internal service account (55300).
- 15 120. Civil service employee benefits division administrative account
- 16 (55301).
- 17 121. Correctional industries revolving fund (55350).
- 18 122. Employees health insurance account (60201).
- 19 123. Medicaid management information system escrow fund (60900).
- 20 124. Virtual currency assessments account.
- 21 125. Animal shelter regulation account.
- 22 126. Department of financial services IT modernization capital
- 23 account.

24 § 2. The state comptroller is hereby authorized and directed to loan
25 money in accordance with the provisions set forth in subdivision 5 of
26 section 4 of the state finance law to any account within the following
27 federal funds, provided the comptroller has made a determination that
28 sufficient federal grant award authority is available to reimburse such
29 loans:

- 30 1. Federal USDA-food and nutrition services fund (25000).
- 31 2. Federal health and human services fund (25100).
- 32 3. Federal education fund (25200).
- 33 4. Federal block grant fund (25250).
- 34 5. Federal miscellaneous operating grants fund (25300).
- 35 6. Federal unemployment insurance administration fund (25900).
- 36 7. Federal unemployment insurance occupational training fund (25950).
- 37 8. Federal emergency employment act fund (26000).
- 38 9. Federal capital projects fund (31350).

39 § 3. Notwithstanding any law to the contrary, and in accordance with
40 section 4 of the state finance law, the comptroller is hereby authorized
41 and directed to transfer, upon request of the director of the budget, on
42 or before March 31, 2025, up to the unencumbered balance or the follow-
43 ing amounts:

44 Economic Development and Public Authorities:

- 45 1. \$2,175,000 from the miscellaneous special revenue fund, underground
- 46 facilities safety training account (22172), to the general fund.
- 47 2. An amount up to the unencumbered balance from the miscellaneous
- 48 special revenue fund, business and licensing services account (21977),
- 49 to the general fund.
- 50 3. \$19,810,000 from the miscellaneous special revenue fund, code
- 51 enforcement account (21904), to the general fund.
- 52 4. \$3,000,000 from the general fund to the miscellaneous special
- 53 revenue fund, tax revenue arrearage account (22168).

54 Education:

- 55 1. \$2,807,000,000 from the general fund to the state lottery fund,
- 56 education account (20901), as reimbursement for disbursements made from

1 such fund for supplemental aid to education pursuant to section 92-c of
2 the state finance law that are in excess of the amounts deposited in
3 such fund for such purposes pursuant to section 1612 of the tax law.

4 2. \$1,096,000,000 from the general fund to the state lottery fund, VLT
5 education account (20904), as reimbursement for disbursements made from
6 such fund for supplemental aid to education pursuant to section 92-c of
7 the state finance law that are in excess of the amounts deposited in
8 such fund for such purposes pursuant to section 1612 of the tax law.

9 3. \$121,900,000 from the general fund to the New York state commercial
10 gaming fund, commercial gaming revenue account (23701), as reimbursement
11 for disbursements made from such fund for supplemental aid to education
12 pursuant to section 97-nnnn of the state finance law that are in excess
13 of the amounts deposited in such fund for purposes pursuant to section
14 1352 of the racing, pari-mutuel wagering and breeding law.

15 4. \$1,039,800,000 from the general fund to the mobile sports wagering
16 fund, education account (24955), as reimbursement for disbursements made
17 from such fund for supplemental aid to education pursuant to section
18 92-c of the state finance law that are in excess of the amounts deposit-
19 ed in such fund for such purposes pursuant to section 1367 of the
20 racing, pari-mutuel wagering and breeding law.

21 5. \$46,000,000 from the interactive fantasy sports fund, fantasy
22 sports education account (24950), to the state lottery fund, education
23 account (20901), as reimbursement for disbursements made from such fund
24 for supplemental aid to education pursuant to section 92-c of the state
25 finance law.

26 6. An amount up to the unencumbered balance in the fund on March 31,
27 2025 from the charitable gifts trust fund, elementary and secondary
28 education account (24901), to the general fund, for payment of general
29 support for public schools pursuant to section 3609-a of the education
30 law.

31 7. Moneys from the state lottery fund (20900) up to an amount deposit-
32 ed in such fund pursuant to section 1612 of the tax law in excess of the
33 current year appropriation for supplemental aid to education pursuant to
34 section 92-c of the state finance law.

35 8. \$300,000 from the New York state local government records manage-
36 ment improvement fund, local government records management account
37 (20501), to the New York state archives partnership trust fund, archives
38 partnership trust maintenance account (20351).

39 9. \$900,000 from the general fund to the miscellaneous special revenue
40 fund, Batavia school for the blind account (22032).

41 10. \$900,000 from the general fund to the miscellaneous special reven-
42 ue fund, Rome school for the deaf account (22053).

43 11. \$343,400,000 from the state university dormitory income fund
44 (40350) to the miscellaneous special revenue fund, state university
45 dormitory income reimbursable account (21937).

46 12. Intentionally omitted.

47 13. \$24,000,000 from any of the state education department's special
48 revenue and internal service funds to the miscellaneous special revenue
49 fund, indirect cost recovery account (21978).

50 14. \$4,200,000 from any of the state education department's special
51 revenue or internal service funds to the capital projects fund (30000).

52 15. \$30,013,000 from the general fund to the miscellaneous special
53 revenue fund, HESC-insurance premium payments account (21960).

54 Environmental Affairs:

55 1. \$16,000,000 from any of the department of environmental conserva-
56 tion's special revenue federal funds, and/or federal capital funds, to

1 the environmental conservation special revenue fund, federal indirect
2 recovery account (21065).

3 2. \$5,000,000 from any of the department of environmental conserva-
4 tion's special revenue federal funds, and/or federal capital funds, to
5 the conservation fund (21150) or Marine Resources Account (21151) as
6 necessary to avoid diversion of conservation funds.

7 3. \$3,000,000 from any of the office of parks, recreation and historic
8 preservation capital projects federal funds and special revenue federal
9 funds to the miscellaneous special revenue fund, federal grant indirect
10 cost recovery account (22188).

11 4. \$1,000,000 from any of the office of parks, recreation and historic
12 preservation special revenue federal funds to the miscellaneous capital
13 projects fund, I love NY water account (32212).

14 5. \$100,000,000 from the general fund to the environmental protection
15 fund, environmental protection fund transfer account (30451).

16 6. \$10,000,000 from the general fund to the hazardous waste remedial
17 fund, hazardous waste oversight and assistance account (31506).

18 7. An amount up to or equal to the cash balance within the special
19 revenue-other waste management & cleanup account (21053) to the capital
20 projects fund (30000) for services and capital expenses related to the
21 management and cleanup program as put forth in section 27-1915 of the
22 environmental conservation law.

23 8. \$1,800,000 from the miscellaneous special revenue fund, public
24 service account (22011) to the miscellaneous special revenue fund, util-
25 ity environmental regulatory account (21064).

26 9. \$7,000,000 from the general fund to the enterprise fund, state fair
27 account (50051).

28 10. \$10,000,000 from the waste management & cleanup account (21053) to
29 the general fund.

30 11. \$3,000,000 from the waste management & cleanup account (21053) to
31 the environmental protection fund transfer account (30451).

32 12. \$10,000,000 from the general fund to the miscellaneous special
33 revenue fund, patron services account (22163).

34 13. \$15,000,000 from the enterprise fund, golf account (50332) to the
35 state park infrastructure fund, state park infrastructure account
36 (30351).

37 Family Assistance:

38 1. \$7,000,000 from any of the office of children and family services,
39 office of temporary and disability assistance, or department of health
40 special revenue federal funds and the general fund, in accordance with
41 agreements with social services districts, to the miscellaneous special
42 revenue fund, office of human resources development state match account
43 (21967).

44 2. \$4,000,000 from any of the office of children and family services
45 or office of temporary and disability assistance special revenue federal
46 funds to the miscellaneous special revenue fund, family preservation and
47 support services and family violence services account (22082).

48 3. \$18,670,000 from any of the office of children and family services,
49 office of temporary and disability assistance, or department of health
50 special revenue federal funds and any other miscellaneous revenues
51 generated from the operation of office of children and family services
52 programs to the general fund.

53 4. \$205,000,000 from any of the office of temporary and disability
54 assistance or department of health special revenue funds to the general
55 fund.

- 1 5. \$2,500,000 from any of the office of temporary and disability
2 assistance special revenue funds to the miscellaneous special revenue
3 fund, office of temporary and disability assistance program account
4 (21980).
- 5 6. \$35,000,000 from any of the office of children and family services,
6 office of temporary and disability assistance, department of labor, and
7 department of health special revenue federal funds to the office of
8 children and family services miscellaneous special revenue fund, multi-
9 agency training contract account (21989).
- 10 7. \$205,000,000 from the miscellaneous special revenue fund, youth
11 facility per diem account (22186), to the general fund.
- 12 8. \$621,850 from the general fund to the combined gifts, grants, and
13 bequests fund, WB Hoyt Memorial account (20128).
- 14 9. \$5,000,000 from the miscellaneous special revenue fund, state
15 central registry (22028), to the general fund.
- 16 10. \$900,000 from the general fund to the Veterans' Remembrance and
17 Cemetery Maintenance and Operation account (20201).
- 18 11. \$5,000,000 from the general fund to the housing program fund
19 (31850).
- 20 12. \$10,000,000 from any of the office of children and family services
21 special revenue federal funds to the office of the court administration
22 special revenue other federal iv-e funds account.
- 23 General Government:
- 24 1. \$9,000,000 from the general fund to the health insurance revolving
25 fund (55300).
- 26 2. \$292,400,000 from the health insurance reserve receipts fund
27 (60550) to the general fund.
- 28 3. \$150,000 from the general fund to the not-for-profit revolving loan
29 fund (20650).
- 30 4. \$150,000 from the not-for-profit revolving loan fund (20650) to the
31 general fund.
- 32 5. \$3,000,000 from the miscellaneous special revenue fund, surplus
33 property account (22036), to the general fund.
- 34 6. \$19,000,000 from the miscellaneous special revenue fund, revenue
35 arrearage account (22024), to the general fund.
- 36 7. \$3,326,000 from the miscellaneous special revenue fund, revenue
37 arrearage account (22024), to the miscellaneous special revenue fund,
38 authority budget office account (22138).
- 39 8. \$1,000,000 from the miscellaneous special revenue fund, parking
40 account (22007), to the general fund, for the purpose of reimbursing the
41 costs of debt service related to state parking facilities.
- 42 9. \$11,460,000 from the general fund to the agencies internal service
43 fund, central technology services account (55069), for the purpose of
44 enterprise technology projects.
- 45 10. \$10,000,000 from the general fund to the agencies internal service
46 fund, state data center account (55062).
- 47 11. \$12,000,000 from the miscellaneous special revenue fund, parking
48 account (22007), to the centralized services, building support services
49 account (55018).
- 50 12. \$33,000,000 from the general fund to the internal service fund,
51 business services center account (55022).
- 52 13. \$8,000,000 from the general fund to the internal service fund,
53 building support services account (55018).
- 54 14. \$1,500,000 from the combined expendable trust fund, plaza special
55 events account (20120), to the general fund.

- 1 15. \$50,000,000 from the New York State cannabis revenue fund (24800)
2 to the general fund.
- 3 16. A transfer from the general fund to the miscellaneous special
4 revenue fund, New York State Campaign Finance Fund Account (22211), up
5 to an amount equal to total reimbursements due to qualified candidates.
- 6 17. \$6,000,000 from the miscellaneous special revenue fund, standards
7 and purchasing account (22019), to the general fund.
- 8 18. \$5,600,000 from the banking department special revenue fund
9 (21970) funded by the assessment to defray operating expenses authorized
10 by section 206 of the financial services law to the IT Modernization
11 Capital Fund.
- 12 19. \$8,400,000 from the insurance department special revenue fund
13 (21994) funded by the assessment to defray operating expenses authorized
14 by section 206 of the financial services law to the IT Modernization
15 Capital Fund.
- 16 20. \$500,000 from the pharmacy benefits bureau special revenue fund
17 (22255) funded by the assessment to defray operating expenses authorized
18 by section 206 of the financial services law, to the IT Modernization
19 Capital Fund.
- 20 21. \$500,000 from the virtual currency special revenue fund (22262)
21 funded by the assessment to defray operating expenses authorized by
22 section 206 of the financial services law, to the IT Modernization Capi-
23 tal Fund.
- 24 22. \$250,000 from the general fund to the miscellaneous special reven-
25 ue fund, authority budget office account (22138).
- 26 Health:
- 27 1. A transfer from the general fund to the combined gifts, grants and
28 bequests fund, breast cancer research and education account (20155), up
29 to an amount equal to the monies collected and deposited into that
30 account in the previous fiscal year.
- 31 2. A transfer from the general fund to the combined gifts, grants and
32 bequests fund, prostate cancer research, detection, and education
33 account (20183), up to an amount equal to the moneys collected and
34 deposited into that account in the previous fiscal year.
- 35 3. A transfer from the general fund to the combined gifts, grants and
36 bequests fund, Alzheimer's disease research and assistance account
37 (20143), up to an amount equal to the moneys collected and deposited
38 into that account in the previous fiscal year.
- 39 4. \$3,600,000 from the miscellaneous special revenue fund, certificate
40 of need account (21920), to the miscellaneous capital projects fund,
41 healthcare IT capital subfund (32216).
- 42 5. \$4,000,000 from the miscellaneous special revenue fund, vital
43 health records account (22103), to the miscellaneous capital projects
44 fund, healthcare IT capital subfund (32216).
- 45 6. \$6,000,000 from the miscellaneous special revenue fund, profes-
46 sional medical conduct account (22088), to the miscellaneous capital
47 projects fund, healthcare IT capital subfund (32216).
- 48 7. \$131,000,000 from the HCRA resources fund (20800) to the capital
49 projects fund (30000).
- 50 8. \$6,550,000 from the general fund to the medical cannabis trust
51 fund, health operation and oversight account (23755).
- 52 9. An amount up to the unencumbered balance from the charitable gifts
53 trust fund, health charitable account (24900), to the general fund, for
54 payment of general support for primary, preventive, and inpatient health
55 care, dental and vision care, hunger prevention and nutritional assist-
56 ance, and other services for New York state residents with the overall

1 goal of ensuring that New York state residents have access to quality
2 health care and other related services.

3 10. \$500,000 from the miscellaneous special revenue fund, New York
4 State cannabis revenue fund (24800), to the miscellaneous special revenue
5 fund, environmental laboratory fee account (21959).

6 11. An amount up to the unencumbered balance from the public health
7 emergency charitable gifts trust fund (23816), to the general fund, for
8 payment of goods and services necessary to respond to a public health
9 disaster emergency or to assist or aid in responding to such a disaster.

10 12. \$1,000,000,000 from the general fund to the health care transfor-
11 mation fund (24850).

12 13. \$2,590,000 from the miscellaneous special revenue fund, patient
13 safety center account (22140), to the general fund.

14 14. \$1,000,000 from the miscellaneous special revenue fund, nursing
15 home receivership account (21925), to the general fund.

16 15. \$130,000 from the miscellaneous special revenue fund, quality of
17 care account (21915), to the general fund.

18 16. \$2,200,000 from the miscellaneous special revenue fund, adult home
19 quality enhancement account (22091), to the general fund.

20 17. \$22,113,000 from the general fund, to the miscellaneous special
21 revenue fund, helen hayes hospital account (22140).

22 18. \$4,850,000 from the general fund, to the miscellaneous special
23 revenue fund, New York city veterans' home account (22141).

