STATE OF NEW YORK

4006--B

IN SENATE

February 1, 2023

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

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 actual valuation; to amend the education law, in relation to average daily attendance; to amend the education law, in relation to supplemental public excess cost aid; to amend the education law, in relation to building aid for metal detectors, and safety devices for electrically operated partitions, room dividers and doors; 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 prekindergarten funding utilizations and implementations plan report; to amend the education law, in relation to transitional guidelines and rules; to amend the education law, in relation to universal prekindergarten expansions and universal prekindergarten aid; to amend the education law, in relation to extending provisions of the statewide universal full-day prekindergarten program; to amend the education law, in relation to certain moneys apportioned; 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 chapter 147 of the laws of 2001 amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend part C of chapter 56 of the laws of 2020 directing the commissioner of education to appoint a monitor for the Rochester city school district, establishing the powers and duties of such monitor and certain other officers and relating to the apportionment of aid to such school district, in relation to the effectiveness thereof; to amend part C of chapter 57 of the laws of 2004 relating to the support of education, in relation

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

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to the effectiveness thereof; 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 funding; providing for special apportionment for salary expenses; providing for special apportionment for public pension accruals; 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 amend chapter 94 of the laws of 2002 relating to the financial stability of the Rochester city school district, in relation to the effectiveness thereof; to amend the education law, in relation to extending employment preparation education programs; to amend chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to the effectiveness of such provisions; and to amend chapter 308 of the laws of 2012, amending the general municipal law relating to providing local governments greater contract flexibility and cost savings by permitting certain shared purchasing among political subdivisions, in relation to the effectiveness thereof (Part A); to amend the education law and 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 establishment of and/or funding provided to schools for meal assistance, education of students with disabilities, career education, and music and art education (Part A-1); intentionally omitted (Part B); to amend the education law, in relation to providing access to medication abortion prescription drugs at the state university of New York and the city university of New York (Part C); to amend the education law, in relation to removing the maximum award caps for the liberty partnerships program (Part D); to amend the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part E); to amend the general municipal law and the public housing law, in relation to enacting the new homes targets and production incentives act (Part F); intentionally omitted (Part G); to amend the public housing law, in relation to requiring certain housing production information to be reported to the division of housing and community renewal (Part H); intentionally omitted (Part I); to amend the multiple dwelling law, in relation to modernizing regulations for office building conversions; and providing for the repeal of certain provisions of such law relating thereto (Subpart A); to amend the labor law and the real property tax law, in relation to exemption from local real property taxation of certain multiple dwellings in a city having a population of one million or more (Subpart B); to amend the labor law and the real property tax law, in relation to exemptions of eligible conversions to rental multiple dwellings (Subpart C) (Part J); intentionally omitted (Part K); intentionally omitted (Part L); intentionally omitted (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); to utilize reserves in the mortgage insurance fund for various housing purposes (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); to amend the social services law, in relation to eligibility for child care assistance; and to repeal certain provisions of such law relating thereto (Part U); 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 V); to amend

subpart A of chapter 57 of the laws of 2012 amending the social services law and the family court act relating to establishing a juvenile justice services close to home initiative, and to amend subpart B of part G of chapter 57 of the laws of 2012 amending the social services law, the family court act and the executive law relating to juvenile delinquents, in relation to making such provisions permanent (Part W); to amend the social services law, in relation to providing for a disregard of earned income received by a recipient of public assistance derived from participating in a qualified work activity or training program for up to six consecutive months under certain circumstances (Part X); to amend the social services law, in relation to the replacement of stolen public assistance (Part Y); 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 Z); to amend the labor law, in relation to including Stewart International Airport in the definition of covered airport location for the purposes of minimum wage rates (Part AA); to amend the labor law, in relation to sick leave for domestic workers (Part BB); to amend the education law, in relation to excluding certain graduate students from mandatory fees (Part CC); to amend the veterans' services law, the military law and the executive law, in relation to establishing the Alex R. Jimenez New York state military immigrant family legacy program (Part DD); to amend the social services law, in relation to allowances for the costs of diapers (Part EE); to amend the arts and cultural affairs law and the economic development law, in relation to creating the arts and cultural district (Part FF); to amend the public housing law, in relation to establishing the housing access voucher program (Part GG); to amend the education law, in relation to the registration of new curricula or programs of study offered by a not-for-profit college or university (Part HH); to amend the social services law, in relation to assisting persons with medically diagnosed HIV infection; and repealing certain provisions of such law relating thereto (Part II); to amend the public housing law, in relation to enacting the "NYCHA utility accountability act" (Part JJ); to amend the social services law, in relation to providing for the automated identification of affordability program participants (Part KK); to amend the state finance law, in relation to establishing the New York state youth sports initiative grants fund (Part LL); to amend the social services law, in relation to establishing a statewide presumptive eligibility standard for the receipt of child care assistance (Part MM); to amend the education law, in relation to requiring nursing certificate and degree education programs to include clinical education and allowing for a portion of such clinical education to be completed through simulation experience (Part NN); establishing the special joint legislative commission on affordable housing; and providing for the repeal of such provisions upon expiration thereof (Part OO); to amend the education law, in relation to establishing a Black Leadership Institute within the State University of New York (Part PP); to amend the education law, in relation to allowing cadets enrolled at SUNY Maritime college to use scholarship money on any cost associated with attendance (Part QQ); and to amend the education law, in relation to increasing the income eligibility threshold for the tuition assistance program (Part RR)

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

Section 1. This act enacts into law major components of legislation necessary to implement the state education, labor, housing and family assistance budget for the 2023-2024 state fiscal year. Each component is wholly contained within a Part identified as Parts A through RR. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Paragraph e of subdivision 1 of section 211-d of the education law, as amended by chapter 556 of the laws of 2022, is amended to read as follows:

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

year and provided further that, a school district that submitted a contract for excellence for the two thousand thirteen--two thousand fourteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fourteen--two thousand fifteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand thirteen--two thousand fourteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand fourteen--two thousand fifteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fifteen--two thousand sixteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fourteen--two thousand fifteen school year; and provided further that a school district that submitted a contract for excellence for the two thousand fifteen--two thousand sixteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand sixteen--two thousand seventeen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fifteen--two thousand sixteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand sixteen--two thousand seventeen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand seventeen--two thousand eighteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand sixteen--two thousand seventeen school year; and provided further that a school district that submitted a contract for excellence for the two thousand seventeen--two thousand eighteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eighteen--two thousand nineteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand seventeen--two thousand eighteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand eighteen--two thousand nineteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand nineteen--two thousand twenty school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eighteen--two thousand nineteen school year; and

provided further that, a school district that submitted a contract for excellence for the two thousand nineteen--two thousand twenty school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twenty--two thousand twenty-one school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand nineteen--two thousand twenty school year; and provided further that, a school district that submitted a contract for excellence for the two thousand twenty--two thousand twenty-one school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twenty-one--two thousand twenty-two school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twenty--two thousand twenty-one school year; and provided further that, a school district that submitted a contract for excellence for the two thousand twenty-one--two thousand twenty-two school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twenty-two--two thousand twenty-three school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twenty-one--two thousand twenty-two school year; **and provided further that, a school district that submitted a contract for excellence for the two thousand twenty-two--two thousand twenty-three school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twenty-three--two thousand twenty-four school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twenty-two--two thousand twenty-three school year;** provided, however, that, in a city school district in a city having a population of one million or more, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, the contract for excellence shall provide for the expenditure as set forth in subparagraph (v) of paragraph a of subdivision two of this section. For purposes of this paragraph, the "gap elimination adjustment percentage" shall be calculated as the sum of one minus the quotient of the sum of the school district's net gap elimination adjustment for two thousand ten--two thousand eleven computed pursuant to chapter fifty-three of the laws of two thousand ten, making appropriations for the support of government, plus the school district's gap elimination adjustment for two thousand eleven--two thousand twelve as computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the support of the local assistance budget, including support for general support for public schools, divided by the total aid for adjustment computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the local assistance budget, including support for general support for public schools. Provided, further, that such amount

shall be expended to support and maintain allowable programs and activities approved in the two thousand nine--two thousand ten school year or to support new or expanded allowable programs and activities in the current year.

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

k. Foundation aid payable in the two thousand twenty-three--two thousand twenty-four school year. Notwithstanding any provision of law to the contrary, foundation aid payable in the two thousand twenty-three--two thousand twenty-four school year shall be equal to the sum of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section plus the greater of (a) the positive difference, if any, of (i) total foundation aid computed pursuant to paragraph a of this subdivision less (ii) the total foundation aid base computed pursuant to paragraph j of subdivision one of this section, or (b) the product of three hundredths (0.03) multiplied by the total foundation aid base computed pursuant to paragraph j of subdivision one of this section.

§ 3. Intentionally omitted.

§ 4. Intentionally omitted.

§ 5. Paragraph c of subdivision 1 of section 3602 of the education law, as amended by section 11 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

c. "Actual valuation" shall mean the valuation of taxable real property in a school district obtained by taking the assessed valuation of taxable real property within such district as it appears upon the assessment roll of the town, city, village, or county in which such property is located, for the calendar year two years prior to the calendar year in which the base year commenced, after revision as provided by law, **plus any assessed valuation that was exempted from taxation pursuant to the class one reassessment exemption authorized by section four hundred eighty-five-u of the real property tax law or the residential revaluation exemption authorized by section four hundred eighty-five-v of such law as added by chapter five hundred sixty of the laws of two thousand twenty-one,** and dividing it by the state equalization rate as determined by the [~~state board of equalization and assessment~~] **commissioner of taxation and finance**, for the assessment roll of such town, city, village, or county completed during such preceding calendar year. The actual valuation of a central high school district shall be the sum of such valuations of its component districts. Such actual valuation shall include any actual valuation equivalent of payments in lieu of taxes determined pursuant to section four hundred eighty-five of the real property tax law. "Selected actual valuation" shall mean the lesser of actual valuation calculated for aid payable in the current year or the two-year average of the actual valuation calculated for aid payable in the current year and the actual valuation calculated for aid payable in the base year.