24 19. \$3,675,000 from the general fund, to the miscellaneous special
25 revenue fund, New York state home for veterans' and their dependents at
26 oxford account (22142).

27 20. \$2,055,000 from the general fund, to the miscellaneous special
28 revenue fund, western New York veterans' home account (22143).

29 21. \$6,451,000 from the general fund, to the miscellaneous special
30 revenue fund, New York state for veterans in the lower-hudson valley
31 account (22144).

32 22. \$6,600,000 from the general fund, to the New York state medical
33 indemnity fund (22240).

34 23. \$350,000,000 from the general fund, to the miscellaneous special
35 revenue fund, healthcare stability fund account.

36 24. \$5,000,000 from the general fund to the occupational health clin-
37 ics account (22177).

38 Labor:

39 1. \$600,000 from the miscellaneous special revenue fund, DOL fee and
40 penalty account (21923), to the child performer's protection fund, child
41 performer protection account (20401).

42 2. \$11,700,000 from the unemployment insurance interest and penalty
43 fund, unemployment insurance special interest and penalty account
44 (23601), to the general fund.

45 3. \$50,000,000 from the DOL fee and penalty account (21923), unemploy-
46 ment insurance special interest and penalty account (23601), and public
47 work enforcement account (21998), to the general fund.

48 4. \$850,000 from the miscellaneous special revenue fund, DOL elevator
49 safety program fund (22252) to the miscellaneous special revenue fund,
50 DOL fee and penalty account (21923).

51 Mental Hygiene:

52 1. \$3,800,000 from the general fund, to the agencies internal service
53 fund, civil service EHS occupational health program account (55056).

54 2. \$2,000,000 from the general fund, to the mental hygiene facilities
55 capital improvement fund (32300).

- 1 3. \$20,000,000 from the opioid settlement fund (23817) to the miscel-
2 laneous capital projects fund, opioid settlement capital account
3 (32200).
- 4 4. \$20,000,000 from the miscellaneous capital projects fund, opioid
5 settlement capital account (32200) to the opioid settlement fund
6 (23817).
- 7 Public Protection:
- 8 1. \$1,350,000 from the miscellaneous special revenue fund, emergency
9 management account (21944), to the general fund.
- 10 2. \$2,587,000 from the general fund to the miscellaneous special
11 revenue fund, recruitment incentive account (22171).
- 12 3. \$23,773,000 from the general fund to the correctional industries
13 revolving fund, correctional industries internal service account
14 (55350).
- 15 4. \$2,000,000,000 from any of the division of homeland security and
16 emergency services special revenue federal funds to the general fund.
- 17 5. \$115,420,000 from the state police motor vehicle law enforcement
18 and motor vehicle theft and insurance fraud prevention fund, state
19 police motor vehicle enforcement account (22802), to the general fund
20 for state operation expenses of the division of state police.
- 21 6. \$138,272,000 from the general fund to the correctional facilities
22 capital improvement fund (32350).
- 23 7. \$5,000,000 from the general fund to the dedicated highway and
24 bridge trust fund (30050) for the purpose of work zone safety activities
25 provided by the division of state police for the department of transpor-
26 tation.
- 27 8. \$10,000,000 from the miscellaneous special revenue fund, statewide
28 public safety communications account (22123), to the capital projects
29 fund (30000).
- 30 9. \$9,830,000 from the miscellaneous special revenue fund, legal
31 services assistance account (22096), to the general fund.
- 32 10. \$1,000,000 from the general fund to the agencies internal service
33 fund, neighborhood work project account (55059).
- 34 11. \$7,980,000 from the miscellaneous special revenue fund, finger-
35 print identification & technology account (21950), to the general fund.
- 36 12. \$1,100,000 from the state police motor vehicle law enforcement and
37 motor vehicle theft and insurance fraud prevention fund, motor vehicle
38 theft and insurance fraud account (22801), to the general fund.
- 39 13. \$38,938,000 from the general fund to the miscellaneous special
40 revenue fund, criminal justice improvement account (21945).
- 41 14. \$6,000,000 from the general fund to the miscellaneous special
42 revenue fund, hazard mitigation revolving loan account.
- 43 15. \$234,000,000 from the indigent legal services fund, indigent legal
44 services account (23551) to the general fund.
- 45 Transportation:
- 46 1. \$20,000,000 from the general fund to the mass transportation oper-
47 ating assistance fund, public transportation systems operating assist-
48 ance account (21401), of which \$12,000,000 constitutes the base need for
49 operations.
- 50 2. \$727,500,000 from the general fund to the dedicated highway and
51 bridge trust fund (30050).
- 52 3. \$244,250,000 from the general fund to the MTA financial assistance
53 fund, mobility tax trust account (23651).
- 54 4. \$5,000,000 from the miscellaneous special revenue fund, transporta-
55 tion regulation account (22067) to the dedicated highway and bridge
56 trust fund (30050), for disbursements made from such fund for motor

1 carrier safety that are in excess of the amounts deposited in the dedi-
2 cated highway and bridge trust fund (30050) for such purpose pursuant to
3 section 94 of the transportation law.

4 5. \$477,000 from the miscellaneous special revenue fund, traffic adju-
5 dication account (22055), to the general fund.

6 6. \$5,000,000 from the miscellaneous special revenue fund, transporta-
7 tion regulation account (22067) to the general fund, for disbursements
8 made from such fund for motor carrier safety that are in excess of the
9 amounts deposited in the general fund for such purpose pursuant to
10 section 94 of the transportation law.

11 Miscellaneous:

12 1. \$250,000,000 from the general fund to any funds or accounts for the
13 purpose of reimbursing certain outstanding accounts receivable balances.

14 2. \$500,000,000 from the general fund to the debt reduction reserve
15 fund (40000).

16 3. \$450,000,000 from the New York state storm recovery capital fund
17 (33000) to the revenue bond tax fund (40152).

18 4. \$15,500,000 from the general fund, community projects account GG
19 (10256), to the general fund, state purposes account (10050).

20 5. \$100,000,000 from any special revenue federal fund to the general
21 fund, state purposes account (10050).

22 6. \$3,650,000,000 from the special revenue federal fund, ARPA-Fiscal
23 Recovery Fund (25546) to the general fund, state purposes account
24 (10050) to cover eligible costs incurred by the state.

25 7. \$1,000,000,000 from the general fund to the hazardous waste over-
26 sight and assistance account (31506), State parks infrastructure account
27 (30351), environmental protection fund transfer account (30451), the
28 correctional facilities capital improvement fund (32350), housing
29 program fund (31850), or the Mental hygiene facilities capital improve-
30 ment fund (32300), up to an amount equal to certain outstanding accounts
31 receivable balances.

32 § 4. Notwithstanding any law to the contrary, and in accordance with
33 section 4 of the state finance law, the comptroller is hereby authorized
34 and directed to transfer, on or before March 31, 2025:

35 1. Upon request of the commissioner of environmental conservation, up
36 to \$12,745,400 from revenues credited to any of the department of envi-
37 ronmental conservation special revenue funds, including \$4,000,000 from
38 the environmental protection and oil spill compensation fund (21200),
39 and \$1,834,600 from the conservation fund (21150), to the environmental
40 conservation special revenue fund, indirect charges account (21060).

41 2. Upon request of the commissioner of agriculture and markets, up to
42 \$3,000,000 from any special revenue fund or enterprise fund within the
43 department of agriculture and markets to the general fund, to pay appro-
44 priate administrative expenses.

45 3. Upon request of the commissioner of the division of housing and
46 community renewal, up to \$6,221,000 from revenues credited to any divi-
47 sion of housing and community renewal federal or miscellaneous special
48 revenue fund to the miscellaneous special revenue fund, housing indirect
49 cost recovery account (22090).

50 4. Upon request of the commissioner of the division of housing and
51 community renewal, up to \$5,500,000 may be transferred from any miscel-
52 laneous special revenue fund account, to any miscellaneous special
53 revenue fund.

54 5. Upon request of the commissioner of health up to \$13,694,000 from
55 revenues credited to any of the department of health's special revenue

1 funds, to the miscellaneous special revenue fund, administration account
2 (21982).

3 6. Upon the request of the attorney general, up to \$4,000,000 from
4 revenues credited to the federal health and human services fund, federal
5 health and human services account (25117) or the miscellaneous special
6 revenue fund, recoveries and revenue account (22041), to the miscella-
7 neous special revenue fund, litigation settlement and civil recovery
8 account (22117).

9 § 5. On or before March 31, 2025, the comptroller is hereby authorized
10 and directed to deposit earnings that would otherwise accrue to the
11 general fund that are attributable to the operation of section 98-a of
12 the state finance law, to the agencies internal service fund, banking
13 services account (55057), for the purpose of meeting direct payments
14 from such account.

15 § 6. Notwithstanding any law to the contrary, and in accordance with
16 section 4 of the state finance law, the comptroller is hereby authorized
17 and directed to transfer, upon request of the director of the budget and
18 upon consultation with the state university chancellor or his or her
19 designee, on or before March 31, 2025, up to \$16,000,000 from the state
20 university income fund general revenue account (22653) to the state
21 general fund for debt service costs related to campus supported capital
22 project costs for the NY-SUNY 2020 challenge grant program at the
23 University at Buffalo.

24 § 7. Notwithstanding any law to the contrary, and in accordance with
25 section 4 of the state finance law, the comptroller is hereby authorized
26 and directed to transfer, upon request of the director of the budget and
27 upon consultation with the state university chancellor or his or her
28 designee, on or before March 31, 2025, up to \$6,500,000 from the state
29 university income fund general revenue account (22653) to the state
30 general fund for debt service costs related to campus supported capital
31 project costs for the NY-SUNY 2020 challenge grant program at the
32 University at Albany.

33 § 8. Notwithstanding any law to the contrary, the state university
34 chancellor or his or her designee is authorized and directed to transfer
35 estimated tuition revenue balances from the state university collection
36 fund (61000) to the state university income fund, state university
37 general revenue offset account (22655) on or before March 31, 2025.

38 § 8-a. Notwithstanding any law to the contrary, and in accordance with
39 section 4 of the state finance law, the comptroller is hereby authorized
40 and directed to transfer, upon request of the director of the budget, a
41 total of up to \$100,000,000 from the general fund to the state universi-
42 ty income fund, state university general revenue offset account (22655)
43 and/or the state university income fund, state university hospitals
44 income reimbursable account (22656) during the period July 1, 2024
45 through June 30, 2025 to pay costs attributable to the state university
46 health science center at Brooklyn and/or the state university of New
47 York hospital at Brooklyn, respectively, pursuant to a plan approved by
48 the director of the budget.

49 § 9. Notwithstanding any law to the contrary, and in accordance with
50 section 4 of the state finance law, the comptroller is hereby authorized
51 and directed to transfer, upon request of the director of the budget, up
52 to \$1,388,664,500 from the general fund to the state university income
53 fund, state university general revenue offset account (22655) during the
54 period of July 1, 2024 through June 30, 2025 to support operations at
55 the state university.

1 § 10. Notwithstanding any law to the contrary, and in accordance with
2 section 4 of the state finance law, the comptroller is hereby authorized
3 and directed to transfer, upon request of the director of the budget, up
4 to \$103,000,000 from the general fund to the state university income
5 fund, state university general revenue offset account (22655) during the
6 period of April 1, 2024 through June 30, 2024 to support operations at
7 the state university.

8 § 11. Notwithstanding any law to the contrary, and in accordance with
9 section 4 of the state finance law, the comptroller is hereby authorized
10 and directed to transfer, upon request of the director of the budget, up
11 to \$54,700,000 from the general fund to the state university income
12 fund, state university general revenue offset account (22655) during the
13 period of July 1, 2024 to June 30, 2025 for general fund operating
14 support pursuant to subparagraph (4-b) of paragraph h of subdivision 2
15 of section three hundred fifty-five of the education law.

16 § 12. Notwithstanding any law to the contrary, and in accordance with
17 section 4 of the state finance law, the comptroller is hereby authorized
18 and directed to transfer, upon request of the director of the budget, up
19 to \$20,000,000 from the general fund to the state university income
20 fund, state university general revenue offset account (22655) during the
21 period of July 1, 2024 to June 30, 2025 to fully fund the tuition credit
22 pursuant to subdivision two of section six hundred sixty-nine-h of the
23 education law.

24 § 13. Notwithstanding any law to the contrary, and in accordance with
25 section 4 of the state finance law, the comptroller is hereby authorized
26 and directed to transfer, upon request of the state university chancel-
27 lor or his or her designee, up to \$55,000,000 from the state university
28 income fund, state university hospitals income reimbursable account
29 (22656), for services and expenses of hospital operations and capital
30 expenditures at the state university hospitals; and the state university
31 income fund, Long Island veterans' home account (22652) to the state
32 university capital projects fund (32400) on or before June 30, 2025.

33 § 14. Notwithstanding any law to the contrary, and in accordance with
34 section 4 of the state finance law, the comptroller, after consultation
35 with the state university chancellor or his or her designee, is hereby
36 authorized and directed to transfer moneys, in the first instance, from
37 the state university collection fund, Stony Brook hospital collection
38 account (61006), Brooklyn hospital collection account (61007), and Syra-
39 cuse hospital collection account (61008) to the state university income
40 fund, state university hospitals income reimbursable account (22656) in
41 the event insufficient funds are available in the state university
42 income fund, state university hospitals income reimbursable account
43 (22656) to permit the full transfer of moneys authorized for transfer,
44 to the general fund for payment of debt service related to the SUNY
45 hospitals. Notwithstanding any law to the contrary, the comptroller is
46 also hereby authorized and directed, after consultation with the state
47 university chancellor or his or her designee, to transfer moneys from
48 the state university income fund to the state university income fund,
49 state university hospitals income reimbursable account (22656) in the
50 event insufficient funds are available in the state university income
51 fund, state university hospitals income reimbursable account (22656) to
52 pay hospital operating costs or to permit the full transfer of moneys
53 authorized for transfer, to the general fund for payment of debt service
54 related to the SUNY hospitals on or before March 31, 2025.

55 § 15. Notwithstanding any law to the contrary, upon the direction of
56 the director of the budget and the chancellor of the state university of

1 New York or his or her designee, and in accordance with section 4 of the
2 state finance law, the comptroller is hereby authorized and directed to
3 transfer monies from the state university dormitory income fund (40350)
4 to the state university residence hall rehabilitation fund (30100), and
5 from the state university residence hall rehabilitation fund (30100) to
6 the state university dormitory income fund (40350), in an amount not to
7 exceed \$100 million from each fund.

8 § 16. Notwithstanding any law to the contrary, and in accordance with
9 section 4 of the state finance law, the comptroller is hereby authorized
10 and directed to transfer, at the request of the director of the budget,
11 up to \$700,000,000 from the unencumbered balance of any special revenue
12 fund or account, agency fund or account, internal service fund or
13 account, enterprise fund or account, or any combination of such funds
14 and accounts, to the general fund. The amounts transferred pursuant to
15 this authorization shall be in addition to any other transfers expressly
16 authorized in the 2024-25 budget. Transfers from federal funds, debt
17 service funds, capital projects funds, the community projects fund, or
18 funds that would result in the loss of eligibility for federal benefits
19 or federal funds pursuant to federal law, rule, or regulation as assent-
20 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
21 1951 are not permitted pursuant to this authorization.

22 § 17. Notwithstanding any law to the contrary, and in accordance with
23 section 4 of the state finance law, the comptroller is hereby authorized
24 and directed to transfer, at the request of the director of the budget,
25 up to \$100 million from any non-general fund or account, or combination
26 of funds and accounts, to the miscellaneous special revenue fund, tech-
27 nology financing account (22207), the miscellaneous capital projects
28 fund, the federal capital projects account (31350), information technol-
29 ogy capital financing account (32215), or the centralized technology
30 services account (55069), for the purpose of consolidating technology
31 procurement and services. The amounts transferred to the miscellaneous
32 special revenue fund, technology financing account (22207) pursuant to
33 this authorization shall be equal to or less than the amount of such
34 monies intended to support information technology costs which are
35 attributable, according to a plan, to such account made in pursuance
36 an appropriation by law. Transfers to the technology financing account
37 shall be completed from amounts collected by non-general funds or
38 accounts pursuant to a fund deposit schedule or permanent statute, and
39 shall be transferred to the technology financing account pursuant to a
40 schedule agreed upon by the affected agency commissioner. Transfers from
41 funds that would result in the loss of eligibility for federal benefits
42 or federal funds pursuant to federal law, rule, or regulation as assent-
43 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
44 1951 are not permitted pursuant to this authorization.

45 § 18. Notwithstanding any law to the contrary, and in accordance with
46 section 4 of the state finance law, the comptroller is hereby authorized
47 and directed to transfer, at the request of the director of the budget,
48 up to \$400 million from any non-general fund or account, or combination
49 of funds and accounts, to the general fund for the purpose of consol-
50 idating technology procurement and services. The amounts transferred
51 pursuant to this authorization shall be equal to or less than the amount
52 of such monies intended to support information technology costs which
53 are attributable, according to a plan, to such account made in pursuance
54 to an appropriation by law. Transfers to the general fund shall be
55 completed from amounts collected by non-general funds or accounts pursu-
56 ant to a fund deposit schedule. Transfers from funds that would result

1 in the loss of eligibility for federal benefits or federal funds pursu-
2 ant to federal law, rule, or regulation as assented to in chapter 683 of
3 the laws of 1938 and chapter 700 of the laws of 1951 are not permitted
4 pursuant to this authorization.

5 § 19. Notwithstanding any provision of law to the contrary, as deemed
6 feasible and advisable by its trustees, the power authority of the state
7 of New York is authorized and directed to transfer to the state treasury
8 to the credit of the general fund up to \$20,000,000 for the state fiscal
9 year commencing April 1, 2024, the proceeds of which will be utilized to
10 support energy-related state activities.

11 § 20. Notwithstanding any provision of law to the contrary, as deemed
12 feasible and advisable by its trustees, the power authority of the state
13 of New York is authorized to transfer to the state treasury to the cred-
14 it of the general fund up to \$25,000,000 for the state fiscal year
15 commencing April 1, 2024, the proceeds of which will be utilized to
16 support programs established or implemented by or within the department
17 of labor, including but not limited to the office of just energy transi-
18 tion and programs for workforce training and retraining, to prepare
19 workers for employment for work in the renewable energy field.

20 § 21. Notwithstanding any provision of law, rule or regulation to the
21 contrary, the New York state energy research and development authority
22 is authorized and directed to contribute \$913,000 to the state treasury
23 to the credit of the general fund on or before March 31, 2025.

24 § 22. Notwithstanding any provision of law, rule or regulation to the
25 contrary, the New York state energy research and development authority
26 is authorized and directed to transfer five million dollars to the cred-
27 it of the Environmental Protection Fund on or before March 31, 2025 from
28 proceeds collected by the authority from the auction or sale of carbon
29 dioxide emission allowances allocated by the department of environmental
30 conservation.

31 § 23. Subdivision 5 of section 97-rrr of the state finance law, as
32 amended by section 21 of part PP of chapter 56 of the laws of 2023, is
33 amended to read as follows:

34 5. Notwithstanding the provisions of section one hundred seventy-one-a
35 of the tax law, as separately amended by chapters four hundred eighty-
36 one and four hundred eighty-four of the laws of nineteen hundred eight-
37 y-one, and notwithstanding the provisions of chapter ninety-four of the
38 laws of two thousand eleven, or any other provisions of law to the
39 contrary, during the fiscal year beginning April first, two thousand
40 [~~twenty-three~~] twenty-four, the state comptroller is hereby authorized
41 and directed to deposit to the fund created pursuant to this section
42 from amounts collected pursuant to article twenty-two of the tax law and
43 pursuant to a schedule submitted by the director of the budget, up to
44 [~~\$1,716,913,000~~] \$1,575,393,000 as may be certified in such schedule as
45 necessary to meet the purposes of such fund for the fiscal year begin-
46 ning April first, two thousand [~~twenty-three~~] twenty-four.

47 § 24. Notwithstanding any law to the contrary, the comptroller is
48 hereby authorized and directed to transfer, upon request of the director
49 of the budget, on or before March 31, 2025, the following amounts from
50 the following special revenue accounts to the capital projects fund
51 (30000), for the purposes of reimbursement to such fund for expenses
52 related to the maintenance and preservation of state assets:

53 1. \$43,000 from the miscellaneous special revenue fund, administrative
54 program account (21982).

55 2. \$1,537,000 from the miscellaneous special revenue fund, helen hayes
56 hospital account (22140).

1 3. \$474,000 from the miscellaneous special revenue fund, New York city
2 veterans' home account (22141).

3 4. \$593,000 from the miscellaneous special revenue fund, New York
4 state home for veterans' and their dependents at oxford account (22142).

5 5. \$177,000 from the miscellaneous special revenue fund, western New
6 York veterans' home account (22143).

7 6. \$336,000 from the miscellaneous special revenue fund, New York
8 state for veterans in the lower-hudson valley account (22144).

9 7. \$2,550,000 from the miscellaneous special revenue fund, patron
10 services account (22163).

11 8. \$9,173,000 from the miscellaneous special revenue fund, state
12 university general income reimbursable account (22653).

13 9. \$150,218,000 from the miscellaneous special revenue fund, state
14 university revenue offset account (22655).

15 10. \$50,197,000 from the state university dormitory income fund, state
16 university dormitory income fund (40350).

17 11. \$1,000,000 from the miscellaneous special revenue fund, litigation
18 settlement and civil recovery account (22117).

19 § 25. Subdivision 6 of section 4 of the state finance law, as amended
20 by section 24 of part FFF of chapter 56 of the laws of 2022, is amended
21 to read as follows:

22 6. Notwithstanding any law to the contrary, at the beginning of the
23 state fiscal year, the state comptroller is hereby authorized and
24 directed to receive for deposit to the credit of a fund and/or an
25 account such monies as are identified by the director of the budget as
26 having been intended for such deposit to support disbursements from such
27 fund and/or account made in pursuance of an appropriation by law. As
28 soon as practicable upon enactment of the budget, the director of the
29 budget shall, but not less than three days following preliminary
30 submission to the chairs of the senate finance committee and the assem-
31 bly ways and means committee, file with the state comptroller an iden-
32 tification of specific monies to be so deposited. Any subsequent change
33 regarding the monies to be so deposited shall be filed by the director
34 of the budget, as soon as practicable, but not less than three days
35 following preliminary submission to the chairs of the senate finance
36 committee and the assembly ways and means committee.

37 All monies identified by the director of the budget to be deposited to
38 the credit of a fund and/or account shall be consistent with the intent
39 of the budget for the then current state fiscal year as enacted by the
40 legislature.

41 The provisions of this subdivision shall expire on March thirty-first,
42 [~~two thousand twenty-four~~] two thousand twenty-seven.

43 § 26. Subdivision 4 of section 40 of the state finance law, as amended
44 by section 25 of part FFF of chapter 56 of the laws of 2022, is amended
45 to read as follows:

46 4. Every appropriation made from a fund or account to a department or
47 agency shall be available for the payment of prior years' liabilities in
48 such fund or account for fringe benefits, indirect costs, and telecommu-
49 nications expenses and expenses for other centralized services fund
50 programs without limit. Every appropriation shall also be available for
51 the payment of prior years' liabilities other than those indicated
52 above, but only to the extent of one-half of one percent of the total
53 amount appropriated to a department or agency in such fund or account.

54 The provisions of this subdivision shall expire March thirty-first,
55 [~~two thousand twenty-four~~] two thousand twenty-seven.

1 § 26-a. Subdivision 4 of section 18 of the state finance law, as
2 amended by section 30 of subpart D of part V-1 of chapter 57 of the laws
3 of 2009, is amended to read as follows:

4 4. Unless provided otherwise by contract, statute or regulation, a
5 debtor that fails to make payment of a debt within the period set forth
6 in subdivision three of this section shall pay, in addition to the
7 amount of debt, [~~the greater of: (a)~~] interest on the outstanding
8 balance of the debt, accruing on the date on which the receipt of the
9 first billing invoice or first notice occurs, computed at the underpay-
10 ment rate which is in effect on the date which the receipt of the first
11 billing invoice or first billing notice occurs[, ~~or (b) a late payment~~
12 ~~charge of ten dollars~~]. For the purposes of this section, the underpay-
13 ment rate shall be that rate set by the commissioner of taxation and
14 finance and published in the state register pursuant to subsection (e)
15 of section one thousand ninety-six of the tax law minus four percentage
16 points. With respect to specific classes of debt collected by a state
17 agency, the director of the budget or official of a state agency so
18 designated by the director of the budget may approve the assessment of
19 interest [~~or late payment charges~~] at a date later than the thirtieth
20 day following such debtor's receipt of any billing invoice or notice
21 sent by the state agency.

22 § 27. Notwithstanding any other law, rule, or regulation to the
23 contrary, the state comptroller is hereby authorized and directed to use
24 any balance remaining in the mental health services fund debt service
25 appropriation, after payment by the state comptroller of all obligations
26 required pursuant to any lease, sublease, or other financing arrangement
27 between the dormitory authority of the state of New York as successor to
28 the New York state medical care facilities finance agency, and the
29 facilities development corporation pursuant to chapter 83 of the laws of
30 1995 and the department of mental hygiene for the purpose of making
31 payments to the dormitory authority of the state of New York for the
32 amount of the earnings for the investment of monies deposited in the
33 mental health services fund that such agency determines will or may have
34 to be rebated to the federal government pursuant to the provisions of
35 the internal revenue code of 1986, as amended, in order to enable such
36 agency to maintain the exemption from federal income taxation on the
37 interest paid to the holders of such agency's mental services facilities
38 improvement revenue bonds. Annually on or before each June 30th, such
39 agency shall certify to the state comptroller its determination of the
40 amounts received in the mental health services fund as a result of the
41 investment of monies deposited therein that will or may have to be
42 rebated to the federal government pursuant to the provisions of the
43 internal revenue code of 1986, as amended.

44 § 28. Subdivision 1 of section 16 of part D of chapter 389 of the laws
45 of 1997, relating to the financing of the correctional facilities
46 improvement fund and the youth facility improvement fund, as amended by
47 section 27 of part PP of chapter 56 of the laws of 2023, is amended to
48 read as follows:

49 1. Subject to the provisions of chapter 59 of the laws of 2000, but
50 notwithstanding the provisions of section 18 of section 1 of chapter 174
51 of the laws of 1968, the New York state urban development corporation is
52 hereby authorized to issue bonds, notes and other obligations in an
53 aggregate principal amount not to exceed [~~nine billion eight hundred~~
54 ~~sixty-five million eight hundred fifty-nine thousand dollars~~
55 ~~\$9,865,859,000~~] ten billion two hundred ninety-nine million three
56 hundred fifty-nine thousand dollars \$10,299,359,000, and shall include

1 all bonds, notes and other obligations issued pursuant to chapter 56 of
2 the laws of 1983, as amended or supplemented. The proceeds of such
3 bonds, notes or other obligations shall be paid to the state, for depos-
4 it in the correctional facilities capital improvement fund to pay for
5 all or any portion of the amount or amounts paid by the state from
6 appropriations or reappropriations made to the department of corrections
7 and community supervision from the correctional facilities capital
8 improvement fund for capital projects. The aggregate amount of bonds,
9 notes or other obligations authorized to be issued pursuant to this
10 section shall exclude bonds, notes or other obligations issued to refund
11 or otherwise repay bonds, notes or other obligations theretofore issued,
12 the proceeds of which were paid to the state for all or a portion of the
13 amounts expended by the state from appropriations or reappropriations
14 made to the department of corrections and community supervision;
15 provided, however, that upon any such refunding or repayment the total
16 aggregate principal amount of outstanding bonds, notes or other obli-
17 gations may be greater than [~~nine billion eight hundred sixty-five~~
18 ~~million eight hundred fifty-nine thousand dollars \$9,865,859,000~~] ten
19 billion two hundred ninety-nine million three hundred fifty-nine thou-
20 sand dollars \$10,299,359,000, only if the present value of the aggregate
21 debt service of the refunding or repayment bonds, notes or other obli-
22 gations to be issued shall not exceed the present value of the aggregate
23 debt service of the bonds, notes or other obligations so to be refunded
24 or repaid. For the purposes hereof, the present value of the aggregate
25 debt service of the refunding or repayment bonds, notes or other obli-
26 gations and of the aggregate debt service of the bonds, notes or other
27 obligations so refunded or repaid, shall be calculated by utilizing the
28 effective interest rate of the refunding or repayment bonds, notes or
29 other obligations, which shall be that rate arrived at by doubling the
30 semi-annual interest rate (compounded semi-annually) necessary to
31 discount the debt service payments on the refunding or repayment bonds,
32 notes or other obligations from the payment dates thereof to the date of
33 issue of the refunding or repayment bonds, notes or other obligations
34 and to the price bid including estimated accrued interest or proceeds
35 received by the corporation including estimated accrued interest from
36 the sale thereof.

37 § 29. Paragraph (a) of subdivision 2 of section 47-e of the private
38 housing finance law, as amended by section 42 of part PP of chapter 56
39 of the laws of 2023, is amended to read as follows:

40 (a) Subject to the provisions of chapter fifty-nine of the laws of two
41 thousand, in order to enhance and encourage the promotion of housing
42 programs and thereby achieve the stated purposes and objectives of such
43 housing programs, the agency shall have the power and is hereby author-
44 ized from time to time to issue negotiable housing program bonds and
45 notes in such principal amount as shall be necessary to provide suffi-
46 cient funds for the repayment of amounts disbursed (and not previously
47 reimbursed) pursuant to law or any prior year making capital appropri-
48 ations or reappropriations for the purposes of the housing program;
49 provided, however, that the agency may issue such bonds and notes in an
50 aggregate principal amount not exceeding [~~thirteen billion six hundred~~
51 ~~thirty-five million four hundred twenty-five thousand dollars~~
52 ~~\$13,635,425,000~~] fourteen billion five hundred twenty-six million eight-
53 y-nine thousand dollars \$14,526,089,000, plus a principal amount of
54 bonds issued to fund the debt service reserve fund in accordance with
55 the debt service reserve fund requirement established by the agency and
56 to fund any other reserves that the agency reasonably deems necessary

1 for the security or marketability of such bonds and to provide for the
2 payment of fees and other charges and expenses, including underwriters'
3 discount, trustee and rating agency fees, bond insurance, credit
4 enhancement and liquidity enhancement related to the issuance of such
5 bonds and notes. No reserve fund securing the housing program bonds
6 shall be entitled or eligible to receive state funds apportioned or
7 appropriated to maintain or restore such reserve fund at or to a partic-
8 ular level, except to the extent of any deficiency resulting directly or
9 indirectly from a failure of the state to appropriate or pay the agreed
10 amount under any of the contracts provided for in subdivision four of
11 this section.