§ 6. Paragraph d of subdivision 1 of section 3602 of the education law, as amended by section 11 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

d. "Average daily attendance" shall mean the total number of attendance days of pupils in a public school of a school district in kindergarten through grade twelve, or equivalent ungraded programs, plus the total number of instruction days for such pupils receiving homebound instruction including pupils receiving [~~instruction through a two-way telephone communication system~~] **remote instruction as defined in the**

regulations of the commissioner, divided by the number of days the district school was in session as provided in this section. The attendance of pupils with disabilities attending under the provisions of paragraph c of subdivision two of section forty-four hundred one of this chapter shall be added to average daily attendance.

§ 7. Paragraph l of subdivision 1 of section 3602 of the education law, as amended by section 11 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

l. "Average daily membership" shall mean the possible aggregate attendance of all pupils in attendance in a public school of the school district in kindergarten through grade twelve, or equivalent ungraded programs, including possible aggregate attendance for such pupils receiving homebound instruction, including pupils receiving [~~instruction through a two-way telephone communication system~~] remote instruction as defined in the regulations of the commissioner, with the possible aggregate attendance of such pupils in one-half day kindergartens multiplied by one-half, divided by the number of days the district school was in session as provided in this section. The full time equivalent enrollment of pupils with disabilities attending under the provisions of paragraph c of subdivision two of section forty-four hundred one of this chapter shall be added to average daily membership. Average daily membership shall include the equivalent attendance of the school district, as computed pursuant to paragraph d of this subdivision. In any instance where a pupil is a resident of another state or an Indian pupil is a resident of any portion of a reservation located wholly or partly within the borders of the state pursuant to subdivision four of section forty-one hundred one of this chapter or a pupil is living on federally owned land or property, such pupil's possible aggregate attendance shall be counted as part of the possible aggregate attendance of the school district in which such pupil is enrolled.

§ 8. The closing paragraph of subdivision 5-a of section 3602 of the education law, as amended by section 14 of part A of chapter 56 of the laws of 2022, is amended to read as follows:

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

§ 9. Paragraph b of subdivision 6-c of section 3602 of the education law, as amended by section 11 of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

b. For projects approved by the commissioner authorized to receive additional building aid pursuant to this subdivision for the purchase of stationary metal detectors, security cameras or other security devices approved by the commissioner that increase the safety of students and school personnel, provided that for purposes of this paragraph such other security devices shall be limited to electronic security systems and hardened doors, and provided that for projects approved by the commissioner on or after the first day of July two thousand thirteen

[~~and before the first day of July two thousand twenty-three~~] such additional aid shall equal the product of (i) the building aid ratio computed for use in the current year pursuant to paragraph c of subdivision six of this section plus ten percentage points, except that in no case shall this amount exceed one hundred percent, and (ii) the actual approved expenditures incurred in the base year pursuant to this subdivision, provided that the limitations on cost allowances prescribed by paragraph a of subdivision six of this section shall not apply, and provided further that any projects aided under this paragraph must be included in a district's school safety plan. The commissioner shall annually prescribe a special cost allowance for metal detectors, and security cameras, and the approved expenditures shall not exceed such cost allowance.

§ 10. Paragraph i of subdivision 12 of section 3602 of the education law, as amended by section 15 of part A of chapter 56 of the laws of 2022, is amended to read as follows:

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

§ 11. The opening paragraph of subdivision 16 of section 3602 of the education law, as amended by section 16 of part A of chapter 56 of the laws of 2022, is amended to read as follows:

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

MATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget for the 2013-14 fiscal year and entitled "BT131-4".

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

3. Universal prekindergarten funding utilization and implementation plan reporting. a. All school districts which are eligible to receive an apportionment under this section or section thirty-six hundred two-ee of this part but which have not implemented or expanded a universal prekindergarten program shall report to the commissioner: (i) the number of four-year-old prekindergarten students the district intends to serve in full-day and half-day slots in district-operated programs in the current year; (ii) the number of four-year-old prekindergarten students the district intends to serve in full-day and half-day slots in programs operated by community-based organizations in the current year; (iii) the number of four-year-old prekindergarten students whose parent or guardian has applied for a seat for them in the current year, but to whom the district lacks capacity to offer a seat; (iv) information on financial and programmatic barriers in implementing universal prekindergarten programs; (v) absent funding and programmatic barriers, details on why universal prekindergarten programs have not been established or expanded despite available funding; (vi) any other information available to districts and necessary to accurately estimate the unmet demand for four-year-old prekindergarten services within the district; and (vii) a three-year implementation plan detailing how the school district intends to utilize available funding to start and expand universal prekindergarten programs pursuant to this section or section thirty-six hundred two-ee of this part. This report, with the three-year implementation plan, shall be due no later than September first, two thousand twenty-three to the department as part of the application prescribed in subdivision five of this section and shall be posted on the school district's website. The department shall collate the data and three-year implementation plans into a report due no later than January first, two thousand twenty-four to the governor, the division of budget, the temporary president of the senate, the minority leader of the senate, the speaker of the assembly, and the minority leader of the assembly, and post such report on the department's website. Beginning September first, two thousand twenty-four, through September first, two thousand twenty-six, school districts subject to this section shall submit annual reports detailing the status and progress of the three-year implementation plan, with the last report describing the third and final year of implementation, to the department as part of the application prescribed in subdivision five of this section and shall post such report on the school district's website. Beginning January first, two thousand twenty-five the department shall annually collate the submitted school district three-year implementation plan progress reports to be delivered to the governor, the division of budget, the temporary president of the senate, the minority leader of the senate, the speaker of the assembly, and the minority leader of the assembly, and post such report on the department's website.

§ 12-a. The opening paragraph of subdivision 6 of section 3602 of education law, as amended by chapter 355 of the laws of 2016, is amended to read as follows:

Apportionment for capital outlays and debt service for school building purposes. Any apportionment to a school district pursuant to this subdivision shall be based upon base year approved expenditures for capital

outlays incurred prior to July first, two thousand one from its general fund, capital fund or reserved funds and current year approved expenditures for debt service, including debt service for refunding bond issues eligible for an apportionment pursuant to paragraph g of this subdivision and lease or other annual payments to the New York city educational construction fund created by article ten of this chapter or the city of Yonkers educational construction fund created by article ten-B of this chapter which have been pledged to secure the payment of bonds, notes or other obligations issued by the fund to finance the construction, acquisition, reconstruction, rehabilitation or improvement of the school portion of combined occupancy structures, or for lease or other annual payments to the New York state urban development corporation created by chapter one hundred seventy-four of the laws of nineteen hundred sixty-eight, pursuant to agreement between such school district and such corporation relating to the construction, acquisition, reconstruction, rehabilitation or improvement of any school building, or for annual payments to the dormitory authority pursuant to any lease, sublease or other agreement relating to the financing, refinancing, acquisition, design, construction, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise provide for school district capital facilities or school district capital equipment made under the provisions of section sixteen hundred eighty of the public authorities law, or for annual payments pursuant to any lease, sublease or other agreement relating to the financing, refinancing, acquisition, design, construction, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise providing for educational facilities of a city school district under the provisions of section sixteen of chapter six hundred five of the laws of two thousand, or for payments, pursuant to any assignment authorized by section twenty-seven hundred ninety-nine-tt of the public authorities law, of debt service in furtherance of funding the five-year educational facilities capital plan of the city of New York school district or related debt service costs and expenses as set forth in such section, for annual payments pursuant to any lease, sublease or other agreement relating to the financing, refinancing, design, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise providing for projects authorized pursuant to the city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act, for annual payments pursuant to any lease, sublease or other agreement relating to the financing, refinancing, design, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise providing for projects authorized pursuant to the city of Rochester and the board of education of the city school district of the city of Rochester school facilities modernization program act, for annual payments pursuant to any lease, sublease or other agreement relating to the financing, refinancing, design, construction, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise providing for projects authorized pursuant to the Yonkers city school district facilities modernization program act, or for lease, lease-purchase or other annual payments to another school district or person, partnership or corporation pursuant to an agreement made under the provisions of section four hundred three-b, subdivision eight of section twenty-five hundred three, or subdivision six of section twenty-five hundred fifty-four of this chapter, provided that the apportionment for such lease or other annual payments under the provisions of section four hundred three-b, subdivision eight of section twenty-five hundred three, or

subdivision six of section twenty-five hundred fifty-four of this chapter, other than payments under a lease-purchase agreement or an equivalent agreement, shall be based upon approved expenditures in the current year. Approved expenditures for capital outlays from a school district's general fund, capital fund or reserved funds that are incurred on or after July first, two thousand two, and are not aidable pursuant to subdivision six-f of this section, shall be aidable as debt service under an assumed amortization established pursuant to paragraphs e and j of this subdivision. In any such case approved expenditures shall be only for new construction, reconstruction, purchase of existing structures, for site purchase and improvement, for new garages, for original equipment, furnishings, machinery, or apparatus, and for professional fees and other costs incidental to such construction or reconstruction, or purchase of existing structures. In the case of a lease or lease-purchase agreement entered pursuant to section four hundred three-b, subdivision eight of section twenty-five hundred three or subdivision six of section twenty-five hundred fifty-four of this chapter, approved expenditures for the lease or other annual payments shall not include the costs of heat, electricity, water or other utilities or the costs of operation or maintenance of the leased facility. An apportionment shall be available pursuant to this subdivision for construction, reconstruction, rehabilitation or improvement in a building, or portion thereof, being leased by a school district only if the lease is for a term of at least ten years subsequent to the date of the general construction contract for such construction, reconstruction, rehabilitation or improvement. Each school district shall prepare a five year capital facilities plan, pursuant to regulations developed by the commissioner for such purpose, provided that in the case of a city school district in a city having a population of one million inhabitants or more, such facilities plan shall comply with the provisions of section twenty-five hundred ninety-p of this chapter and this subdivision. Such plan shall include, but not be limited to, a building inventory, and estimated expense of facility needs, for new construction, additions, alterations, reconstruction, major repairs, energy consumption and maintenance by school building, as appropriate. Such five year plan shall include a priority ranking of projects and shall be amended if necessary to reflect subsequent on-site evaluations of facilities conducted by state supported contractors. **Notwithstanding any other provision of law, all school districts that are eligible for funding for universal prekindergarten programs pursuant to sections thirty-six hundred two-e and thirty-six hundred two-ee of this part, are eligible for building aid for the construction, acquisition, reconstruction or leases of any school building project for the purpose of serving prekindergarten students and to ensure prekindergarten is universal.**

§ 12-b. Subdivision 6 of section 408 of the education law, as amended by chapter 385 of the laws of 1994, and as further amended by subdivision (d) of section 1 of part W of chapter 56 of the laws of 2010, is amended and a new subdivision 7 is added to read as follows:

6. The commissioner may promulgate regulations relating to the purchase of existing school buildings. Such regulations shall provide for an appraisal of such buildings as school buildings and the land on which they are situated as school sites by the commissioner of taxation and finance, such estimates of the cost of renovation and construction as may be necessary and limitations on the cost of acquisition and renovation, in taking into consideration the age and condition of such existing buildings, in relation to the estimated cost of constructing a

new building containing comparable facilities. Such regulations may also require the prior approval of the commissioner of any renovations proposed to be made to such existing school buildings. Such regulations shall include provisions related to the construction, acquisition, reconstruction or leases of any school building project for the purpose of serving prekindergarten students and to ensure prekindergarten is universal, pursuant to sections thirty-six hundred two-e and thirty-six hundred two-ee of this chapter.