12 § 30. Paragraph (b) of subdivision 1 of section 385 of the public
13 authorities law, as amended by section 45 of part PP of chapter 56 of
14 the laws of 2023, is amended to read as follows:

15 (b) The authority is hereby authorized, as additional corporate
16 purposes thereof solely upon the request of the director of the budget:
17 (i) to issue special emergency highway and bridge trust fund bonds and
18 notes for a term not to exceed thirty years and to incur obligations
19 secured by the moneys appropriated from the dedicated highway and bridge
20 trust fund established in section eighty-nine-b of the state finance
21 law; (ii) to make available the proceeds in accordance with instructions
22 provided by the director of the budget from the sale of such special
23 emergency highway and bridge trust fund bonds, notes or other obli-
24 gations, net of all costs to the authority in connection therewith, for
25 the purposes of financing all or a portion of the costs of activities
26 for which moneys in the dedicated highway and bridge trust fund estab-
27 lished in section eighty-nine-b of the state finance law are authorized
28 to be utilized or for the financing of disbursements made by the state
29 for the activities authorized pursuant to section eighty-nine-b of the
30 state finance law; and (iii) to enter into agreements with the commis-
31 sioner of transportation pursuant to section ten-e of the highway law
32 with respect to financing for any activities authorized pursuant to
33 section eighty-nine-b of the state finance law, or agreements with the
34 commissioner of transportation pursuant to sections ten-f and ten-g of
35 the highway law in connection with activities on state highways pursuant
36 to these sections, and (iv) to enter into service contracts, contracts,
37 agreements, deeds and leases with the director of the budget or the
38 commissioner of transportation and project sponsors and others to
39 provide for the financing by the authority of activities authorized
40 pursuant to section eighty-nine-b of the state finance law, and each of
41 the director of the budget and the commissioner of transportation are
42 hereby authorized to enter into service contracts, contracts, agree-
43 ments, deeds and leases with the authority, project sponsors or others
44 to provide for such financing. The authority shall not issue any bonds
45 or notes in an amount in excess of [~~twenty billion six hundred forty-~~
46 ~~eight million five hundred seven thousand dollars \$20,648,507,000~~] twen-
47 ty-one billion four hundred fifty-eight million three hundred nine thou-
48 sand dollars \$21,458,309,000, plus a principal amount of bonds or notes:
49 (A) to fund capital reserve funds; (B) to provide capitalized interest;
50 and, (C) to fund other costs of issuance. In computing for the purposes
51 of this subdivision, the aggregate amount of indebtedness evidenced by
52 bonds and notes of the authority issued pursuant to this section, as
53 amended by a chapter of the laws of nineteen hundred ninety-six, there
54 shall be excluded the amount of bonds or notes issued that would consti-
55 tute interest under the United States Internal Revenue Code of 1986, as

1 amended, and the amount of indebtedness issued to refund or otherwise
2 repay bonds or notes.

3 § 31. Paragraph (c) of subdivision 14 of section 1680 of the public
4 authorities law, as amended by section 32 of part PP of chapter 56 of
5 the laws of 2023, is amended to read as follows:

6 (c) Subject to the provisions of chapter fifty-nine of the laws of two
7 thousand, (i) the dormitory authority shall not deliver a series of
8 bonds for city university community college facilities, except to refund
9 or to be substituted for or in lieu of other bonds in relation to city
10 university community college facilities pursuant to a resolution of the
11 dormitory authority adopted before July first, nineteen hundred eighty-
12 five or any resolution supplemental thereto, if the principal amount of
13 bonds so to be issued when added to all principal amounts of bonds
14 previously issued by the dormitory authority for city university commu-
15 nity college facilities, except to refund or to be substituted in lieu
16 of other bonds in relation to city university community college facili-
17 ties will exceed the sum of four hundred twenty-five million dollars and
18 (ii) the dormitory authority shall not deliver a series of bonds issued
19 for city university facilities, including community college facilities,
20 pursuant to a resolution of the dormitory authority adopted on or after
21 July first, nineteen hundred eighty-five, except to refund or to be
22 substituted for or in lieu of other bonds in relation to city university
23 facilities and except for bonds issued pursuant to a resolution supple-
24 mental to a resolution of the dormitory authority adopted prior to July
25 first, nineteen hundred eighty-five, if the principal amount of bonds so
26 to be issued when added to the principal amount of bonds previously
27 issued pursuant to any such resolution, except bonds issued to refund or
28 to be substituted for or in lieu of other bonds in relation to city
29 university facilities, will exceed [~~eleven billion three hundred four-~~
30 ~~teen million three hundred fifty-two thousand dollars \$11,314,352,000~~]
31 eleven billion seven hundred sixty-three million twenty-two thousand
32 dollars \$11,763,022,000. The legislature reserves the right to amend or
33 repeal such limit, and the state of New York, the dormitory authority,
34 the city university, and the fund are prohibited from covenanting or
35 making any other agreements with or for the benefit of bondholders which
36 might in any way affect such right.

37 § 32. Subdivision 1 of section 1689-i of the public authorities law,
38 as amended by section 39 of part PP of chapter 56 of the laws of 2023,
39 is amended to read as follows:

40 1. The dormitory authority is authorized to issue bonds, at the
41 request of the commissioner of education, to finance eligible library
42 construction projects pursuant to section two hundred seventy-three-a of
43 the education law, in amounts certified by such commissioner not to
44 exceed a total principal amount of [~~three hundred sixty-seven million~~
45 ~~dollars \$367,000,000~~] four hundred eleven million dollars \$411,000,000.

46 § 33. Paragraph (c) of subdivision 19 of section 1680 of the public
47 authorities law, as amended by section 31 of part PP of chapter 56 of
48 the laws of 2023, is amended to read as follows:

49 (c) Subject to the provisions of chapter fifty-nine of the laws of two
50 thousand, the dormitory authority shall not issue any bonds for state
51 university educational facilities purposes if the principal amount of
52 bonds to be issued when added to the aggregate principal amount of bonds
53 issued by the dormitory authority on and after July first, nineteen
54 hundred eighty-eight for state university educational facilities will
55 exceed [~~eighteen billion one hundred ten million nine hundred sixty-four~~
56 ~~thousand dollars \$18,110,964,000~~] eighteen billion nine hundred eighty-

1 eight million one hundred sixty-four thousand dollars \$18,988,164,000;
2 provided, however, that bonds issued or to be issued shall be excluded
3 from such limitation if: (1) such bonds are issued to refund state
4 university construction bonds and state university construction notes
5 previously issued by the housing finance agency; or (2) such bonds are
6 issued to refund bonds of the authority or other obligations issued for
7 state university educational facilities purposes and the present value
8 of the aggregate debt service on the refunding bonds does not exceed the
9 present value of the aggregate debt service on the bonds refunded there-
10 by; provided, further that upon certification by the director of the
11 budget that the issuance of refunding bonds or other obligations issued
12 between April first, nineteen hundred ninety-two and March thirty-first,
13 nineteen hundred ninety-three will generate long term economic benefits
14 to the state, as assessed on a present value basis, such issuance will
15 be deemed to have met the present value test noted above. For purposes
16 of this subdivision, the present value of the aggregate debt service of
17 the refunding bonds and the aggregate debt service of the bonds
18 refunded, shall be calculated by utilizing the true interest cost of the
19 refunding bonds, which shall be that rate arrived at by doubling the
20 semi-annual interest rate (compounded semi-annually) necessary to
21 discount the debt service payments on the refunding bonds from the
22 payment dates thereof to the date of issue of the refunding bonds to the
23 purchase price of the refunding bonds, including interest accrued there-
24 on prior to the issuance thereof. The maturity of such bonds, other than
25 bonds issued to refund outstanding bonds, shall not exceed the weighted
26 average economic life, as certified by the state university construction
27 fund, of the facilities in connection with which the bonds are issued,
28 and in any case not later than the earlier of thirty years or the expi-
29 ration of the term of any lease, sublease or other agreement relating
30 thereto; provided that no note, including renewals thereof, shall mature
31 later than five years after the date of issuance of such note. The
32 legislature reserves the right to amend or repeal such limit, and the
33 state of New York, the dormitory authority, the state university of New
34 York, and the state university construction fund are prohibited from
35 covenanting or making any other agreements with or for the benefit of
36 bondholders which might in any way affect such right.

37 § 34. Subdivision 10-a of section 1680 of the public authorities law,
38 as amended by section 33 of part PP of chapter 56 of the laws of 2023,
39 is amended to read as follows:

40 10-a. Subject to the provisions of chapter fifty-nine of the laws of
41 two thousand, but notwithstanding any other provision of the law to the
42 contrary, the maximum amount of bonds and notes to be issued after March
43 thirty-first, two thousand two, on behalf of the state, in relation to
44 any locally sponsored community college, shall be [~~one billion two
45 hundred twenty-seven million ninety-five thousand dollars
46 \$1,227,095,000~~] one billion three hundred sixty-five million three
47 hundred eight thousand dollars \$1,365,308,000. Such amount shall be
48 exclusive of bonds and notes issued to fund any reserve fund or funds,
49 costs of issuance and to refund any outstanding bonds and notes, issued
50 on behalf of the state, relating to a locally sponsored community
51 college.

52 § 35. Paragraph b of subdivision 2 of section 9-a of section 1 of
53 chapter 392 of the laws of 1973, constituting the New York state medical
54 care facilities finance agency act, as amended by section 35 of part PP
55 of chapter 56 of the laws of 2023, is amended to read as follows:

1 b. The agency shall have power and is hereby authorized from time to
2 time to issue negotiable bonds and notes in conformity with applicable
3 provisions of the uniform commercial code in such principal amount as,
4 in the opinion of the agency, shall be necessary, after taking into
5 account other moneys which may be available for the purpose, to provide
6 sufficient funds to the facilities development corporation, or any
7 successor agency, for the financing or refinancing of or for the design,
8 construction, acquisition, reconstruction, rehabilitation or improvement
9 of mental health services facilities pursuant to paragraph a of this
10 subdivision, the payment of interest on mental health services improve-
11 ment bonds and mental health services improvement notes issued for such
12 purposes, the establishment of reserves to secure such bonds and notes,
13 the cost or premium of bond insurance or the costs of any financial
14 mechanisms which may be used to reduce the debt service that would be
15 payable by the agency on its mental health services facilities improve-
16 ment bonds and notes and all other expenditures of the agency incident
17 to and necessary or convenient to providing the facilities development
18 corporation, or any successor agency, with funds for the financing or
19 refinancing of or for any such design, construction, acquisition, recon-
20 struction, rehabilitation or improvement and for the refunding of mental
21 hygiene improvement bonds issued pursuant to section 47-b of the private
22 housing finance law; provided, however, that the agency shall not issue
23 mental health services facilities improvement bonds and mental health
24 services facilities improvement notes in an aggregate principal amount
25 exceeding [~~twelve billion four hundred eighteen million three hundred~~
26 ~~thirty seven thousand dollars \$12,418,337,000~~] twelve billion nine
27 hundred twenty-one million seven hundred fifty-six thousand dollars
28 \$12,921,756,000, excluding mental health services facilities improvement
29 bonds and mental health services facilities improvement notes issued to
30 refund outstanding mental health services facilities improvement bonds
31 and mental health services facilities improvement notes; provided,
32 however, that upon any such refunding or repayment of mental health
33 services facilities improvement bonds and/or mental health services
34 facilities improvement notes the total aggregate principal amount of
35 outstanding mental health services facilities improvement bonds and
36 mental health facilities improvement notes may be greater than [~~twelve~~
37 ~~billion four hundred eighteen million three hundred thirty seven thou-~~
38 ~~sand dollars \$12,418,337,000~~] twelve billion nine hundred twenty-one
39 million seven hundred fifty-six thousand dollars \$12,921,756,000, only
40 if, except as hereinafter provided with respect to mental health
41 services facilities bonds and mental health services facilities notes
42 issued to refund mental hygiene improvement bonds authorized to be
43 issued pursuant to the provisions of section 47-b of the private housing
44 finance law, the present value of the aggregate debt service of the
45 refunding or repayment bonds to be issued shall not exceed the present
46 value of the aggregate debt service of the bonds to be refunded or
47 repaid. For purposes hereof, the present values of the aggregate debt
48 service of the refunding or repayment bonds, notes or other obligations
49 and of the aggregate debt service of the bonds, notes or other obli-
50 gations so refunded or repaid, shall be calculated by utilizing the
51 effective interest rate of the refunding or repayment bonds, notes or
52 other obligations, which shall be that rate arrived at by doubling the
53 semi-annual interest rate (compounded semi-annually) necessary to
54 discount the debt service payments on the refunding or repayment bonds,
55 notes or other obligations from the payment dates thereof to the date of
56 issue of the refunding or repayment bonds, notes or other obligations

1 and to the price bid including estimated accrued interest or proceeds
2 received by the authority including estimated accrued interest from the
3 sale thereof. Such bonds, other than bonds issued to refund outstanding
4 bonds, shall be scheduled to mature over a term not to exceed the aver-
5 age useful life, as certified by the facilities development corporation,
6 of the projects for which the bonds are issued, and in any case shall
7 not exceed thirty years and the maximum maturity of notes or any
8 renewals thereof shall not exceed five years from the date of the
9 original issue of such notes. Notwithstanding the provisions of this
10 section, the agency shall have the power and is hereby authorized to
11 issue mental health services facilities improvement bonds and/or mental
12 health services facilities improvement notes to refund outstanding
13 mental hygiene improvement bonds authorized to be issued pursuant to the
14 provisions of section 47-b of the private housing finance law and the
15 amount of bonds issued or outstanding for such purposes shall not be
16 included for purposes of determining the amount of bonds issued pursuant
17 to this section. The director of the budget shall allocate the aggregate
18 principal authorized to be issued by the agency among the office of
19 mental health, office for people with developmental disabilities, and
20 the office of addiction services and supports, in consultation with
21 their respective commissioners to finance bondable appropriations previ-
22 ously approved by the legislature.

23 § 36. Subdivision (a) of section 48 of part K of chapter 81 of the
24 laws of 2002, relating to providing for the administration of certain
25 funds and accounts related to the 2002-2003 budget, as amended by
26 section 30 of part PP of chapter 56 of the laws of 2023, is amended to
27 read as follows:

28 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
29 notwithstanding the provisions of section 18 of the urban development
30 corporation act, the corporation is hereby authorized to issue bonds or
31 notes in one or more series in an aggregate principal amount not to
32 exceed [~~five hundred one million five hundred thousand dollars~~
33 ~~\$501,500,000~~] five hundred twenty-two million five hundred thousand
34 dollars \$522,500,000, excluding bonds issued to fund one or more debt
35 service reserve funds, to pay costs of issuance of such bonds, and bonds
36 or notes issued to refund or otherwise repay such bonds or notes previ-
37 ously issued, for the purpose of financing capital costs related to
38 homeland security and training facilities for the division of state
39 police, the division of military and naval affairs, and any other state
40 agency, including the reimbursement of any disbursements made from the
41 state capital projects fund, and is hereby authorized to issue bonds or
42 notes in one or more series in an aggregate principal amount not to
43 exceed [~~one billion seven hundred thirteen million eighty-six thousand~~
44 ~~dollars \$1,713,086,000~~] one billion eight hundred fifty-five million two
45 hundred eighty-six thousand dollars \$1,855,286,000, excluding bonds
46 issued to fund one or more debt service reserve funds, to pay costs of
47 issuance of such bonds, and bonds or notes issued to refund or otherwise
48 repay such bonds or notes previously issued, for the purpose of financ-
49 ing improvements to State office buildings and other facilities located
50 statewide, including the reimbursement of any disbursements made from
51 the state capital projects fund. Such bonds and notes of the corporation
52 shall not be a debt of the state, and the state shall not be liable
53 thereon, nor shall they be payable out of any funds other than those
54 appropriated by the state to the corporation for debt service and
55 related expenses pursuant to any service contracts executed pursuant to

1 subdivision (b) of this section, and such bonds and notes shall contain
2 on the face thereof a statement to such effect.

3 § 37. Subdivision 1 of section 47 of section 1 of chapter 174 of the
4 laws of 1968, constituting the New York state urban development corpo-
5 ration act, as amended by section 44 of part PP of chapter 56 of the
6 laws of 2023, is amended to read as follows:

7 1. Notwithstanding the provisions of any other law to the contrary,
8 the dormitory authority and the corporation are hereby authorized to
9 issue bonds or notes in one or more series for the purpose of funding
10 project costs for the office of information technology services, depart-
11 ment of law, and other state costs associated with such capital
12 projects. The aggregate principal amount of bonds authorized to be
13 issued pursuant to this section shall not exceed [~~one billion three~~
14 ~~hundred fifty-three million eight hundred fifty-two thousand dollars~~
15 ~~\$1,353,852,000~~] one billion seven hundred forty-two million seven
16 hundred twelve thousand dollars \$1,742,712,000, excluding bonds issued
17 to fund one or more debt service reserve funds, to pay costs of issuance
18 of such bonds, and bonds or notes issued to refund or otherwise repay
19 such bonds or notes previously issued. Such bonds and notes of the
20 dormitory authority and the corporation shall not be a debt of the
21 state, and the state shall not be liable thereon, nor shall they be
22 payable out of any funds other than those appropriated by the state to
23 the dormitory authority and the corporation for principal, interest, and
24 related expenses pursuant to a service contract and such bonds and notes
25 shall contain on the face thereof a statement to such effect. Except for
26 purposes of complying with the internal revenue code, any interest
27 income earned on bond proceeds shall only be used to pay debt service on
28 such bonds.

29 § 38. Subdivision (b) of section 11 of chapter 329 of the laws of
30 1991, amending the state finance law and other laws relating to the
31 establishment of the dedicated highway and bridge trust fund, as amended
32 by section 38 of part PP of chapter 56 of the laws of 2023, is amended
33 to read as follows:

34 (b) Any service contract or contracts for projects authorized pursuant
35 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
36 14-k of the transportation law, and entered into pursuant to subdivision
37 (a) of this section, shall provide for state commitments to provide
38 annually to the thruway authority a sum or sums, upon such terms and
39 conditions as shall be deemed appropriate by the director of the budget,
40 to fund, or fund the debt service requirements of any bonds or any obli-
41 gations of the thruway authority issued to fund or to reimburse the
42 state for funding such projects having a cost not in excess of [~~thirteen~~
43 ~~billion nine hundred forty-nine million two hundred thirty-four thousand~~
44 ~~dollars—\$13,949,234,000~~] fourteen billion eight hundred forty-four
45 million five hundred eighty-seven thousand dollars \$14,844,587,000
46 cumulatively by the end of fiscal year [~~2023-24~~] 2024-25. For purposes
47 of this subdivision, such projects shall be deemed to include capital
48 grants to cities, towns and villages for the reimbursement of eligible
49 capital costs of local highway and bridge projects within such munici-
50 pality, where allocations to cities, towns and villages are based on the
51 total number of New York or United States or interstate signed touring
52 route miles for which such municipality has capital maintenance respon-
53 sibility, and where such eligible capital costs include the costs of
54 construction and repair of highways, bridges, highway-railroad cross-
55 ings, and other transportation facilities for projects with a service
56 life of ten years or more.

1 § 39. Section 53 of section 1 of chapter 174 of the laws of 1968,
2 constituting the New York state urban development corporation act, as
3 amended by section 37 of part PP of chapter 56 of the laws of 2023, is
4 amended to read as follows:

5 § 53. 1. Notwithstanding the provisions of any other law to the
6 contrary, the dormitory authority and the urban development corporation
7 are hereby authorized to issue bonds or notes in one or more series for
8 the purpose of funding project costs for the acquisition of equipment,
9 including but not limited to the creation or modernization of informa-
10 tion technology systems and related research and development equipment,
11 health and safety equipment, heavy equipment and machinery, the creation
12 or improvement of security systems, and laboratory equipment and other
13 state costs associated with such capital projects. The aggregate prin-
14 cipal amount of bonds authorized to be issued pursuant to this section
15 shall not exceed [~~four hundred ninety-three million dollars~~
16 ~~\$493,000,000~~] five hundred ninety-three million dollars \$593,000,000,
17 excluding bonds issued to fund one or more debt service reserve funds,
18 to pay costs of issuance of such bonds, and bonds or notes issued to
19 refund or otherwise repay such bonds or notes previously issued. Such
20 bonds and notes of the dormitory authority and the urban development
21 corporation shall not be a debt of the state, and the state shall not be
22 liable thereon, nor shall they be payable out of any funds other than
23 those appropriated by the state to the dormitory authority and the urban
24 development corporation for principal, interest, and related expenses
25 pursuant to a service contract and such bonds and notes shall contain on
26 the face thereof a statement to such effect. Except for purposes of
27 complying with the internal revenue code, any interest income earned on
28 bond proceeds shall only be used to pay debt service on such bonds.

29 2. Notwithstanding any other provision of law to the contrary, in
30 order to assist the dormitory authority and the urban development corpo-
31 ration in undertaking the financing for project costs for the acquisi-
32 tion of equipment, including but not limited to the creation or modern-
33 ization of information technology systems and related research and
34 development equipment, health and safety equipment, heavy equipment and
35 machinery, the creation or improvement of security systems, and labora-
36 tory equipment and other state costs associated with such capital
37 projects, the director of the budget is hereby authorized to enter into
38 one or more service contracts with the dormitory authority and the urban
39 development corporation, none of which shall exceed thirty years in
40 duration, upon such terms and conditions as the director of the budget
41 and the dormitory authority and the urban development corporation agree,
42 so as to annually provide to the dormitory authority and the urban
43 development corporation, in the aggregate, a sum not to exceed the prin-
44 cipal, interest, and related expenses required for such bonds and notes.
45 Any service contract entered into pursuant to this section shall provide
46 that the obligation of the state to pay the amount therein provided
47 shall not constitute a debt of the state within the meaning of any
48 constitutional or statutory provision and shall be deemed executory only
49 to the extent of monies available and that no liability shall be
50 incurred by the state beyond the monies available for such purpose,
51 subject to annual appropriation by the legislature. Any such contract or
52 any payments made or to be made thereunder may be assigned and pledged
53 by the dormitory authority and the urban development corporation as
54 security for its bonds and notes, as authorized by this section.

1 § 40. Subdivision 3 of section 1285-p of the public authorities law,
2 as amended by section 29 of part PP of chapter 56 of the laws of 2023,
3 is amended to read as follows:

4 3. The maximum amount of bonds that may be issued for the purpose of
5 financing environmental infrastructure projects authorized by this
6 section shall be [~~nine billion three hundred thirty five million seven~~
7 ~~hundred ten thousand dollars \$9,335,710,000~~] ten billion eight hundred
8 sixty-six million five hundred sixty thousand dollars \$10,866,560,000,
9 exclusive of bonds issued to fund any debt service reserve funds, pay
10 costs of issuance of such bonds, and bonds or notes issued to refund or
11 otherwise repay bonds or notes previously issued. Such bonds and notes
12 of the corporation shall not be a debt of the state, and the state shall
13 not be liable thereon, nor shall they be payable out of any funds other
14 than those appropriated by the state to the corporation for debt service
15 and related expenses pursuant to any service contracts executed pursuant
16 to subdivision one of this section, and such bonds and notes shall
17 contain on the face thereof a statement to such effect.

18 § 41. Subdivision 1 of section 17 of part D of chapter 389 of the laws
19 of 1997, relating to the financing of the correctional facilities
20 improvement fund and the youth facility improvement fund, as amended by
21 section 34 of part PP of chapter 56 of the laws of 2023, is amended to
22 read as follows:

23 1. Subject to the provisions of chapter 59 of the laws of 2000, but
24 notwithstanding the provisions of section 18 of section 1 of chapter 174
25 of the laws of 1968, the New York state urban development corporation is
26 hereby authorized to issue bonds, notes and other obligations in an
27 aggregate principal amount not to exceed [~~one billion fourteen million~~
28 ~~seven hundred thirty five thousand dollars \$1,014,735,000~~] one billion
29 sixty-six million seven hundred fifty-five thousand dollars
30 \$1,066,755,000, which authorization increases the aggregate principal
31 amount of bonds, notes and other obligations authorized by section 40 of
32 chapter 309 of the laws of 1996, and shall include all bonds, notes and
33 other obligations issued pursuant to chapter 211 of the laws of 1990, as
34 amended or supplemented. The proceeds of such bonds, notes or other
35 obligations shall be paid to the state, for deposit in the youth facili-
36 ties improvement fund or the capital projects fund, to pay for all or
37 any portion of the amount or amounts paid by the state from appropri-
38 ations or reappropriations made to the office of children and family
39 services from the youth facilities improvement fund for capital
40 projects. The aggregate amount of bonds, notes and other obligations
41 authorized to be issued pursuant to this section shall exclude bonds,
42 notes or other obligations issued to refund or otherwise repay bonds,
43 notes or other obligations theretofore issued, the proceeds of which
44 were paid to the state for all or a portion of the amounts expended by
45 the state from appropriations or reappropriations made to the office of
46 children and family services; provided, however, that upon any such
47 refunding or repayment the total aggregate principal amount of outstand-
48 ing bonds, notes or other obligations may be greater than [~~one billion~~
49 ~~fourteen million seven hundred thirty five thousand dollars~~
50 ~~\$1,014,735,000~~] one billion sixty-six million seven hundred fifty-five
51 thousand dollars \$1,066,755,000, only if the present value of the aggre-
52 gate debt service of the refunding or repayment bonds, notes or other
53 obligations to be issued shall not exceed the present value of the
54 aggregate debt service of the bonds, notes or other obligations so to be
55 refunded or repaid. For the purposes hereof, the present value of the
56 aggregate debt service of the refunding or repayment bonds, notes or

1 other obligations and of the aggregate debt service of the bonds, notes
2 or other obligations so refunded or repaid, shall be calculated by
3 utilizing the effective interest rate of the refunding or repayment
4 bonds, notes or other obligations, which shall be that rate arrived at
5 by doubling the semi-annual interest rate (compounded semi-annually)
6 necessary to discount the debt service payments on the refunding or
7 repayment bonds, notes or other obligations from the payment dates there-
8 of to the date of issue of the refunding or repayment bonds, notes or
9 other obligations and to the price bid including estimated accrued
10 interest or proceeds received by the corporation including estimated
11 accrued interest from the sale thereof.

12 § 42. Subdivision 1 of section 386-b of the public authorities law, as
13 amended by section 41 of part PP of chapter 56 of the laws of 2023, is
14 amended to read as follows:

15 1. Notwithstanding any other provision of law to the contrary, the
16 authority, the dormitory authority and the urban development corporation
17 are hereby authorized to issue bonds or notes in one or more series for
18 the purpose of financing peace bridge projects and capital costs of
19 state and local highways, parkways, bridges, the New York state thruway,
20 Indian reservation roads, and facilities, and transportation infrastruc-
21 ture projects including aviation projects, non-MTA mass transit
22 projects, and rail service preservation projects, including work appur-
23 tenant and ancillary thereto. The aggregate principal amount of bonds
24 authorized to be issued pursuant to this section shall not exceed
25 [~~twelve billion three hundred eight million three hundred eleven thou-~~
26 ~~sand dollars \$12,308,311,000~~] fifteen billion two hundred forty million
27 six hundred sixty-nine thousand dollars \$15,240,669,000, excluding bonds
28 issued to fund one or more debt service reserve funds, to pay costs of
29 issuance of such bonds, and to refund or otherwise repay such bonds or
30 notes previously issued. Such bonds and notes of the authority, the
31 dormitory authority and the urban development corporation shall not be a
32 debt of the state, and the state shall not be liable thereon, nor shall
33 they be payable out of any funds other than those appropriated by the
34 state to the authority, the dormitory authority and the urban develop-
35 ment corporation for principal, interest, and related expenses pursuant
36 to a service contract and such bonds and notes shall contain on the face
37 thereof a statement to such effect. Except for purposes of complying
38 with the internal revenue code, any interest income earned on bond
39 proceeds shall only be used to pay debt service on such bonds.

40 § 43. Section 44 of section 1 of chapter 174 of the laws of 1968,
41 constituting the New York state urban development corporation act, as
42 amended by section 40 of part PP of chapter 56 of the laws of 2023, is
43 amended to read as follows:

44 § 44. Issuance of certain bonds or notes. 1. Notwithstanding the
45 provisions of any other law to the contrary, the dormitory authority and
46 the corporation are hereby authorized to issue bonds or notes in one or
47 more series for the purpose of funding project costs for the regional
48 economic development council initiative, the economic transformation
49 program, state university of New York college for nanoscale and science
50 engineering, projects within the city of Buffalo or surrounding envi-
51 rons, the New York works economic development fund, projects for the
52 retention of professional football in western New York, the empire state
53 economic development fund, the clarkson-trudeau partnership, the New
54 York genome center, the cornell university college of veterinary medi-
55 cine, the olympic regional development authority, projects at nano
56 Utica, onondaga county revitalization projects, Binghamton university

1 school of pharmacy, New York power electronics manufacturing consortium,
2 regional infrastructure projects, high tech innovation and economic
3 development infrastructure program, high technology manufacturing
4 projects in Chautauqua and Erie county, an industrial scale research and
5 development facility in Clinton county, upstate revitalization initi-
6 ative projects, downstate revitalization initiative, market New York
7 projects, fairground buildings, equipment or facilities used to house
8 and promote agriculture, the state fair, the empire state trail, the
9 moynihan station development project, the Kingsbridge armory project,
10 strategic economic development projects, the cultural, arts and public
11 spaces fund, water infrastructure in the city of Auburn and town of
12 Owasco, a life sciences laboratory public health initiative, not-for-
13 profit pounds, shelters and humane societies, arts and cultural facili-
14 ties improvement program, restore New York's communities initiative,
15 heavy equipment, economic development and infrastructure projects,
16 Roosevelt Island operating corporation capital projects, Lake Ontario
17 regional projects, Pennsylvania station and other transit projects,
18 athletic facilities for professional football in Orchard Park, New York,
19 Rush - NY, New York AI Consortium, New York Creates UEV Tool, and other
20 state costs associated with such projects. The aggregate principal
21 amount of bonds authorized to be issued pursuant to this section shall
22 not exceed [~~seventeen billion six hundred fifty five million six hundred~~
23 ~~two thousand dollars \$17,655,602,000~~] twenty billion eight hundred
24 seventy-eight million one hundred ninety-four thousand dollars
25 \$20,878,194,000, excluding bonds issued to fund one or more debt service
26 reserve funds, to pay costs of issuance of such bonds, and bonds or
27 notes issued to refund or otherwise repay such bonds or notes previously
28 issued. Such bonds and notes of the dormitory authority and the corpo-
29 ration shall not be a debt of the state, and the state shall not be
30 liable thereon, nor shall they be payable out of any funds other than
31 those appropriated by the state to the dormitory authority and the
32 corporation for principal, interest, and related expenses pursuant to a
33 service contract and such bonds and notes shall contain on the face
34 thereof a statement to such effect. Except for purposes of complying
35 with the internal revenue code, any interest income earned on bond
36 proceeds shall only be used to pay debt service on such bonds.