7. The commissioner shall issue guidance to all school districts on how to utilize building aid to establish and expand district run universal prekindergarten programs pursuant to sections thirty-six hundred two-e and thirty-six hundred two-ee of this chapter.

§ 13. Subdivision 20 of section 3602-e of the education law is amended by adding a new paragraph b to read as follows:

b. Two thousand twenty-three--two thousand twenty-four school year.

(i) The universal prekindergarten expansion for the two thousand twenty-three--two thousand twenty-four school year shall be equal to twice the product of (1) expansion slots multiplied by (2) selected aid per prekindergarten pupil calculated pursuant to subparagraph (i) of paragraph b of subdivision ten of this section for the two thousand twenty-three--two thousand twenty-four school year.

(ii) For purposes of this paragraph, "expansion slots" shall be slots for new full-day four-year-old prekindergarten pupils for purposes of subparagraph (ii) of paragraph b of subdivision ten of this section. Expansion slots shall be equal to the positive difference, if any, of (1) the product of eight hundred ninety-seven thousandths (0.897) multiplied by unserved four-year-old prekindergarten pupils as defined in subparagraph (iv) of paragraph b of subdivision ten of this section less (2) the sum of four-year-old students served plus the underserved count. If such expansion slots are greater than or equal to ten but less than twenty, the expansion slots shall be twenty; if such expansion slots are less than ten, the expansion slots shall be zero; and for a city school district in a city having a population of one million or more, the expansion slots shall be zero.

(iii) For purposes of this paragraph, "four-year-old students served" shall be equal to the sum of (1) the number of four-year-old students served in full-day and half-day settings in a state funded program which must meet the requirements of this section as reported to the department for the two thousand twenty-one--two thousand twenty-two school year, plus (2) the number of four-year-old students served in full-day settings in a state funded program which must meet the requirements of section thirty-six hundred two-ee of this part and for which grants were awarded prior to the two thousand twenty--two thousand twenty-one school year, plus (3) the number of expansion slots allocated pursuant to paragraph b of subdivision nineteen of this section, plus (4) the number of expansion slots allocated pursuant to paragraph a of this subdivision, plus (5) the maximum number of students that may be served in full-day prekindergarten programs funded by grants which must meet the requirements of section thirty-six hundred two-ee of this part for grants awarded in the two thousand twenty-one--two thousand twenty-two or two thousand twenty-two--two thousand twenty-three school year.

(iv) For purposes of this paragraph, the underserved count shall be equal to the positive difference, if any, of (1) the sum of (a) eligible full-day four-year-old prekindergarten pupils as defined in subparagraph (ii) of paragraph b of subdivision ten of this section for the two thousand twenty-one--two thousand twenty-two school year, plus (b) the prod-

uct of five-tenths (0.5) and the eligible half-day four-year-old prekindergarten pupils as defined in subparagraph (iii) of paragraph b of subdivision ten of this section for the two thousand twenty-one--two thousand twenty-two school year, less (2) the positive difference of (a) the number of four-year-old students served in full-day and half-day settings in a state-funded program which must meet the requirements of this section as reported to the department for the two thousand twenty-one--two thousand twenty-two school year, with students served in half-day settings multiplied by five-tenths (0.5), less (b) the number of pupils served in a conversion slot pursuant to section thirty-six hundred two-ee of this part in the two thousand twenty-one--two thousand twenty-two school year multiplied by five-tenths (0.5).

§ 13-a. Subparagraph (ix) of the opening paragraph of subdivision 10 of section 3602-e of the education law, as added by section 17-c of part A of chapter 56 of the laws of 2022, is amended and a new subparagraph (x) is added to read as follows:

(ix) for the two thousand twenty-two--two thousand twenty-three school year and thereafter, each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the computer file produced by the commissioner in support of the enacted budget for the prior year excluding amounts subject to section thirty-six hundred two-ee of this part and further excluding amounts paid pursuant to subdivision nineteen of this section plus (B) the Full-day 4-Year-Old Universal Prekindergarten Expansion added pursuant to paragraph e of subdivision nineteen of this section, provided that such school district has met all requirements pursuant to this section and such grants shall be added into a four-year-old grant amount based on the amount each district was eligible to receive in the base year to serve four-year-old prekindergarten pupils, plus (C) funds allocated pursuant to a universal prekindergarten expansion under subdivision twenty of this section as of the school aid computer listing produced by the commissioner in support of the enacted budget for the current year, provided that such grant amounts shall be divided into a four-year-old grant amount based on the amount each district was eligible to receive in the base year to serve four-year-old prekindergarten pupils, if any, and a three-year-old grant amount based on the amount each district was eligible to receive in the base year to serve three-year-old pupils, if any, and provided further that the maximum grant shall not exceed the total actual grant expenditures incurred by the school district in the current school year as approved by the commissioner[~~.~~], and

(x) for the two thousand twenty-three--two thousand twenty-four school year and thereafter, each school district shall be eligible to receive a grant amount equal to the greater of the amount provided under subparagraph (ix) of this paragraph or the product of (A) the sum of (1) eligible half-day three-year-old prekindergarten pupils weighted at 0.5 as defined in clause two of subparagraph (iii) of paragraph b of this subdivision, plus (2) eligible full-day three-year-old prekindergarten pupils as defined in clause two of subparagraph (ii) of paragraph b of this subdivision, plus (3) eligible half-day four-year-old prekindergarten pupils weighted at 0.5 as defined in clause one of subparagraph (iii) of paragraph b of this subdivision, plus (4) eligible full-day four-year-old prekindergarten pupils as defined in clause one of subparagraph (ii) of paragraph b of this subdivision, plus (5) for the two thousand twenty-three--two thousand twenty-four school year only, expansion slots pursuant to subdivision nineteen of this section for

districts eligible under such subdivision, multiplied by (B) the greater of (1) twice selected aid per prekindergarten pupil as defined in subparagraph (i) of paragraph b of this subdivision or (2) six thousand nine hundred dollars ($6,900), provided that the maximum grant shall not exceed the total actual grant expenditures incurred by the school district in the current school year as approved by the commissioner.

§ 14. Paragraph d of subdivision 12 of section 3602-e of the education law, as amended by section 17-b of part A of chapter 56 of the laws of 2022, is amended to read as follows:

d. transitional guidelines and rules which allow a program to meet the required staff qualifications and any other requirements set forth pursuant to this section and regulations adopted by the board of regents and the commissioner; provided that such guidelines include an annual process by which a district may apply to the commissioner by [~~August~~] September first of the current school year for a waiver that would allow personnel employed by an eligible agency that is collaborating with a school district to provide prekindergarten services and licensed by an agency other than the department, to meet the staff qualifications prescribed by the licensing or registering agency. Provided, further, that the commissioner shall annually submit a report by [~~September~~] November first to the chairperson of the assembly ways and means committee, the chairperson of the senate finance committee and the director of the budget which shall include but not be limited to the following: (a) a listing of the school districts receiving a waiver pursuant to this paragraph from the commissioner for the current school year; (b) the number and proportion of students within each district receiving a waiver pursuant to this paragraph for the current school year that are receiving instruction from personnel employed by an eligible agency that is collaborating with a school district to provide prekindergarten services and licensed by an agency other than the department; and (c) the number and proportion of total prekindergarten personnel for each school district that are providing instructional services pursuant to this paragraph that are employed by an eligible agency that is collaborating with a school district to provide prekindergarten services and licensed by an agency other than the department, to meet the staff qualifications prescribed by the licensing or registering agency.

§ 15. Paragraph (c) of subdivision 8 of section 3602-ee of the education law, as amended by section 17-a of part A of chapter 56 of the laws of 2022, is amended to read as follows:

(c) for eligible agencies as defined in paragraph b of subdivision one of section thirty-six hundred two-e of this part that are not schools, a bachelor's degree in early childhood education. Provided however, beginning with the two thousand twenty-two--two thousand twenty-three school year, a school district may annually apply to the commissioner by [~~August~~] September first of the current school year for a waiver that would allow personnel employed by an eligible agency that is collaborating with a school district to provide prekindergarten services and licensed by an agency other than the department, to meet the staff qualifications prescribed by the licensing or registering agency. Provided further that the commissioner shall annually submit a report by [~~September~~] November first to the chairperson of the assembly ways and means committee, the chairperson of the senate finance committee and the director of the budget which shall include but not be limited to the following: (a) a listing of the school districts receiving a waiver pursuant to this paragraph from the commissioner for the current school year; (b) the number and proportion of students within each district

receiving a waiver pursuant to this paragraph for the current school year that are receiving instruction from personnel employed by an eligible agency that is collaborating with a school district to provide prekindergarten services and licensed by an agency other than the department; and (c) the number and proportion of total prekindergarten personnel for each school district that are providing instructional services pursuant to this paragraph that are employed by an eligible agency that is collaborating with a school district to provide prekindergarten services and licensed by an agency other than the department, to meet the staff qualifications prescribed by the licensing or registering agency.

§ 16. Subdivision 16 of section 3602-ee of the education law, as amended by section 17 of part A of chapter 56 of the laws of 2022, is amended to read as follows:

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

§ 17. Intentionally omitted.

§ 18. The opening paragraph of section 3609-a of the education law, as amended by section 19 of part A of chapter 56 of the laws of 2022, is amended to read as follows:

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

[~~twenty-two~~] twenty-three--two thousand [~~twenty-three~~] twenty-four school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled [~~"SA222-3"~~] "SA232-4".

§ 19. Intentionally omitted.

§ 20. Subdivision b of section 2 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 20 of part A of chapter 56 of the laws of 2022, is amended to read as follows:

b. Reimbursement for programs approved in accordance with subdivision a of this section for the reimbursement for the 2018--2019 school year shall not exceed 59.4 percent of the lesser of such approvable costs per contact hour or fourteen dollars and ninety-five cents per contact hour, reimbursement for the 2019--2020 school year shall not exceed 57.7 percent of the lesser of such approvable costs per contact hour or fifteen dollars sixty cents per contact hour, reimbursement for the 2020--2021 school year shall not exceed 56.9 percent of the lesser of such approvable costs per contact hour or sixteen dollars and twenty-five cents per contact hour, reimbursement for the 2021--2022 school year shall not exceed 56.0 percent of the lesser of such approvable costs per contact hour or sixteen dollars and forty cents per contact hour, [~~and~~] reimbursement for the 2022--2023 school year shall not exceed 55.7 percent of the lesser of such approvable costs per contact hour or sixteen dollars and sixty cents per contact hour, **and reimbursement for the 2023--2024 school year shall not exceed 54.7 percent of the lesser of such approvable costs per contact hour or seventeen dollars and seventy cents per contact hour,** and where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, for the 2018--2019 school year such contact hours shall not exceed one million four hundred sixty-three thousand nine hundred sixty-three (1,463,963); for the 2019--2020 school year such contact hours shall not exceed one million four hundred forty-four thousand four hundred forty-four (1,444,444); for the 2020--2021 school year such contact hours shall not exceed one million four hundred six thousand nine hundred twenty-six (1,406,926); for the 2021--2022 school year such contact hours shall not exceed one million four hundred sixteen thousand one hundred twenty-two (1,416,122); [~~and~~] for the 2022--2023 school year such contact hours shall not exceed one million four hundred six thousand nine hundred twenty-six (1,406,926)**; and for the 2023--2024 school year such contact hours shall not exceed one million three hundred forty-two thousand nine hundred seventy-five (1,342,975)**. Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

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

bb. The provisions of this subdivision shall not apply after the completion of payments for the 2023--24 school year. Notwithstanding any inconsistent provisions of law, the commissioner of education shall

withhold a portion of employment preparation education aid due to the city school district of the city of New York to support a portion of the costs of the work force education program. Such moneys shall be credited to the elementary and secondary education fund-local assistance account and shall not exceed thirteen million dollars ($13,000,000).

§ 22. Section 6 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 22 of part A of chapter 56 of the laws of 2022, is amended to read as follows:

§ 6. This act shall take effect July 1, 1992, and shall be deemed repealed [~~on~~] June 30, [~~2023~~] 2024.

§ 23. Intentionally omitted.

§ 24. Section 12 of chapter 147 of the laws of 2001 amending the education law relating to conditional appointment of school district, charter school or BOCES employees, as amended by section 24 of part A of chapter 56 of the laws of 2022, is amended to read as follows:

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

§ 25. Section 12 of part C of chapter 56 of the laws of 2020 directing the commissioner of education to appoint a monitor for the Rochester city school district, establishing the powers and duties of such monitor and certain other officers and relating to the apportionment of aid to such school district, is amended to read as follows:

§ 12. This act shall take effect immediately, provided, however, that sections two, three, four, five, six, seven, eight, nine and ten of this act shall expire and be deemed repealed June 30, [~~2023~~] 2025; and provided further, however that sections one and eleven of this act shall expire and be deemed repealed June 30, 2049.

§ 26. Subdivision 11 of section 94 of part C of chapter 57 of the laws of 2004 relating to the support of education, as amended by section 37 of part A of chapter 56 of the laws of 2020, is amended to read as follows:

11. section seventy-one of this act shall expire and be deemed repealed June 30, [~~2023~~] 2028;

§ 27. 1. The education department shall conduct a comprehensive study of alternative tuition rate-setting methodologies for approved providers operating school-age programs receiving funding under article 81 and article 89 of the education law and providers operating approved preschool special education programs under section 4410 of the education law for the purpose of developing a new tuition rate-setting methodology to be implemented by the two thousand twenty-eight--two thousand twenty-nine school year and thereafter. The department shall ensure that such study consider stakeholder feedback and include, but not be limited to, a comparative analysis of rate-setting methodologies utilized by other agencies of the state of New York, including the rate-setting methodology utilized by the office of children and family services for private residential school programs; options and recommendations for an alternative rate-setting methodology or methodologies; cost estimates for such alternative methodologies; and an analysis of current provider tuition rates compared to tuition rates that would be established under such alternative methodologies; as well as the review and consideration of standardized parameters and criteria, including, but not limited to, defined program and staffing models, regional costs, and minimum

required enrollment levels as a percentage of program operating capacities.

2. The recommended alternative rate-setting methodology or methodologies proposed for such preschool and school-age providers shall strive to: (a) ensure the fiscal stability of such schools and programs, including the provision of annual increase in reimbursement, for the provision of a free appropriate public education in accordance with applicable program standards pursuant to federal and state law and regulation; (b) provide predictability in annual funding levels for such schools and programs; (c) reduce or eliminate tuition rate appeals; (d) include a schedule to phase in new tuition rates in accordance with the recommended methodology or methodologies; and (e) enable issuance of school year tuition rates by the start of each such school year.

3. The education department shall present its recommendations and analysis to the governor, the division of the budget and the legislature, through their respective finance and ways and means chairs, education chairs, and ranking members of such committees, no later than July 1, 2025, provided, however, that the department shall regularly consult with the division of the budget and the legislature throughout completion of its study. Adoption of any alternative rate-setting methodologies shall be subject to the approval of the director of the division of the budget; provided, however, any requested amendments or disagreement to such recommendations made by the department would be outlined and provided in writing, along with justification and analysis for such provided by the division of budget to the governor, the temporary president of the senate, the minority leader of the senate, the speaker of the assembly, and the minority leader of the assembly.

§ 28. Intentionally omitted.

§ 29. Special apportionment for salary expenses. 1. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June 2024 and not later than the last day of the third full business week of June 2024, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2024, for salary expenses incurred between April 1 and June 30, 2023 and such apportionment shall not exceed the sum of (a) the deficit reduction assessment of 1990--1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (b) 186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (c) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census, plus (d) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (e) the gap elimination adjustment for 2011-- 2012 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education law, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

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

§ 30. Special apportionment for public pension accruals. 1. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2024, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2024 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004--2005 and 2005--2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

2. The claim for an apportionment to be paid to a school district pursuant to subdivision 1 of this section shall be submitted to the commissioner of education on a form prescribed for such purpose, and shall be payable upon determination by such commissioner that the form has been submitted as prescribed. Such approved amounts shall be payable on the same day in September of the school year following the year in which application was made as funds provided pursuant to subparagraph 4 of paragraph b of subdivision 4 of section 92-c of the state finance

law, on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law from moneys in the state lottery fund and from the general fund to the extent that the amount paid to a school district pursuant to this section exceeds the amount, if any, due such school district pursuant to subparagraph 2 of paragraph a of subdivision 1 of section 3609-a of the education law in the school year following the year in which application was made.

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

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

1. for the development, maintenance or expansion of magnet schools or magnet school programs for the 2023--2024 school year. For the city school district of the city of New York there shall be a set-aside of foundation aid equal to forty-eight million one hundred seventy-five thousand dollars ($48,175,000) including five hundred thousand dollars ($500,000) for the Andrew Jackson High School; for the Buffalo city school district, twenty-one million twenty-five thousand dollars ($21,025,000); for the Rochester city school district, fifteen million dollars ($15,000,000); for the Syracuse city school district, thirteen million dollars ($13,000,000); for the Yonkers city school district, forty-nine million five hundred thousand dollars ($49,500,000); for the Newburgh city school district, four million six hundred forty-five thousand dollars ($4,645,000); for the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars ($2,475,000); for the Mount Vernon city school district, two million dollars ($2,000,000); for the New Rochelle city school district, one million four hundred ten thousand dollars ($1,410,000); for the Schenectady city school district, one million eight hundred thousand dollars ($1,800,000); for the Port Chester city school district, one million one hundred fifty thousand dollars ($1,150,000); for the White Plains city school district, nine hundred thousand dollars ($900,000); for the Niagara Falls city school district, six hundred thousand dollars ($600,000); for the Albany city school district, three million five hundred fifty thousand dollars ($3,550,000); for the Utica city school district, two million dollars ($2,000,000); for the Beacon city school district, five hundred sixty-six thousand dollars ($566,000); for the Middletown city school district, four hundred thousand dollars ($400,000); for the Freeport union free school district, four hundred thousand dollars ($400,000); for the Greenburgh central school district, three hundred thousand dollars ($300,000); for the Amsterdam city school district, eight

hundred thousand dollars ($800,000); for the Peekskill city school district, two hundred thousand dollars ($200,000); and for the Hudson city school district, four hundred thousand dollars ($400,000).

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

3. The commissioner of education shall not be authorized to withhold foundation aid from a school district that used such funds in accordance with this subdivision, notwithstanding any inconsistency with a request for proposals issued by such commissioner for the purpose of attendance improvement and dropout prevention for the 2023--2024 school year, and for any city school district in a city having a population of more than one million, the set-aside for attendance improvement and dropout prevention shall equal the amount set aside in the base year. For the 2023--2024 school year, it is further provided that any city school district in a city having a population of more than one million shall allocate at least one-third of any increase from base year levels in funds set aside pursuant to the requirements of this section to community-based organizations. Any increase required pursuant to this section to community-based organizations must be in addition to allocations provided to community-based organizations in the base year.