37 2. Notwithstanding any other provision of law to the contrary, in
38 order to assist the dormitory authority and the corporation in undertak-
39 ing the financing for project costs for the regional economic develop-
40 ment council initiative, the economic transformation program, state
41 university of New York college for nanoscale and science engineering,
42 projects within the city of Buffalo or surrounding environs, the New
43 York works economic development fund, projects for the retention of
44 professional football in western New York, the empire state economic
45 development fund, the clarkson-trudeau partnership, the New York genome
46 center, the cornell university college of veterinary medicine, the olym-
47 pic regional development authority, projects at nano Utica, onondaga
48 county revitalization projects, Binghamton university school of pharma-
49 cy, New York power electronics manufacturing consortium, regional
50 infrastructure projects, New York State Capital Assistance Program for
51 Transportation, infrastructure, and economic development, high tech
52 innovation and economic development infrastructure program, high tech-
53 nology manufacturing projects in Chautauqua and Erie county, an indus-
54 trial scale research and development facility in Clinton county, upstate
55 revitalization initiative projects, downstate revitalization initiative,
56 market New York projects, fairground buildings, equipment or facilities

1 used to house and promote agriculture, the state fair, the empire state
2 trail, the moynihan station development project, the Kingsbridge armory
3 project, strategic economic development projects, the cultural, arts and
4 public spaces fund, water infrastructure in the city of Auburn and town
5 of Owasco, a life sciences laboratory public health initiative, not-for-
6 profit pounds, shelters and humane societies, arts and cultural facili-
7 ties improvement program, restore New York's communities initiative,
8 heavy equipment, economic development and infrastructure projects,
9 Roosevelt Island operating corporation capital projects, Lake Ontario
10 regional projects, Pennsylvania station and other transit projects,
11 athletic facilities for professional football in Orchard Park, New York,
12 Rush - NY, New York AI Consortium, New York Creates UEV Tool, and other
13 state costs associated with such projects the director of the budget is
14 hereby authorized to enter into one or more service contracts with the
15 dormitory authority and the corporation, none of which shall exceed
16 thirty years in duration, upon such terms and conditions as the director
17 of the budget and the dormitory authority and the corporation agree, so
18 as to annually provide to the dormitory authority and the corporation,
19 in the aggregate, a sum not to exceed the principal, interest, and
20 related expenses required for such bonds and notes. Any service contract
21 entered into pursuant to this section shall provide that the obligation
22 of the state to pay the amount therein provided shall not constitute a
23 debt of the state within the meaning of any constitutional or statutory
24 provision and shall be deemed executory only to the extent of monies
25 available and that no liability shall be incurred by the state beyond
26 the monies available for such purpose, subject to annual appropriation
27 by the legislature. Any such contract or any payments made or to be made
28 thereunder may be assigned and pledged by the dormitory authority and
29 the corporation as security for its bonds and notes, as authorized by
30 this section.

31 § 44. Subdivision (a) of section 28 of part Y of chapter 61 of the
32 laws of 2005, relating to providing for the administration of certain
33 funds and accounts related to the 2005-2006 budget, as amended by
34 section 36 of part PP of chapter 56 of the laws of 2023, is amended to
35 read as follows:

36 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
37 notwithstanding any provisions of law to the contrary, one or more
38 authorized issuers as defined by section 68-a of the state finance law
39 are hereby authorized to issue bonds or notes in one or more series in
40 an aggregate principal amount not to exceed [~~two hundred forty-seven~~
41 ~~million dollars \$247,000,000~~] two hundred ninety-seven million dollars
42 \$297,000,000, excluding bonds issued to finance one or more debt service
43 reserve funds, to pay costs of issuance of such bonds, and bonds or
44 notes issued to refund or otherwise repay such bonds or notes previously
45 issued, for the purpose of financing capital projects for public
46 protection facilities in the Division of Military and Naval Affairs,
47 debt service and leases; and to reimburse the state general fund for
48 disbursements made therefor. Such bonds and notes of such authorized
49 issuer shall not be a debt of the state, and the state shall not be
50 liable thereon, nor shall they be payable out of any funds other than
51 those appropriated by the state to such authorized issuer for debt
52 service and related expenses pursuant to any service contract executed
53 pursuant to subdivision (b) of this section and such bonds and notes
54 shall contain on the face thereof a statement to such effect. Except for
55 purposes of complying with the internal revenue code, any interest

1 income earned on bond proceeds shall only be used to pay debt service on
2 such bonds.

3 § 45. Subdivision 1 of section 50 of section 1 of chapter 174 of the
4 laws of 1968, constituting the New York state urban development corpo-
5 ration act, as amended by section 43 of part PP of chapter 56 of the
6 laws of 2023, is amended to read as follows:

7 1. Notwithstanding the provisions of any other law to the contrary,
8 the dormitory authority and the urban development corporation are hereby
9 authorized to issue bonds or notes in one or more series for the purpose
10 of funding project costs undertaken by or on behalf of the state educa-
11 tion department, special act school districts, state-supported schools
12 for the blind and deaf, approved private special education schools,
13 non-public schools, community centers, day care facilities, residential
14 camps, day camps, Native American Indian Nation schools, and other state
15 costs associated with such capital projects. The aggregate principal
16 amount of bonds authorized to be issued pursuant to this section shall
17 not exceed [~~three hundred twenty one million seven hundred ninety nine~~
18 ~~thousand dollars \$321,799,000~~] three hundred ninety-six million eight
19 hundred ninety-eight thousand dollars \$396,898,000, excluding bonds
20 issued to fund one or more debt service reserve funds, to pay costs of
21 issuance of such bonds, and bonds or notes issued to refund or otherwise
22 repay such bonds or notes previously issued. Such bonds and notes of the
23 dormitory authority and the urban development corporation shall not be a
24 debt of the state, and the state shall not be liable thereon, nor shall
25 they be payable out of any funds other than those appropriated by the
26 state to the dormitory authority and the urban development corporation
27 for principal, interest, and related expenses pursuant to a service
28 contract and such bonds and notes shall contain on the face thereof a
29 statement to such effect. Except for purposes of complying with the
30 internal revenue code, any interest income earned on bond proceeds shall
31 only be used to pay debt service on such bonds.

32 § 46. Subdivision 1 of section 1680-k of the public authorities law,
33 as amended by section 47 of part PP of chapter 56 of the laws of 2023,
34 is amended to read as follows:

35 1. Subject to the provisions of chapter fifty-nine of the laws of two
36 thousand, but notwithstanding any provisions of law to the contrary, the
37 dormitory authority is hereby authorized to issue bonds or notes in one
38 or more series in an aggregate principal amount not to exceed [~~forty~~
39 ~~million nine hundred forty five thousand dollars \$40,945,000~~] forty-one
40 million sixty thousand dollars \$41,060,000, excluding bonds issued to
41 finance one or more debt service reserve funds, to pay costs of issuance
42 of such bonds, and bonds or notes issued to refund or otherwise repay
43 such bonds or notes previously issued, for the purpose of financing the
44 construction of the New York state agriculture and markets food labora-
45 tory. Eligible project costs may include, but not be limited to the cost
46 of design, financing, site investigations, site acquisition and prepara-
47 tion, demolition, construction, rehabilitation, acquisition of machinery
48 and equipment, and infrastructure improvements. Such bonds and notes of
49 such authorized issuers shall not be a debt of the state, and the state
50 shall not be liable thereon, nor shall they be payable out of any funds
51 other than those appropriated by the state to such authorized issuers
52 for debt service and related expenses pursuant to any service contract
53 executed pursuant to subdivision two of this section and such bonds and
54 notes shall contain on the face thereof a statement to such effect.
55 Except for purposes of complying with the internal revenue code, any

1 interest income earned on bond proceeds shall only be used to pay debt
2 service on such bonds.

3 § 47. Paragraph (b) of subdivision 3 and clause (B) of subparagraph
4 (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chap-
5 ter 63 of the laws of 2005, relating to the composition and responsibil-
6 ities of the New York state higher education capital matching grant
7 board, as amended by section 48 of part PP of chapter 56 of the laws of
8 2023, are amended to read as follows:

9 (b) Within amounts appropriated therefor, the board is hereby author-
10 ized and directed to award matching capital grants totaling [~~three~~
11 ~~hundred eighty five million dollars, \$385,000,000~~] four hundred twenty-
12 five million dollars \$425,000,000. Each college shall be eligible for a
13 grant award amount as determined by the calculations pursuant to subdi-
14 vision five of this section. In addition, such colleges shall be eligi-
15 ble to compete for additional funds pursuant to paragraph (h) of subdi-
16 vision four of this section.

17 (B) The dormitory authority shall not issue any bonds or notes in an
18 amount in excess of [~~three hundred eighty five million dollars,~~
19 ~~\$385,000,000~~] four hundred twenty-five million dollars \$425,000,000 for
20 the purposes of this section; excluding bonds or notes issued to fund
21 one or more debt service reserve funds, to pay costs of issuance of such
22 bonds, and bonds or notes issued to refund or otherwise repay such bonds
23 or notes previously issued. Except for purposes of complying with the
24 internal revenue code, any interest on bond proceeds shall only be used
25 to pay debt service on such bonds.

26 § 48. Paragraph a of subdivision 1 of section 9-a of section 1 of
27 chapter 392 of the laws of 1973, constituting the New York state medical
28 care facilities finance agency act, as amended by chapter 479 of the
29 laws of 2022, is amended to read as follows:

30 a. "Mental health services facility" shall mean a building, a unit
31 within a building, a laboratory, a classroom, a housing unit, a dining
32 hall, an activities center, a library, real property of any kind or
33 description, or any structure on or improvement to real property of any
34 kind or description, including fixtures and equipment which may or may
35 not be an integral part of any such building, unit, structure or
36 improvement, a walkway, a roadway or a parking lot, and improvements and
37 connections for water, sewer, gas, electrical, telephone, heating, air
38 conditioning and other utility services, or a combination of any of the
39 foregoing, whether for patient care and treatment or staff, staff family
40 or service use, located at or related to any psychiatric center, any
41 developmental center, or any state psychiatric or research institute or
42 other facility now or hereafter established under the state department
43 of mental hygiene. A mental health services facility shall also mean and
44 include a residential care center for adults, a community residence, a
45 "community mental health and developmental disabilities facility", and a
46 state or voluntary operated treatment facility for use in the conduct of
47 an alcoholism or substance abuse treatment program as defined in the
48 mental hygiene law, unless such residential care center for adults,
49 community mental health and developmental disabilities facility or alco-
50 holism or substance abuse facility is expressly excepted or the context
51 clearly requires otherwise. The definition contained in this subdivision
52 shall not be construed to exclude therefrom a facility, whether or not
53 owned or leased by a voluntary agency, to be made available under lease,
54 or sublease, from the facilities development corporation to a voluntary
55 agency at the request of the commissioners of the offices and directors
56 of the divisions of the department of mental hygiene having jurisdiction

1 thereof for use in providing services in a residential care center for
2 adults, community mental health and developmental disabilities services,
3 or for use in the conduct of an alcoholism or substance abuse treatment
4 program. For purposes of this section mental health services facility
5 shall also mean mental hygiene facility as defined in subdivision ten of
6 section three of the facilities development corporation act and shall
7 also include facilities for: (i) comprehensive psychiatric emergency
8 programs and/or psychiatric inpatient programs or other similar
9 programs, including but not limited to residential treatment facilities,
10 under the auspice of municipalities and other public and not-for-profit
11 agencies, licensed pursuant to article thirty-one of the mental hygiene
12 law and/or article twenty-eight of the public health law; and (ii)
13 licensed or unlicensed permanent, transitional, or emergency housing for
14 mentally ill persons under the auspice of municipalities and other
15 public and not-for-profit agencies, approved by the commissioner of the
16 office of mental health, pursuant to article forty-one of the mental
17 hygiene law.

18 § 49. Notwithstanding any law to the contrary, the comptroller is
19 hereby authorized and directed to transfer, upon request of the director
20 of the budget, on or before March 31, 2025 the following amounts from
21 the following special revenue accounts or enterprise funds to the gener-
22 al fund, for the purposes of offsetting principal and interest costs,
23 incurred by the state pursuant to section 386-a of the public authori-
24 ties law, provided that the annual amount of the transfer shall be no
25 more than the principal and interest that would have otherwise been due
26 to the power authority of the state of New York, from any state agency,
27 in a given state fiscal year. Amounts pertaining to special revenue
28 accounts assigned to the state university of New York shall be consid-
29 ered interchangeable between the designated special revenue accounts as
30 to meet the requirements of this section and section 386-a of the public
31 authorities law:

32 1. \$15,000,000 from the miscellaneous special revenue fund, state
33 university general income reimbursable account (22653).

34 2. \$5,000,000 from state university dormitory income fund, state
35 university dormitory income fund (40350).

36 3. \$5,000,000 from the enterprise fund, city university senior college
37 operating fund (60851).

38 § 50. Subdivision 6-a of section 2 of the state finance law, as added
39 by chapter 837 of the laws of 1983, is amended to read as follows:

40 6-a. "Fixed assets". (i) Assets of a long-term, tangible character
41 which are intended to continue to be held or used, such as land, build-
42 ings, improvements, machinery, and equipment, and (ii) assets that
43 provide a long-term interest in land, including conservation easements.

44 § 51. Subdivision 2 of section 2976 of the public authorities law, as
45 amended by section 1 of part FF of chapter 59 of the laws of 2009, is
46 amended to read as follows:

47 2. The bond issuance charge shall be computed by multiplying the prin-
48 cipal amount of bonds issued by the percentage set forth in the schedule
49 below, provided that: (a) the charge applicable to the principal amount
50 of single family mortgage revenue bonds shall be seven one-hundredths of
51 one percent; (b) the issuance of bonds shall not include the remarketing
52 of bonds; and (c) the issuance of bonds shall not include the [~~current~~]
53 refunding of [~~short term~~] bonds, notes or other obligations [~~for which~~
54 ~~the bond issuance charge provided by this section has been paid,~~
55 ~~provided that such current refunding (i) occurs within one year from the~~
56 ~~issuance of the refunded obligations, or (ii) is part of a program~~

~~created by a single indenture or bond resolution that provides for the periodic issuance and refunding of short term obligations].~~

SCHEDULE

Principal Amount of Bonds Issued	Percentage Charge
a. [\$1,000,000] <u>\$20,000,000</u> or less	[-.168%] <u>0%</u>
b. [\$1,000,001 to \$5,000,000]	.336%
c. [\$5,000,001 to \$10,000,000]	.504%
d. [\$10,000,001 to \$20,000,000]	.672%
e.] More than \$20,000,000	[-.84%] <u>.35%</u>

§ 52. Subdivision 5 of section 68-b of the state finance law, as added by section 2 of part I of chapter 383 of the laws of 2001, is amended to read as follows:

5. The authorized issuers, subject to such agreements with holders of revenue bonds as may then exist, or with the providers of any applicable bond or note or other financial or agreement facility, shall have power out of any funds available therefor to purchase revenue bonds of the authorized issuers, which may or may not thereupon be canceled, at a price not exceeding:

(a) if the revenue bonds are then redeemable, the redemption price then applicable, including any accrued interest; or

(b) if the revenue bonds are not then redeemable, the redemption price and accrued interest applicable on the first date after such purchase upon which the revenue bonds become subject to redemption; or

(c) whether or not the revenue bonds are then redeemable, at a redemption price that provides present value savings to the state, as certified in writing by an independent financial advisor.

No later than seven days after a redemption pursuant to paragraph (c) of this subdivision, the director of the budget shall provide such written certification to the chair of the senate finance committee and the chair of the assembly ways and means committee.