4. For the purpose of teacher support for the 2023--2024 school year: for the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars ($62,707,000); for the Buffalo city school district, one million seven hundred forty-one thousand dollars ($1,741,000); for the Rochester city school district, one million seventy-six thousand dollars ($1,076,000); for the Yonkers city school district, one million one hundred forty-seven thousand dollars ($1,147,000); and for the Syracuse city school district, eight hundred nine thousand dollars ($809,000). All funds made available to a school district pursuant to this section shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this section and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are represented by certified or recognized employee organizations, all salary increases funded pursuant to this section shall be determined by separate collective negotiations conducted pursuant to the provisions and procedures of article 14 of the civil service law, notwithstanding the existence of a negotiated agreement between a school district and a certified or recognized employee organization.

§ 32. Support of public libraries. The moneys appropriated for the support of public libraries by a chapter of the laws of 2023 enacting the aid to localities budget shall be apportioned for the 2023-2024 state fiscal year in accordance with the provisions of sections 271, 272, 273, 282, 284, and 285 of the education law as amended by the provisions of such chapter and the provisions of this section, provided

that library construction aid pursuant to section 273-a of the education law shall not be payable from the appropriations for the support of public libraries and provided further that no library, library system or program, as defined by the commissioner of education, shall receive less total system or program aid than it received for the year 2001-2002 except as a result of a reduction adjustment necessary to conform to the appropriations for support of public libraries.

Notwithstanding any other provision of law to the contrary the moneys appropriated for the support of public libraries for the year 2023-2024 by a chapter of the laws of 2023 enacting the aid to localities budget shall fulfill the state's obligation to provide such aid and, pursuant to a plan developed by the commissioner of education and approved by the director of the budget, the aid payable to libraries and library systems pursuant to such appropriations shall be reduced proportionately to ensure that the total amount of aid payable does not exceed the total appropriations for such purpose.

§ 33. Subparagraph 2 of paragraph a of section 1 of chapter 94 of the laws of 2002 relating to the financial stability of the Rochester city school district, is amended to read as follows:

(2) Notwithstanding any other provisions of law, for aid payable in the 2002-03 through [~~2022-23~~] **2027-28** school years, an amount equal to twenty million dollars ($20,000,000) of general support for public schools otherwise due and payable to the Rochester city school district on or before September first of the applicable school year shall be for an entitlement period ending the immediately preceding June thirtieth.

§ 33-a. Paragraph a-1 of subdivision 11 of section 3602 of the education law, as amended by section 22-a of part A of chapter 56 of the laws of 2022, is amended to read as follows:

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

§ 33-b. Subdivision a of section 5 of chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, as amended by section 30-a of part A of chapter 56 of the laws of 2022, is amended to read as follows:

a. Notwithstanding any other provisions of law, upon application to the commissioner of education submitted not sooner than April first and not later than June thirtieth of the applicable school year, the Roosevelt union free school district shall be eligible to receive an apportionment pursuant to this chapter for salary expenses, including related benefits, incurred between April first and June thirtieth of such school year. Such apportionment shall not exceed: for the 1996-97 school year [~~through the 2022-23 school year~~] **and thereafter**, four million dollars ($4,000,000)[~~; for the 2023-24 school year, three million dollars~~

~~($3,000,000); for the 2024-25 school year, two million dollars ($2,000,000); for the 2025-26 school year, one million dollars ($1,000,000); and for the 2026-27 school year, zero dollars~~]. Such annual application shall be made after the board of education has adopted a resolution to do so with the approval of the commissioner of education.

§ 33-c. Section 2 of chapter 308 of the laws of 2012 amending the general municipal law relating to providing local governments greater contract flexibility and cost savings by permitting certain shared purchasing among political subdivisions, as amended by chapter 95 of the laws of 2021, is amended to read as follows:

§ 2. This act shall take effect immediately, and shall expire and be deemed repealed July 31, [~~2023~~] **2025**.

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

§ 35. This act shall take effect immediately, and shall be deemed to have been in full force and effect on and after April 1, 2023, provided, however, that:

1. Sections one, two, five, eight, nine, ten, eleven, fourteen, fifteen, sixteen, eighteen, thirty-one, thirty-three, thirty-three-a and thirty-three-b of this act shall take effect July 1, 2023; and

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

PART A-1

Section 1. The education law is amended by adding a new section 915-a to read as follows:

§ 915-a. Universal school meals. 1. The department shall require all public school districts, charter schools and non-public schools in the state that participate in the national school lunch program or school breakfast program as provided in the Richard B. Russell National School Lunch Act and the Child Nutrition Act, as amended, to serve breakfast and lunch at no cost to the student. Public school districts, charter schools and non-public schools shall maximize federal reimbursement for school breakfast and lunch programs by adopting Provision 2, the federal Community Eligibility Provision, or any other provision under such act, the National School Lunch Act or the National Child Nutrition Act.

2. The department shall reimburse the difference between the amount paid by the United States Department of Agriculture and the free rate as set annually by the United States Secretary of Agriculture under 42 U.S.C. 1759a for each school.

3. The department in consultation with the office of temporary and disability assistance shall promulgate any rule or regulation needed for

public school districts, charter schools and non-public schools to promote the supplemental nutrition assistance program to a student or person in parental relation to a student by either providing application assistance or a direct referral to an outreach partner identified by the department to the office of temporary and disability assistance to increase the number of students directly certified for free or reduced price school meals.

4. In addition to fulfilling any other applicable state and federal requirements, the department shall provide technical assistance to assist public school districts, charter schools, and non-public schools in the transition to universal school meals to ensure successful program operations and to maximize federal funding, including:

a. Assisting local educational agencies with one or more community-eligibility qualifying schools in meeting any state and federal requirements necessary in order to receive reimbursement through the community eligibility provision.

b. If a school or district is ineligible to receive reimbursement through the community eligibility provision, assisting the school or district in achieving eligibility and, if that is not feasible, assist the school or district in determining the viability of using Provision 2 or other special federal provisions available to schools.

c. Maximizing direct certification for specific populations as allowable under federal rules.

5. School districts shall require parents or guardians of students to fill out the free and reduced price lunch form as part of the annual registration process.

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

§ 5. a. Notwithstanding any monetary limitations with respect to school lunch programs contained in any law or regulation, for school lunch meals served in the school year commencing July 1, 2019 and ending June 30, 2022, a school food authority shall be eligible for a lunch meal State subsidy of twenty-five cents, which shall include any annual State subsidy received by such school food authority under any other provision of State law, for any school lunch meal served by such school food authority; provided that the school food authority certifies to the State Education Department through the application submitted pursuant to subdivision c of this section that such food authority has purchased at least thirty percent of its total cost of food products for its school lunch service program from New York state farmers, growers, producers or processors in the preceding school year. Commencing July 1, 2023, and each July 1 thereafter, a school food authority shall be allowed to attribute moneys spent on purchases of food products from New York state farmers, growers, producers or processors made for all in school meal programs, such as breakfast and snacks, to the thirty percent of costs for school lunch service programs.

b. Notwithstanding any monetary limitations with respect to school lunch programs contained in any law or regulation, for school lunch meals served in the school year commencing July 1, 2022 and each July 1 thereafter, a school food authority shall be eligible for a lunch meal State subsidy of twenty-five cents, which shall include any annual State subsidy received by such school food authority under any other provision of State law, for any school lunch meal served by such school food authority; provided that the school food authority certifies to the

Department of Agriculture and Markets through the application submitted pursuant to subdivision c of this section that such food authority has purchased at least thirty percent of its total cost of food products for its school lunch service program from New York state farmers, growers, producers or processors in the preceding school year.

c. The Department of Agriculture and Markets in cooperation with the State Education Department, shall develop an application for school food authorities to seek an additional State subsidy pursuant to this section in a timeline and format prescribed by the commissioner of agriculture and markets. Such application shall include, but not be limited to, documentation demonstrating the school food authority's total food purchases for its school lunch service program, and documentation demonstrating its total food purchases and percentages for such program**, permitted to be counted under this section,** from New York State farmers, growers, producers or processors in the preceding school year. The application shall also include an attestation from the school food authority's chief operating officer that it purchased at least thirty percent of its total cost of food products **permitted to be counted under this section** for its school lunch service program from New York State farmers, growers, producers or processors in the preceding school year in order to meet the requirements for this additional State subsidy. School food authorities shall be required to annually apply for this subsidy. After reviewing school food authorities' completed applications for an additional State subsidy pursuant to this section, the Department of Agriculture and Markets shall certify to the State Education Department the school food authorities approved for such additional State subsidy and the State Education Department shall pay such additional State subsidy to such school food authorities.

d. The Department of Agriculture and Markets shall annually publish information on its website commencing on September 1, 2022 and each September 1 thereafter, relating to each school food authority that applied for and received this additional State subsidy, including but not limited to: the school food authority name, student enrollment, average daily lunch participation, total food costs for its school lunch service program, total cost of food products for its school lunch service program purchased from New York State farmers, growers, producers or processors, and the percent of total food costs that were purchased from New York State farmers, growers, producers or processors for its school lunch service program.

§ 3. Subparagraph 1 of paragraph b of subdivision 6-f of section 3602 of the education law, as added by section 19 of part H of chapter 83 of the laws of 2002, is amended to read as follows:

(1) has a total project cost of [~~one~~] **two** hundred **fifty** thousand dollars or less; provided however, that for any district, no more than one project shall be eligible pursuant to this subparagraph for an apportionment within the same school year; and/or

§ 4. Subparagraph 9 of paragraph a of subdivision 6 of section 3602 of the education law, as added by chapter 617 of the laws of 2021, is renumbered subparagraph 10 and a new subparagraph 11 is added to read as follows:

(11) Notwithstanding any other provision of law to the contrary, for the purpose of computation of building aid for construction, reconstruction or modernizing of not more than five capital construction projects by the Binghamton city school district, multi-year cost allowances for each project shall be established and utilized three times in the first five-year period. Subsequent multi-year cost allowances shall

be established no sooner than ten years after establishment of the first maximum cost allowance authorized pursuant to this subparagraph.

§ 5. Subparagraphs (i) and (ii) of paragraph k of subdivision 4 of section 4405 of the education law, as amended by section 19-a of part A of chapter 56 of the laws of 2022, are amended to read as follows:

(i) The tuition methodology established pursuant to this subdivision for the two thousand [~~twenty-one~~] twenty-two--two thousand [~~twenty-two~~] twenty-three school year shall authorize approved private residential or non-residential schools for the education of students with disabilities that are located within the state, and special act school districts to retain funds prior to the application of reconciliation, including but not limited to, the application of non-direct care and total cost screens, in excess of their allowable and reimbursable costs, as defined by the reimbursable cost manual, incurred for services and programs provided to school-age students. The amount of funds that may be annually retained shall not exceed one percent of the school's or school district's [~~total allowable and reimbursable costs for services and programs~~] prospective per diem rate for services and programs provided to school-age students for the school year from which the funds are to be retained; provided that the total accumulated balance that may be retained shall not exceed four percent of such total costs for such school year; and provided further that such funds shall [~~not~~] be [~~recoverable on~~] retained prior to the application of reconciliation of tuition rates, and shall be separate from and in addition to any other authorization to retain surplus funds on reconciliation.

(ii) The tuition methodology established pursuant to this subdivision for the two thousand [~~twenty-two~~] twenty-three--two thousand [~~twenty-three~~] twenty-four school year and annually thereafter shall authorize approved providers to retain funds prior to the application of reconciliation, including, but not limited to, the application of non-direct care and total cost screens, in excess of their allowable and reimbursable costs, as defined by the reimbursable cost manual, incurred for services and programs provided to school-age and preschool students. The amount of funds that may be annually retained shall not exceed the allowable surplus percentage, as defined in subparagraph (iii) of this paragraph, of the approved provider's [~~total allowable and reimbursable costs~~] prospective per diem rate for services and programs provided to school-age and preschool students for the school year from which the funds are to be retained[~~, as defined in subparagraph (iii) of this paragraph~~]; provided that such funds shall [~~not~~] be [~~recoverable on~~] retained prior to the application of reconciliation [~~of tuition rates~~]. For purposes of this subparagraph, "approved providers" shall mean private residential or non-residential schools for the education of students with disabilities that are located within the state, special act school districts, July and August programs for students with disabilities approved pursuant to section forty-four hundred eight of this article, and programs approved pursuant to section forty-four hundred ten of this article that are subject to tuition rate reconciliation.

§ 6. Subdivision 4 of section 4405 of the education law is amended by adding a new paragraph l to read as follows:

1. Tuition, regional, and/or fee for service reimbursement rates determined and approved on an interim basis in advance of the establishment of reimbursement rates pursuant to the tuition methodology established pursuant to this subdivision for the two thousand twenty-three--two thousand twenty-four school year and annually thereafter, for special services and programs provided to school age students by

approved private residential or non-residential schools for the education of students with disabilities that are located within the state, by special act school districts, and by July and August programs for students with disabilities approved pursuant to section forty-four hundred eight of this article and for special services or programs provided to preschool students with disabilities by programs approved pursuant to section forty-four hundred ten of this article including, but not limited to, special class and special class in an integrated setting programs, multi-disciplinary evaluation programs, special education itinerant services, and preschool transportation services for which tuition and/or fee for service rates are determined shall include the annual growth amount for such rates approved for the two thousand twenty-three--two thousand twenty-four school year and annually thereafter pending certification of the prospective rates for the two thousand twenty-three--two thousand twenty-four school year and subsequent school years.

§ 7. Section 4003 of the education law is amended by adding a new subdivision 8 to read as follows:

8. Tuition, regional, and/or fee for service reimbursement rates determined and approved on an interim basis in advance of the establishment of reimbursement rates pursuant to the tuition methodology established pursuant to this section for the two thousand twenty-three--two thousand twenty-four school year and annually thereafter, for special services and programs provided to school age students by a special act school district or an approved private school operated by a child care institution shall include the annual growth amount for such rates approved for the two thousand twenty-three--two thousand twenty-four school year and annually thereafter pending certification of the prospective rates for the two thousand twenty-three--two thousand twenty-four school year and subsequent school years.

§ 8. Paragraph c of subdivision 4 of section 4405 of the education law, as amended by chapter 82 of the laws of 1995, is amended to read as follows:

c. The director of the budget, in consultation with the commissioner [~~of education~~], the commissioner of social services, and any other state agency or other source the director may deem appropriate, shall approve reimbursement methodologies for tuition and for maintenance. Any modification in the approved reimbursement methodologies shall be subject to the approval of the director of the budget. [~~Notwithstanding any other provision of law, rule or regulation to the contrary, tuition rates established for the nineteen hundred ninety-five--ninety-six school year shall exclude the two percent cost of living adjustment authorized in rates established for the nineteen hundred ninety-four--ninety-five school year.~~] Tuition, regional, and/or fee for service rates approved for the two thousand twenty-three--two thousand twenty-four school year and thereafter for special services or programs provided to school-age students by approved private residential or non-residential schools for the education of students with disabilities that are located within the state, by special act school districts, and by July and August programs for students with disabilities entitled to attend public schools without the payment of tuition pursuant to section thirty-two hundred two of this chapter, and for special services or programs provided to preschool students by programs serving preschool students with disabilities approved pursuant to section forty-four hundred ten of this article including, but not limited to, special class and special class in an integrated setting programs, multi-disciplinary evaluation programs,

special education itinerant services, and preschool transportation services for which tuition and/or regional rates are determined, shall grow by a percentage equal to the greater of: (i) the difference of the quotient arrived at when dividing the statewide apportionments for general support for public schools, as defined in subdivision one of section thirty-six hundred nine-a of this chapter, for the current year by such apportionments for the base year, as such terms are defined in subdivision one of section thirty-six hundred two of this chapter, as computed based on an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the enacted budget for the current year, less one; or (ii) zero.

§ 9. Subdivision 2 of section 4003 of the education law, as amended by chapter 947 of the laws of 1981, is amended to read as follows:

2. The director of the budget, in consultation with the commissioner [~~of education~~], the commissioner of social services, the commissioner of health, the commissioner of mental health, and any other state agency or other source he may deem appropriate, shall approve reimbursement methodologies for tuition and maintenance. Any modification in any such methodology which has previously been approved shall be subject to the approval of the director of the budget. Tuition, regional, and/or fee for service rates approved for the two thousand twenty-three--two thousand twenty-four school year and thereafter for special services or programs provided to school-age students by an approved private school or special act school district operated by a child care institution, shall grow by a percentage equal to the greater of: (i) the difference of the quotient arrived at when dividing the statewide apportionments for general support for public schools, as defined in subdivision one of section thirty-six hundred nine-a of this chapter, for the current year by such apportionments for the base year, as such terms are defined in subdivision one of section thirty-six hundred two of this chapter, as computed based on an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the enacted budget for the current year, less one; or (ii) zero.

§ 10. Section 4204-b of the education law is amended by adding a new subdivision 5 to read as follows:

5. For the two thousand twenty-three--two thousand twenty-four school year and thereafter, an institution subject to this article shall be authorized to retain funds in excess of their allowable and reimbursable costs incurred for services and programs to students appointed. The amount of funds that may be annually retained shall not exceed one percent of the institution's total allowable and reimbursable costs for services and programs provided to students for the school year from which the funds are to be retained, provided that the total accumulated balance that may be retained shall not exceed four percent of such total costs for such school year and provided, further, that such funds shall not be recoverable on reconciliation, such funds shall be carried forward as total reimbursable costs for purposes of calculating subsequent year prospective and reconciliation tuition rates and such funds shall be separate from and in addition to any other authorization to retain surplus funds on reconciliation. Funds shall be expended only pursuant to an authorization of the governing board of the institution for a purpose expressly authorized as part of allowable costs for the year in which the funds are to be expended, provided that funds may be expended to pay prior year outstanding debts. Any institution that retains funds pursuant to this subdivision shall be required to annually report a statement of the total balance of such retained funds, the

amount, if any, retained in the prior school year, the amount, if any, dispersed in the prior school year, and the financial reports that are required to be annually submitted to the department.

§ 11. Paragraph b of subdivision 5 of section 1950 of the education law, as amended by chapter 130 of the laws of 2022, is amended to read as follows:

b. The cost of services herein referred to shall be the amount allocated to each component school district by the board of cooperative educational services to defray expenses of such board, including approved expenses from the testing of potable water systems of occupied school buildings under the board's jurisdiction as required pursuant to section eleven hundred ten of the public health law provided that such expenses for testing of potable water systems are not reimbursable from another state or federal source, except that that part of the salary paid any teacher, supervisor or other employee of the board of cooperative educational services which is, (i) for the two thousand twenty-two--two thousand twenty-three school year and prior school years, in excess of thirty thousand dollars, (ii) for aid payable in the two thousand twenty-three--two thousand twenty-four school year in excess of forty thousand dollars, (iii) for aid payable in the two thousand twenty-four--two thousand twenty-five school year in excess of fifty thousand dollars, (iv) for aid payable in the two thousand twenty-five--two thousand twenty-six school year and thereafter, in excess of sixty thousand dollars, shall not be such an approved expense, and except also that administrative and clerical expenses shall not exceed ten percent of the total expenses for purposes of this computation. Any gifts, donations or interest earned by the board of cooperative educational services or on behalf of the board of cooperative educational services by the dormitory authority or any other source shall not be deducted in determining the cost of services allocated to each component school district. Any payments made to a component school district by the board of cooperative educational services pursuant to subdivision eleven of section six-p of the general municipal law attributable to an approved cost of service computed pursuant to this subdivision shall be deducted from the cost of services allocated to such component school district. The expense of transportation provided by the board of cooperative educational services pursuant to paragraph q of subdivision four of this section shall be eligible for aid apportioned pursuant to subdivision seven of section thirty-six hundred two of this chapter and no board of cooperative educational services transportation expense shall be an approved cost of services for the computation of aid under this subdivision. Transportation expense pursuant to paragraph q of subdivision four of this section shall be included in the computation of the ten percent limitation on administrative and clerical expenses.