§ 53. Subdivision 5 of section 69-n of the state finance law, as added by section 58 of part HH of chapter 57 of the laws of 2013, is amended to read as follows:

5. The authorized issuers, subject to such agreements with holders of revenue bonds as may then exist, or with the providers of any applicable bond or note or other financial or agreement facility, shall have power out of any funds available therefor to purchase revenue bonds of the authorized issuers, which may or may not thereupon be canceled, at a price not exceeding:

(a) If the revenue bonds are then redeemable, the redemption price then applicable, including any accrued interest; or

(b) If the revenue bonds are not then redeemable, the redemption price and accrued interest applicable on the first date after such purchase upon which the revenue bonds become subject to redemption; or

(c) Whether or not the revenue bonds are then redeemable, at a redemption price that provides present value savings to the state, as certified in writing by an independent financial advisor.

No later than seven days after a redemption pursuant to paragraph (c) of this subdivision, the director of the budget shall provide such written certification to the chair of the senate finance committee and the chair of the assembly ways and means committee.

§ 54. Paragraph (b) of subdivision 1 of section 54-b of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as amended by section 49 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

1 (b) Notwithstanding any other provision of law to the contrary,
2 including, specifically, the provisions of chapter 59 of the laws of
3 2000 and section sixty-seven-b of the state finance law, the dormitory
4 authority of the state of New York and the corporation are hereby
5 authorized to issue personal income tax revenue anticipation notes with
6 a maturity no later than March 31, [~~2024~~] 2025, in one or more series in
7 an aggregate principal amount for each fiscal year not to exceed three
8 billion dollars, and to pay costs of issuance of such notes, for the
9 purpose of temporarily financing budgetary needs of the state. Such
10 purpose shall constitute an authorized purpose under subdivision two of
11 section sixty-eight-a of the state finance law for all purposes of arti-
12 cle five-C of the state finance law with respect to the notes authorized
13 by this paragraph. Such notes shall not be renewed, extended or
14 refunded. For so long as any notes authorized by this paragraph shall be
15 outstanding, the restrictions, limitations and requirements contained in
16 article five-B of the state finance law shall not apply.

17 § 55. Subdivision 1 of section 386-a of the public authorities law, as
18 amended by section 54 of part PP of chapter 56 of the laws of 2023, is
19 amended to read as follows:

20 1. Notwithstanding any other provision of law to the contrary, the
21 authority, the dormitory authority and the urban development corporation
22 are hereby authorized to issue bonds or notes in one or more series for
23 the purpose of assisting the metropolitan transportation authority in
24 the financing of transportation facilities as defined in subdivision
25 seventeen of section twelve hundred sixty-one of this chapter or other
26 capital projects. The aggregate principal amount of bonds authorized to
27 be issued pursuant to this section shall not exceed twelve billion five
28 hundred fifteen million eight hundred fifty-six thousand dollars
29 \$12,515,856,000, excluding bonds issued to fund one or more debt service
30 reserve funds, to pay costs of issuance of such bonds, and to refund or
31 otherwise repay such bonds or notes previously issued. Such bonds and
32 notes of the authority, the dormitory authority and the urban develop-
33 ment corporation shall not be a debt of the state, and the state shall
34 not be liable thereon, nor shall they be payable out of any funds other
35 than those appropriated by the state to the authority, the dormitory
36 authority and the urban development corporation for principal, interest,
37 and related expenses pursuant to a service contract and such bonds and
38 notes shall contain on the face thereof a statement to such effect.
39 Except for purposes of complying with the internal revenue code, any
40 interest income earned on bond proceeds shall only be used to pay debt
41 service on such bonds. Notwithstanding any other provision of law to the
42 contrary, including the limitations contained in subdivision four of
43 section sixty-seven-b of the state finance law, (A) any bonds and notes
44 issued prior to April first, two thousand [~~twenty-four~~] twenty-seven
45 pursuant to this section may be issued with a maximum maturity of fifty
46 years, and (B) any bonds issued to refund such bonds and notes may be
47 issued with a maximum maturity of fifty years from the respective date
48 of original issuance of such bonds and notes.

49 § 56. This act shall take effect immediately and shall be deemed to
50 have been in full force and effect on and after April 1, 2024; provided,
51 however, that the provisions of sections one, two, three, four, five,
52 six, seven, eight, fourteen, fifteen, sixteen, seventeen, eighteen,
53 nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four
54 of this act shall expire March 31, 2025; and provided, further, that
55 sections twenty-five and twenty-six of this act shall expire March 31,

1 2027, when upon such dates the provisions of such sections shall be
2 deemed repealed.

3 PART YY

4 Section 1. Section 13 of chapter 141 of the laws of 1994, amending the
5 legislative law and the state finance law relating to the operation and
6 administration of the legislature, as amended by section 1 of part DD of
7 chapter 55 of the laws of 2023, is amended to read as follows:

8 § 13. This act shall take effect immediately and shall be deemed to
9 have been in full force and effect as of April 1, 1994, provided that,
10 the provisions of section 5-a of the legislative law as amended by
11 sections two and two-a of this act shall take effect on January 1, 1995,
12 and provided further that, the provisions of article 5-A of the legisla-
13 tive law as added by section eight of this act shall expire June 30,
14 [~~2024~~] 2025 when upon such date the provisions of such article shall be
15 deemed repealed; and provided further that section twelve of this act
16 shall be deemed to have been in full force and effect on and after April
17 10, 1994.

18 § 2. This act shall not supersede the findings and determinations made
19 by the compensation committee as authorized pursuant to part HHH of
20 chapter 59 of the laws of 2018 unless a court of competent jurisdiction
21 determines that such findings and determinations are invalid or other-
22 wise not applicable or in force.

23 § 3. This act shall take effect immediately, provided, however, if
24 this act shall take effect on or after June 30, 2024, this act shall be
25 deemed to have been in full force and effect on and after June 30, 2024.

26 PART ZZ

27 Section 1. Subparagraph 1 of paragraph (a) of subdivision 1 of section
28 2590-b of the education law is amended by adding a new clause (D) to
29 read as follows:

30 (D) Commencing on July first, two thousand twenty-four, the board of
31 education shall consist of twenty-four voting members: one member to be
32 appointed by each borough president of the city of New York; five
33 members, one from each borough of the city of New York, to be elected by
34 community district education council presidents; one independent member
35 who shall serve as chair of the board and who shall be selected as
36 established in subparagraph three of this paragraph; and thirteen
37 members to be appointed by the mayor of the city of New York. The
38 initial term of the chair selected pursuant to subparagraph three of
39 this paragraph shall commence on September fifteenth, two thousand twen-
40 ty-four and shall end on September fourteenth, two thousand twenty-five;
41 thereafter the chair shall serve for a one-year term commencing on
42 September fifteenth. The chancellor shall continue regulations promul-
43 gated under clause (C) of this subparagraph establishing a process for
44 community district education council presidents to elect members of the
45 board, and processes for removal of such members and for the filling of
46 such positions in the event of a vacancy. Appointed members and members
47 elected by community district education council presidents pursuant to
48 clause (C) of this subparagraph and commencing a term on July first, two
49 thousand twenty-four shall serve a term that ends on June thirtieth, two
50 thousand twenty-five. Thereafter, appointed members and the members
51 elected by community district education council presidents shall serve
52 for a one-year term commencing on July first.

1 § 2. Subparagraph 3 of paragraph (a) of subdivision 1 of section
2 2590-b of the education law, as amended by chapter 364 of the laws of
3 2022, is amended to read as follows:

4 (3) The ~~[city board]~~ independent member who shall [elect its own
5 chairperson from among its voting members] serve as chair of the board
6 shall be selected by the mayor of the city of New York from among three
7 qualified candidates, one nominated by the speaker of the assembly, one
8 nominated by the majority leader of the senate, and one nominated by the
9 chancellor of the board of regents. If the mayor of the city of New York
10 shall not accept any of the three candidates, up to two additional
11 groups of three will be submitted to the mayor of the city of New York
12 for consideration. The mayor of the city of New York must select a
13 candidate from among the nominees no later than September fifteenth of
14 each year. An individual selected to serve as chair may be reappointed
15 by the mayor of the city of New York to serve an additional one-year
16 term, provided such reappointment will be made on or before June thirti-
17 eth of each year, and provided further that no individual may serve as
18 chair for more than two terms consecutively. If the individual serving
19 as chair is not reappointed by the mayor of the city of New York, is
20 term limited pursuant to this subparagraph, or the role of chair becomes
21 vacant for any reason, the selection of a new member to serve as chair
22 will be completed through the process as established in this subpara-
23 graph.

24 § 3. Subparagraph 2 of paragraph c of subdivision 8 of section 2590-c
25 of the education law, as amended by section 43-c of part YYY of chapter
26 59 of the laws of 2019, is amended to read as follows:

27 (2) after reviewing the recommendations of the task force described in
28 subdivision nine of this section, develop election procedures for commu-
29 nity council members which shall attempt to ensure membership that
30 reflects a representative cross-section of the communities within the
31 school district and diversity of the student population including those
32 with particular educational needs, shall include consideration of the
33 enrollment figures within each community district and the potential
34 disparity of such enrollment from school to school within the district,
35 and shall ensure that, to the extent possible, a school may have no more
36 than one parent representative on the community council. Such measures
37 shall ensure that at least one position on the community council is
38 filled by a parent of a current student who is or has been at any time
39 an English language learner, and at least one position is filled by a
40 parent of a student who has or has at any time had an individualized
41 education program, and shall allow for the seven remaining positions to
42 be filled by parents who are otherwise eligible. Such election proce-
43 dures shall ensure that no candidate is elected by a margin of less than
44 one vote.

45 § 4. Paragraph b of subdivision 5-a of section 2576 of the education
46 law, as added by chapter 91 of the laws of 2002, is amended and a new
47 paragraph c is added to read as follows:

48 b. The city amount in a budget adopted by the council pursuant to
49 section two hundred fifty-four of the New York city charter shall not be
50 less than the city amount appropriated in the base year as determined at
51 the time of adoption of the budget for the ensuing fiscal year and shall
52 be consistent with the requirements of the certification described in
53 subdivision six of section two hundred eleven-d of this chapter.
54 Provided, however, in the event the total amount of city funds relied
55 upon to balance such budget is lower than the total amount of city funds
56 appropriated in the base year, determined at the time of adoption of

1 such budget pursuant to a process developed by the department in consul-
2 tation with the city of New York and the labor organization representing
3 teachers that identifies a methodology for the allocation of appropri-
4 ations between fiscal years and prescribes a form upon the approval of
5 the director of budget for the certifications required by this subdivi-
6 sion, the city amount may be reduced by up to the same percentage as the
7 overall percentage decrease in city funds between the base year and the
8 ensuing fiscal year. Before such budget may be certified pursuant to
9 section two hundred fifty-six of the New York city charter, the mayor of
10 the city of New York and an independent certified public accountant
11 shall certify to the commissioner, in a form prescribed by the commis-
12 sioner upon the approval of the director of budget, that the city amount
13 appropriated in such budget is (i) in compliance with this paragraph;
14 (ii) consistent with the requirements of subdivision six of section two
15 hundred eleven-d of this chapter; and (iii) sufficient to ensure indi-
16 vidual schools can meet the class size compliance targets set forth in
17 subdivision two of section two hundred eleven-d of this chapter. If a
18 budget is adopted pursuant to section two hundred fifty-four of the New
19 York city charter or certified pursuant to section two hundred fifty-six
20 of such charter in violation of this paragraph, the council shall have
21 sixty days to adopt a budget compliant with this paragraph and have such
22 budget certified in accordance with the provisions of this paragraph.
23 Should the budget not be adopted and certified within sixty days, the
24 amount by which the budget is non-compliant shall be withheld from the
25 foundation aid allotment until such time as the budget is certified as
26 compliant with this paragraph.

27 c. Actual budget expenditures shall be certified in October following
28 the close of the fiscal year to ensure compliance with paragraph b of
29 this subdivision. If the budget expenditures are not compliant with
30 paragraph b of this subdivision, the council will appropriate funds in
31 the amount of the discrepancy as part of the November modification,
32 pursuant to subdivision b of section one hundred seven of the New York
33 city charter.

34 § 5. Subdivision 6 of section 211-d of the education law, as added by
35 section 12 of part A of chapter 57 of the laws of 2007, is amended to
36 read as follows:

37 6. ~~[The]~~ (a) Increases in total foundation aid and supplemental educa-
38 tional improvement plan grants shall be used to supplement, and not
39 supplant funds allocated by the district in the base year for all
40 purposes set forth in subdivision three of this section. In a city of
41 one million or more, the city school district will provide the collec-
42 tive bargaining unit for teachers with the list of budget codes in which
43 funding provided under this section is utilized for a budget that would
44 begin July first, two thousand twenty-five and after. Except in a city
45 of one million or more, the school district audit report certified to
46 the commissioner by an independent certified public accountant[7] or an
47 independent accountant [~~or the comptroller of the city of New York~~]
48 pursuant to section twenty-one hundred sixteen-a of this chapter shall
49 include a certification by such accountant [~~or comptroller~~] in a form
50 prescribed by the commissioner [~~and that the increases in total founda-~~
51 ~~tion aid and supplemental educational improvement plan grants have been~~
52 ~~used to supplement, and not supplant funds allocated by the district in~~
53 ~~the base year for such purposes]~~ of compliance with the first sentence
54 of this subdivision.

55 (b) Within ten days of adoption of a budget by the city of New York,
56 an independent certified public accountant, or an independent accountant

1 or the comptroller of such city shall certify in a form prescribed by
2 the commissioner that (i) an audit by such office has confirmed that
3 increases in total foundation aid and supplemental improvement grants in
4 the base year were used to supplement, and not supplant funds allocated
5 by the district in the previous year and (ii) in the adopted budget,
6 increases in total foundation aid and supplemental improvement grants
7 supplement, not supplant funds allocated by the district in the base
8 year for such purposes.

9 Upon a determination that either (i) increases in total foundation aid
10 and supplemental improvement grants in the base year were used to
11 supplant funds allocated by the district, or (ii) increases in total
12 foundation aid and supplemental improvement grants as appropriated will
13 supplant funds allocated by the district in the base year, the district
14 shall be ordered to restore funds in such amounts as to eliminate the
15 violation.

16 § 6. Section 34 of chapter 91 of the laws of 2002, amending the educa-
17 tion law and other laws relating to reorganization of the New York city
18 school construction authority, board of education and community boards,
19 as amended by chapter 364 of the laws of 2022, is amended to read as
20 follows:

21 § 34. This act shall take effect July 1, 2002; provided, that sections
22 one through twenty, twenty-four, and twenty-six through thirty of this
23 act shall expire and be deemed repealed June 30, [~~2024~~] 2026 provided,
24 further that subdivision 5-a of section 2576 of the education law, as
25 added by section five of this act, shall not expire therewith, and
26 provided, further, that notwithstanding any provision of article 5 of
27 the general construction law, on June 30, [~~2024~~] 2026 the provisions of
28 subdivisions 3, 5, and 8, paragraph b of subdivision 13, subdivision 14,
29 paragraphs b, d, and e of subdivision 15, and subdivisions 17 and 21 of
30 section 2554 of the education law as repealed by section three of this
31 act, subdivision 1 of section 2590-b of the education law as repealed by
32 section six of this act, paragraph (a) of subdivision 2 of section
33 2590-b of the education law as repealed by section seven of this act,
34 section 2590-c of the education law as repealed by section eight of this
35 act, paragraph c of subdivision 2 of section 2590-d of the education law
36 as repealed by section twenty-six of this act, subdivision 1 of section
37 2590-e of the education law as repealed by section twenty-seven of this
38 act, subdivision 28 of section 2590-h of the education law as repealed
39 by section twenty-eight of this act, subdivision 30 of section 2590-h of
40 the education law as repealed by section twenty-nine of this act, subdi-
41 vision 30-a of section 2590-h of the education law as repealed by
42 section thirty of this act shall be revived and be read as such
43 provisions existed in law on the date immediately preceding the effec-
44 tive date of this act; provided, however, that sections seven and eight
45 of this act shall take effect on November 30, 2003; provided further
46 that the amendments to subdivision 25 of section 2554 of the education
47 law made by section two of this act shall be subject to the expiration
48 and reversion of such subdivision pursuant to section 12 of chapter 147
49 of the laws of 2001, as amended, when upon such date the provisions of
50 section four of this act shall take effect.