§ 12. Paragraph b of subdivision 10 of section 3602 of the education law, as amended by section 16 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

b. Aid for career education. There shall be apportioned to such city school districts and other school districts which were not components of a board of cooperative educational services in the base year for pupils in grades [~~ten~~] nine through twelve in attendance in career education programs as such programs are defined by the commissioner, subject for the purposes of this paragraph to the approval of the director of the budget, an amount for each such pupil to be computed by multiplying the career education aid ratio by three thousand nine hundred dollars. Such aid will be payable for weighted pupils attending career education

programs operated by the school district and for weighted pupils for whom such school district contracts with boards of cooperative educational services to attend career education programs operated by a board of cooperative educational services. Weighted pupils for the purposes of this paragraph shall mean the sum of the attendance of students in grades [~~ten~~] **nine** through twelve in career education sequences in trade, industrial, technical, agricultural or health programs plus the product of sixteen hundredths multiplied by the attendance of students in grades [~~ten~~] **nine** through twelve in career education sequences in business and marketing as defined by the commissioner in regulations. The career education aid ratio shall be computed by subtracting from one the product obtained by multiplying fifty-nine percent by the combined wealth ratio. This aid ratio shall be expressed as a decimal carried to three places without rounding, but not less than thirty-six percent.

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

A board of education which spends less than its local funds as defined by regulations of the commissioner for career education in the base year during the current year shall have its apportionment under this subdivision reduced in an amount equal to such deficiency in the current or a succeeding school year, provided however that the commissioner may waive such reduction upon determination that overall expenditures per pupil in support of career education programs were continued at a level equal to or greater than the level of such overall expenditures per pupil in the preceding school year.

§ 13. Subdivision 6-a of section 3641 of the education law, as added by section 16 of part A of chapter 57 of the laws of 2013, is amended to read as follows:

6-a. Community school grants. [~~a. Within the amount appropriated for such purpose, subject to a plan developed by the state council on children and families in coordination with the commissioner and approved by the director of the budget, the commissioner shall award competitive grants pursuant to this subdivision to eligible school districts or in a city with a population of one million or more an eligible entity to implement, beginning in the two thousand thirteen--two thousand fourteen school year, a plan that targets school buildings as community hubs to deliver co-located or school-linked academic, health, mental health, nutrition, counseling, legal and/or other services to students and their families in a manner that will lead to improved educational and other outcomes. In a city with a population of one million or more, eligible entities shall mean the city school district of the city of New York, or not-for-profit organizations, which shall include not-for-profit community based organizations. An eligible entity that is a not-for-profit may apply for a community school grant provided that it collaborates with the city school district of the city of New York and receives the approval of the chancellor of the city school district of the city of New York.~~

~~(1) Such plan shall include, but not be limited to:~~

~~(i) The process by which a request for proposals will be developed;~~

~~(ii) The scoring rubric by which such proposals will be evaluated, provided that such grants shall be awarded based on factors including, but not limited to: measures of school district need; measures of the need of students to be served by each of the school districts; the school district's proposal to target the highest need schools and~~

~~students; the sustainability of the proposed community schools program; and proposal quality;~~

~~(iii) The form and manner by which applications will be submitted;~~

~~(iv) The manner by which calculation of the amount of the award will be determined;~~

~~(v) The timeline for the issuance and review of applications; and~~

~~(vi) Program implementation phases that will trigger payment of set percentages of the total award.~~

~~(2) In assessing proposal quality, the commissioner shall take into account factors including, but not limited to:~~

~~(i) The extent to which the school district's proposal would provide such community services through partnerships with local governments and non-profit organizations;~~

~~(ii) The extent to which the proposal would provide for delivery of such services directly in school buildings;~~

~~(iii) The extent to which the proposal articulates how such services would facilitate measurable improvement in student and family outcomes;~~

~~(iv) The extent to which the proposal articulates and identifies how existing funding streams and programs would be used to provide such community services; and~~

~~(v) the extent to which the proposal ensures the safety of all students, staff and community members in school buildings used as community hubs.~~

~~b. A response to a request for proposals issued pursuant to this subdivision may be submitted by a single school district or jointly by a consortium of two or more school districts, or in a city with a population of one million or more, an eligible entity.~~

~~c. The amount of the grant award shall be determined by the commissioner, consistent with the plan developed pursuant to paragraph a of this subdivision, except that no single district may be awarded more than forty percent of the total amount of grant awards made pursuant to this subdivision; and provided further that the maximum award to any individual community school site shall be five hundred thousand dollars; and provided further that the amount awarded will be paid out in set percentages over time upon successful implementation of each phase of a school district's approved proposal set forth pursuant to paragraph a of this subdivision; and provided further that none of the grants awarded pursuant to this subdivision may be used to supplant existing funding.~~]

a. For the purposes of this section, a "community school" shall include both a place and a set of partnerships between the school district and other community resources to take a comprehensive approach to improve academic and developmental outcomes; focused on academics, health, mental wellness, social services, youth and community development and family and community engagement which leads to improved student learning, stronger families and healthier communities; and has a framework in place to eliminate the barriers for all students to have access to a high-quality learning experience.

(1) Such schools shall include a community school director to implement the community school framework by:

(i) reviewing student data and conducting community wide assessments of needs and assets;

(ii) coordinating and leveraging integrated health, mental wellness and social supports;

(iii) identifying and securing family supports that include empowering parents to participate in decision making and to maintain active family

and community engagement that values their diverse experiences and backgrounds to develop and promote a vision for student success;

(iv) implementing, expanding and enriching learning time, programs and opportunities, including but not limited to before, during and after-school, weekend, summer and year-round programs, that provide additional academic support, enrichment activities and other programs that may be offered in partnership with community-based organizations to enhance academic learning, social skills, emotional and life skills;

(v) managing a community school-based committee that includes but is not limited to the school principal, certified classroom teachers, school related professionals, other school employees, families, community organizations, and collective bargaining organizations, that guides collaborative planning, implementation and oversight; and

(vi) implementing high-quality teaching and learning that provides ongoing professional development to teachers and school-related professionals.

(2) For the purposes of this section a community school framework is a set of strategies implemented in a community school that include programs and services that focus on building and maintaining relationships to improve academic and developmental outcomes for students.

b. Allocation of funds. Each qualifying school district shall receive funding from this program equal to the result of the quotient of each district's foundation aid community school setaside amount established pursuant to section thirty-six hundred two of this article divided by the statewide value of the foundation aid community school setaside amount established pursuant to section thirty-six hundred two of this article multiplied by the amount of the appropriation for the community school categorical grant established herein. Districts which do not have a setaside of foundation aid for community schools pursuant to section thirty-six hundred two of this article shall not be eligible for funds pursuant to this subdivision.

c. The commissioner shall promulgate regulations that set forth the requirements for use of such funds by districts, which shall include a requirement that districts require that funds be used to transform preexisting community school programs, struggling or persistently struggling schools, or schools with significant levels of poverty, homelessness, free and reduced price meals, or other factors as determined by the commissioner. Provided further that such regulations shall require school districts to demonstrate substantial teacher, parent and community involvement in the planning, implementation, and operation of a community school. The commissioner may determine that a preexisting community schools program satisfies the requirements of the commissioner's regulations provided that he or she may require any modification thereto.

§ 14. The education law is amended by adding new section 3037-a to read as follows:

§ 3037-a. Grants for hiring art or music teachers. 1. For purposes of this section, the term "eligible teacher" shall mean an individual that:

(a) (i) is certified to teach in New York state pursuant to section three thousand four of this article;

(ii) holds a master's degree or Ph.D. in an art or music subject or in education; or

(iii) holds a bachelor's degree in an art or music subject or in education and is currently enrolled in a master's or Ph.D. program in an art or music subject or in education within five years from the later of

the effective date of this section or the employment start date with the nonpublic school;

(b) teaches art or music in any grades from kindergarten through twelve; and

(c) is employed by a nonpublic school.

2. (a) Within amounts appropriated therefor, nonpublic schools shall, upon application, be reimbursed by the department for the salaries of eligible teachers. Each school which seeks a reimbursement pursuant to this section shall submit to the office of religious and independent schools an application therefor, together with such additional documents as the commissioner may reasonably require, at such times, in such form and containing such information as the commissioner may prescribe by regulation. Applications for reimbursement pursuant to this section must be received by August first of each year for schools to be reimbursed for the salaries of eligible teachers in the prior year.

(b) Pursuant to paragraph (a) of this subdivision, reimbursement for eligible teachers shall be the average comparable teacher salary and personal service, per subject area, of public school teachers in the school district in which such nonpublic schools are located, multiplied by the percentage of full time equivalent secular instructional hours completed in the school day per subject area. Reimbursements shall not be provided for eligible teachers who provide instruction in art or music if such teachers also provide non-secular instruction in any capacity.

(c) In the event that the applications for reimbursement under this section exceed the appropriation available for this program, then each applicant shall only be reimbursed an amount equal to the percentage that each such applicant represents to the total of all applications submitted.

3. The commissioner may promulgate any rules or regulations necessary to carry out the provisions of this section.

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

§ 16. This act shall take effect immediately; provided, however, that sections one, eleven, and twelve of this act shall take effect July 1, 2023.

PART B

Intentionally Omitted

PART C

Section 1. The education law is amended by adding a new section 6438-b to read as follows:

§ 6438-b. Access to medication abortion prescription drugs. 1. Every campus of the state university of New York and every campus of the city university of New York, which shall include the community college campuses of such institutions, shall provide access to medication abortion prescription drugs for all students enrolled at such institutions.

2. For purposes of this section, "access to medication abortion prescription drugs" means either:

(a) the prescribing and dispensing of medication abortion prescription drugs directly to a student, performed by individuals legally certified to prescribe and dispense such medication employed by or working on behalf of the campus; or

(b) referral to a healthcare provider or pharmacy in the community certified to dispense such medication.