51 § 7. Subdivision 12 of section 17 of chapter 345 of the laws of 2009,
52 amending the education law and other laws relating to the New York city
53 board of education, chancellor, community councils and community super-
54 intendants, as amended by chapter 364 of the laws of 2022, is amended to
55 read as follows:

1 12. any provision in sections one, two, three, four, five, six, seven,
2 eight, nine, ten and eleven of this act not otherwise set to expire
3 pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or
4 section 17 of chapter 123 of the laws of 2003, as amended, shall expire
5 and be deemed repealed June 30, [~~2024~~] 2026.

6 § 8. This act shall take effect immediately; provided, however, that
7 the amendments to section 2590-b of the education law made by sections
8 one and two of this act, and the amendments to section 2590-c of the
9 education law made by section three of this act, shall not affect the
10 expiration of such sections and shall expire and be deemed repealed
11 therewith.

12 PART AAA

13 Section 1. Short title. This act shall be known and may be cited as
14 the "newspaper and broadcast media jobs program".

15 § 2. The economic development law is amended by adding a new article
16 27 to read as follows:

17 ARTICLE 27

18 NEWSPAPER AND BROADCAST MEDIA JOBS PROGRAM

19 Section 490. Short title.

20 491. Statement of legislative findings and declaration.

21 492. Definitions.

22 493. Eligibility criteria.

23 494. Application and approval process.

24 495. Newspaper and broadcast media jobs tax credit.

25 496. Powers and duties of the commissioner.

26 § 490. Short title. This article shall be known and may be cited as
27 the "newspaper and broadcast media jobs program".

28 § 491. Statement of legislative findings and declaration. It is hereby
29 found and declared that New York state needs, as a matter of public
30 policy, to provide financial support and incentives for businesses which
31 operate as newspaper and broadcast media, to sustain a productive and
32 effective industry.

33 § 492. Definitions. For the purposes of this article:

34 1. "Average full-time employment" shall mean the average number of
35 full-time positions employed by a business entity in an eligible indus-
36 try during a given period.

37 2. "Average starting full-time employment" shall be calculated as the
38 average number of full-time positions employed by a business entity in
39 an eligible industry during a timeframe to be determined by the depart-
40 ment of economic development.

41 3. "Average ending full-time employment" shall be calculated as the
42 average number of full-time positions employed by a business entity in
43 an eligible industry during a timeframe to be determined by the depart-
44 ment of economic development.

45 4. "Certificate of tax credit" means the document issued to a business
46 entity by the department after the department has verified that the
47 business entity has met all applicable eligibility criteria in this
48 article. The certificate shall specify the exact amount of the tax cred-
49 it under this article that a business entity may claim, pursuant to
50 section four hundred ninety-five and section four hundred ninety-six of
51 this article.

52 5. "Commissioner" shall mean commissioner of economic development.

53 6. "Department" shall mean the department of economic development.

1 7. "Eligible business" shall mean a print media or broadcast media
2 business operating within an eligible industry, which also carries media
3 liability insurance.

4 8. "Eligible employee" shall mean an employee working full-time at an
5 eligible business, as determined by the department.

6 9. "Eligible industry" means a business entity operating predominantly
7 in the newspaper publishing sector or the broadcast media sector, as
8 determined by the department.

9 10. "Net employee increase" means an increase of at least one full-
10 time employee between the average starting full-time employment and the
11 average ending full-time employment of a business entity, as defined by
12 the department.

13 11. "Newspaper and broadcast media jobs tax credit" shall mean a tax
14 credit which shall provide a credit to eligible businesses operating
15 within eligible industries. The newspaper and broadcast media jobs tax
16 credit shall have two components. The newspaper and broadcast media new
17 job creation component shall allow a credit of five-thousand dollars per
18 net new job created at eligible businesses operating within eligible
19 industries. The newspaper and broadcast media existing jobs component
20 shall allow a tax credit available to support the costs related to
21 retention of existing jobs at eligible businesses operating within
22 eligible industries.

23 12. (a) "Broadcast media business" means any broadcast station which:

24 (i) has been broadcasting for at least one year prior to the tax year
25 for which it is applying for a credit;

26 (ii) owns or operates a broadcast station, as defined by section three
27 of the federal communications act of 1934; and

28 (iii) discloses its ownership to the public at such times and in such
29 manner as identified by the commissioner.

30 (b) For purposes of this paragraph each FCC licensed broadcast station
31 servicing a separate market shall be treated as a separate broadcast media
32 business.

33 13. "Independently owned" shall mean a business entity that is not:
34 (a) a publicly traded entity or no more than five percent of the benefi-
35 cial ownership of which is owned, directly or indirectly by a publicly
36 traded entity; (b) a subsidiary; and (c) any other criteria that the
37 department shall determine via regulations to ensure the business is not
38 controlled by another business entity.

39 § 493. Eligibility criteria. To be eligible for the tax credit estab-
40 lished under this section, a business entity must:

41 1. be an eligible business operating within an eligible industry;

42 2. be independently owned or, in the case of a print media business,
43 demonstrate a reduction in circulation or in the number of full-time
44 equivalent employees of at least twenty percent over the previous five
45 years; and

46 3. operate predominantly in an eligible industry, and be located with-
47 in the state of New York. The department, in its regulations promulgated
48 pursuant to this article, shall have the authority to list certain types
49 of establishments as ineligible.

50 § 494. Application and approval process. 1. A business entity must
51 submit a complete application as prescribed by the commissioner.

52 2. The commissioner shall establish procedures and a timeframe for
53 business entities to submit applications. As part of the application,
54 each business entity must:

55 (a) provide evidence in a form and manner prescribed by the commis-
56 sioner of their business eligibility;

1 (b) agree to allow the department of taxation and finance to share the
2 business entity's tax information with the department;

3 (c) agree to allow the department of labor to share its tax and
4 employer information with the department. However, any information
5 shared as a result of this program shall not be available for disclosure
6 or inspection under the state freedom of information law;

7 (d) allow the department and its agents access to any and all books
8 and records the department may require to monitor compliance; and

9 (e) agree to provide any additional information required by the
10 department relevant to this article.

11 3. After reviewing a business entity's completed final application and
12 determining that the business entity meets the eligibility criteria as
13 set forth in this article, the department may issue to that business
14 entity a certificate of tax credit. A business entity may claim the tax
15 credit.

16 § 495. Newspaper and broadcast media jobs tax credit. 1. A business
17 entity that meets the eligibility requirements of section four hundred
18 ninety-three of this article, and meets any additional eligibility
19 criteria as articulated in regulations established pursuant to this
20 section, and demonstrates a net employee increase, may be eligible to
21 claim a credit equal to five thousand dollars per each full-time net
22 employee increase as defined in section four hundred ninety-two of this
23 article. A business entity, including a partnership, limited liability
24 company and subchapter S corporation, may not receive in excess of twenty
25 thousand dollars in tax credits under this program.

26 2. A business entity that meets the eligibility requirements of
27 section four hundred ninety-three of this article, and meets any addi-
28 tional eligibility criteria as articulated in regulations established
29 pursuant to this section, may be eligible to claim a credit equal to
30 fifty percent of annual wages of an eligible employee. The calculation
31 of such a credit shall only be applied to up to fifty thousand dollars
32 in wages paid annually per eligible employee. A business entity, includ-
33 ing a partnership, limited liability company and subchapter S corpo-
34 ration, may not receive in excess of three hundred thousand dollars in
35 tax credits under this program.

36 3. The total amount of tax credits listed on certificates of tax cred-
37 it issued by the commissioner pursuant to this article may not exceed
38 thirty million dollars for each year the credit is available. Within
39 this amount, the newspaper and broadcast media new job creation compo-
40 nent of the credit may not exceed four million dollars per year and the
41 newspaper and broadcast media existing jobs component of the credit may
42 not exceed twenty-six million dollars per year. Fifty percent of the
43 newspaper and broadcast media existing jobs component credits will be
44 set-aside for eligible business entities with one hundred or fewer
45 employees. Fifty percent of the newspaper and broadcast media existing
46 jobs component credits will be set-aside for eligible business entities
47 with over one hundred employees. In both instances the cap will be three
48 hundred thousand dollars under this program.

49 4. The credit shall be allowed as provided in section forty-nine of
50 the tax law.

51 § 496. Powers and duties of the commissioner. 1. The commissioner
52 shall promulgate regulations establishing an application process and
53 eligibility criteria, that will be applied consistent with the purposes
54 of this article, so as not to exceed the annual cap on tax credits set
55 forth in section four hundred ninety-five of this article which,

1 notwithstanding any provisions to the contrary in the state administra-
2 tive procedure act, may be adopted on an emergency basis.

3 2. The commissioner shall, in consultation with the department of
4 taxation and finance, develop a certificate of tax credit that shall be
5 issued by the commissioner to eligible businesses. Such certificate
6 shall contain such information as required by the department of taxation
7 and finance.

8 3. The commissioner shall solely determine the eligibility of any
9 applicant applying for entry into the program and shall remove any busi-
10 ness entity from the program for failing to meet any of the requirements
11 set forth in section four hundred ninety-three of this article, or for
12 failing to meet the requirements set forth in subdivision one of section
13 four hundred ninety-four of this article.

14 § 3. The tax law is amended by adding a new section 49 to read as
15 follows:

16 § 49. Newspaper and broadcast media jobs tax credit. (a) Allowance of
17 credit. A taxpayer subject to tax under article nine-A or twenty-two of
18 this chapter shall be allowed a credit against such tax, pursuant to the
19 provisions referenced in subdivision (e) of this section. The amount of
20 the credit is equal to the amount determined pursuant to article twen-
21 ty-seven of the economic development law. A taxpayer that is a partner
22 in a partnership, member of a limited liability company or shareholder
23 in a subchapter S corporation shall be allowed its pro-rata share of the
24 credit allowed for the partnership, limited liability company or
25 subchapter S corporation. No cost or expense paid or incurred that is
26 included as part of the calculation of this credit shall be the basis of
27 any other tax credit allowed under this chapter.

28 (b) Eligibility. To be eligible to claim the newspaper and broadcast
29 media jobs tax credit the taxpayer shall have been issued a certificate
30 of tax credit by the department of economic development pursuant to
31 article twenty-seven of the economic development law, which certificate
32 shall set forth the amount of the credit that may be claimed for the
33 taxable year. The taxpayer shall be allowed to claim only the amount
34 listed on the certificate of tax credit for that taxable year.

35 (c) Tax return requirement. The taxpayer shall be required to attach
36 to its tax return, in the form prescribed by the commissioner, proof of
37 receipt of its certificate of tax credit issued by the commissioner of
38 the department of economic development.

39 (d) Credit recapture. If a certificate of tax credit issued by the
40 department of economic development under article twenty-seven of the
41 economic development law is revoked by such department, the amount of
42 credit described in this section and claimed by the taxpayer prior to
43 that revocation shall be added back to tax in the taxable year in which
44 any such revocation becomes final.

45 (e) Cross references. For application of the credit provided in this
46 section see the following provisions of this chapter:

47 (1) article 9-A: section 210-B, subdivision 60.

48 (2) article 22: section 606, subsection (ppp).

49 § 4. Section 210-B of the tax law is amended by adding a new subdivi-
50 sion 60 to read as follows:

51 60. Newspaper and broadcast media jobs tax credit. (a) Allowance of
52 credit. A taxpayer shall be allowed a credit, to be computed as
53 provided in section forty-nine of this chapter, against the taxes
54 imposed by this article.

55 (b) Application of credit. The credit allowed under this subdivision
56 for the taxable year shall not reduce the tax due for such year to less

1 than the amount prescribed in paragraph (d) of subdivision one of
 2 section two hundred ten of this article. However, if the amount of cred-
 3 it allowable under this subdivision for the taxable year reduces the tax
 4 to such amount or if the taxpayer otherwise pays tax based on the fixed
 5 dollar minimum amount, any amount of credit thus not deductible in such
 6 taxable year shall be treated as an overpayment of tax to be credited or
 7 refunded in accordance with the provisions of section one thousand
 8 eighty-six of this chapter. Provided, however, the provisions of
 9 subsection (c) of section one thousand eighty-eight of this chapter
 10 notwithstanding, no interest will be paid thereon.

11 § 5. Section 606 of the tax law is amended by adding a new subsection
 12 (ppp) to read as follows:

13 (ppp) Newspaper and broadcast media jobs tax credit. (1) Allowance of
 14 credit. A taxpayer shall be allowed a credit, to be computed as provided
 15 in section forty-nine of this chapter, against the tax imposed by this
 16 article.

17 (2) Application of credit. If the amount of the credit allowed under
 18 this subsection for the taxable year exceeds the taxpayer's tax for such
 19 year, the excess shall be treated as an overpayment of tax to be credit-
 20 ed or refunded in accordance with the provisions of section six hundred
 21 eighty-six of this article, provided, however, that no interest will be
 22 paid thereon.

23 § 6. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
 24 of the tax law is amended by adding a new clause (li) to read as
 25 follows:

26 <u>(li) Newspaper and broadcast</u>	<u>Amount of credit under subdivision</u>
27 <u>media jobs tax credit under</u>	<u>sixty of section two hundred ten-B</u>
28 <u>subsection (ppp).</u>	

29 § 7. This act shall take effect immediately and shall apply to tax
 30 years beginning on or after January 1, 2025 and ending before January 1,
 31 2028.

32 PART BBB

33 Section 1. Subsection (c-1) of section 606 of the tax law is amended
 34 by adding a new paragraph 5 to read as follows:

35 (5) (A) For tax year two thousand twenty-three, the commissioner shall
 36 issue a payment of a supplemental empire state child credit in the
 37 amount of (i) one hundred percent of the empire state child credit
 38 calculated and allowed pursuant to this subsection to taxpayers whose
 39 federal adjusted gross income was less than ten thousand dollars; (ii)
 40 seventy-five percent of the empire state child credit calculated and
 41 allowed pursuant to this subsection to taxpayers whose federal adjusted
 42 gross income was greater than or equal to ten thousand dollars but less
 43 than twenty-five thousand dollars; (iii) fifty percent of the empire
 44 state child credit calculated and allowed pursuant to this subsection to
 45 taxpayers whose federal adjusted gross income was greater than or equal
 46 to twenty-five thousand dollars but less than fifty thousand dollars;
 47 and (iv) twenty-five percent of the empire state child credit calculated
 48 and allowed pursuant to this subsection to taxpayers whose federal
 49 adjusted gross income was greater than or equal to fifty thousand
 50 dollars. Provided, however, that no payment shall be issued if it is
 51 less than twenty-five dollars.

52 (B) The supplemental payment pursuant to this paragraph shall be
 53 allowed to taxpayers who timely filed returns pursuant to section six

1 hundred fifty-one of this article, determined with regard to extensions
2 pursuant to section six hundred fifty-seven of this article.

3 § 2. This act shall take effect immediately.

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

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