3. The trustees of the state university of New York and the trustees of the city university of New York shall adopt uniform polices for each university ensuring effective access to medication abortion prescription drugs pursuant to this section.

§ 2. This act shall take effect August 1, 2023. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART D

Section 1. Paragraphs b and c of subdivision 4 of section 612 of the education law, as added by chapter 425 of the laws of 1988, are amended to read as follows:

[~~b. A grant to a recipient of an award under this section shall not exceed the amount of three hundred thousand dollars for any grant year, provided that a recipient may receive a grant in excess of such amount at the rate of twelve hundred fifty dollars for each student, in excess of two hundred forty students, who is provided compensatory and support services by the recipient during such grant year.~~

~~c.~~] b. The grant recipients shall provide students at public and nonpublic schools the opportunity to receive compensatory and support services in an equitable manner consistent with the number and need of the children in such schools.

§ 2. This act shall take effect immediately.

PART E

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

(h) Any firm established for the business purpose of incorporating as a professional service corporation formed to lawfully engage in the practice of public accountancy, as such practice is defined under article 149 of the education law shall be required to show (i) that a simple majority of the ownership of the firm, in terms of financial interests and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (ii) that all shareholders of a professional service corporation whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section 7404 of the education law. For purposes of this paragraph, "financial interest" means capital stock, capital accounts, capital

contributions, capital interest, or interest in undistributed earnings of a business entity. Although firms registered with the education department may include non-licensee owners, a registered firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm incorporated under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is incorporated under this section shall be a natural person who actively participates in the business of the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm or an affiliated entity. Such a firm shall have attached to its certificate of incorporation a certificate or certificates demonstrating the firm's compliance with this paragraph, in lieu of the certificate or certificates required by subparagraph (ii) of paragraph (b) of this section.

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

(c) Any firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section 1503 of this article may issue shares to individuals who are authorized by law to practice in this state the profession which such corporation is authorized to practice or who will engage in the practice of such profession in such corporation within thirty days of the date such shares are issued and may also issue shares to employees of the corporation not licensed as certified public accountants, provided that:

(i) at least a simple majority of the outstanding shares of stock of the corporation are owned by certified public accountants,

(ii) at least a simple majority of the directors are certified public accountants, and

(iii) at least a simple majority of the officers are certified public accountants, and

(iv) the president, the chairperson of the board of directors and the chief executive officer or officers are certified public accountants. No shareholder of a professional service corporation established pursuant to paragraph (h) of section 1503 of this article shall enter into a voting trust agreement, proxy or any other type of agreement vesting in another person, the authority to exercise voting power of any or all of his or her shares. All agreements made or proxies granted in violation of this section shall be void.

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

(c) The directors and officers of any firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section 1503 of this article may include individuals who are not licensed to practice public accountancy in any state, provided however that at least a simple majority of the directors, at least a simple majority of the officers and the president, the chairperson of the board of directors and the chief executive officer or officers are authorized by law to practice in any state the profession which such corporation is authorized to practice, and are either shareholders of such corporation or engaged in the practice of their professions in such corporation.

§ 4. Section 1509 of the business corporation law, as amended by chapter 550 of the laws of 2011, is amended to read as follows:

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

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

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

(a) No shareholder of a professional service corporation [~~or~~]**, including** a design professional service corporation**,** may sell or transfer his **or her** shares in such corporation except to another individual who is eligible to have shares issued to him **or her** by such corporation or except in trust to another individual who would be eligible to receive shares if he **or she** were employed by the corporation. Nothing herein contained shall be construed to prohibit the transfer of shares by operation of law or by court decree. No transferee of shares by operation of law or court decree may vote the shares for any purpose whatsoever except with respect to corporate action under sections 909 and 1001 of this chapter. The restriction in the preceding sentence shall not apply, however, where such transferee would be eligible to have shares issued to him **or her** if he **or she** were an employee of the corporation and, if there are other shareholders, a majority of such other shareholders shall fail to redeem the shares so transferred, pursuant to section 1510 of this article, within sixty days of receiving written notice of such transfer. Any sale or transfer, except by operation of law or court decree or except for a corporation having only one shareholder, may be made only after the same shall have been approved by the board of directors, or at a shareholders' meeting specially called for such purpose by such proportion, not less than a majority, of the outstanding shares as may be provided in the certificate of incorporation or in the by-laws of such professional service corporation. At such shareholders' meeting the shares held by the shareholder proposing to sell or transfer his **or her** shares may not be voted or counted for any purpose, unless all shareholders consent that such shares be voted or counted. The certificate of incorporation or the by-laws of the professional service corporation, or the professional service corporation and the shareholders by private agreement, may provide, in lieu of or in addition to the foregoing provisions, for the alienation of shares and may require the redemption

or purchase of such shares by such corporation at prices and in a manner specifically set forth therein. The existence of the restrictions on the sale or transfer of shares, as contained in this article and, if applicable, in the certificate of incorporation, by-laws, stock purchase or stock redemption agreement, shall be noted conspicuously on the face or back of every certificate for shares issued by a professional service corporation. Any sale or transfer in violation of such restrictions shall be void.

(c) A firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section 1503 of this article, shall purchase or redeem the shares of a non-licensed professional shareholder in the case of his or her termination of employment within thirty days after such termination. A firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section 1503 of this article, shall not be required to purchase or redeem the shares of a terminated non-licensed professional share-holder if such shares, within thirty days after such termination, are sold or transferred to another employee of the corporation pursuant to this article.

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

(c) Each firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section 1503 of this article shall, at least once every three years on or before the date prescribed by the licensing authority, furnish a statement to the licensing authority listing the names and residence addresses of each shareholder, director and officer of such corporation and certify as the date of certification and at all times over the entire three year period that:

(i) at least a simple majority of the outstanding shares of stock of the corporation are and were owned by certified public accountants,

(ii) at least a simple majority of the directors are and were certified public accountants,

(iii) at least a simple majority of the officers are and were certified public accountants, and

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

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

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

(d) "Foreign professional service corporation" means a professional service corporation, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, all of the shareholders, directors and officers of which are authorized and licensed to practice the profession for which such corporation is licensed to do business; except that all shareholders, directors and officers of a foreign professional service corporation which provides health services in this state shall be licensed in this state. **A foreign professional service corporation formed to lawfully engage in the practice of public accountancy as a firm, as such practice is defined under article 149 of the education law, or equivalent state law, shall be required to show (i) that a simple majority of the ownership of the firm, in terms of financial interests and voting rights held by the firm's owners, belongs**

to individuals licensed to practice public accountancy in some state, and (ii) that all shareholders of a foreign professional service corporation whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section 7404 of the education law. For purposes of this paragraph, "financial interest" means capital stock, capital accounts, capital contributions, capital interest, or interest in undistributed earnings of a business entity. Although firms registered with the education department may include non-licensee owners, a registered firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered with the education department may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is operating under this section shall be a natural person who actively participates in the business of the firm or its affiliated entities, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this paragraph, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm or an affiliated entity.

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

(q) Each partner of a registered limited liability partnership formed to provide medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and each partner of a registered limited liability partnership formed to provide dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a registered limited liability partnership formed to provide veterinary services in this state must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a registered limited liability partnership formed to provide public accountancy services as a firm, whose principal place of business is in this state and who provides public accountancy services, must be licensed pursuant to article 149 of the education law to practice public accountancy in this state. Each partner of a registered limited liability partnership formed to provide professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. Each partner of a registered limited liability partnership formed to provide licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice clinical social work in this state. Each partner of a registered limited liability partnership formed to provide creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a registered limited liability partnership formed to provide marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a registered limited liability partnership formed to provide mental health counseling services in this state must be licensed pursuant to article

163 of the education law to practice mental health counseling in this state. Each partner of a registered limited liability partnership formed to provide psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a registered limited liability partnership formed to provide applied behavior analysis service in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. **A registered limited liability partnership formed to lawfully engage in the practice of public accountancy as a firm, as such practice is defined under article 149 of the education law, shall be required to show (i) that a simple majority of the ownership of the firm, in terms of financial interests and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (ii) that all partners of a limited liability partnership whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section 7404 of the education law. For purposes of this subdivision, "financial interest" means capital stock, capital accounts, capital contributions, capital interest, or interest in undistributed earnings of a business entity. Although firms registered with the education department may include non-licensee owners, a registered firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered with the education department may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is formed under this section shall be (i) a natural person who actively participates in the business of the firm or its affiliated entities, or (ii) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm or an affiliated entity.**

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

(q) Each partner of a foreign limited liability partnership which provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in the state and each partner of a foreign limited liability partnership which provides dental services in the state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a foreign limited liability partnership which provides veterinary service in the state shall be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a foreign limited liability partnership which provides professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions. **Each partner of a foreign limited liability partnership formed to provide public accountancy services as a firm, whose principal place of business is in this state and who provides public accountancy services, must be licensed pursuant**

to article 149 of the education law to practice public accountancy in this state. Each partner of a foreign limited liability partnership which provides licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. Each partner of a foreign limited liability partnership which provides creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a foreign limited liability partnership which provides marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a foreign limited liability partnership which provides mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a foreign limited liability partnership which provides psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a foreign limited liability partnership which provides applied behavior analysis services in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. A foreign limited liability partnership formed to lawfully engage in the practice of public accountancy as a firm, as such practice is defined under article 149 of the education law, shall be required to show (i) that a simple majority of the ownership of the firm, in terms of financial interests and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (ii) that all partners of the foreign limited liability partnership whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section 7404 of the education law. For purposes of this subdivision, "financial interest" means capital stock, capital accounts, capital contributions, capital interest, or interest in undistributed earnings of a business entity. Although firms registered with the education department may include non-licensee owners, a registered firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered with the education department may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is formed under this section shall be (i) a natural person who actively participates in the business of the firm or its affiliated entities, or (ii) an entity, including, but not limited to, a partnership or professional corporation, provided that each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm or an affiliated entity.

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

(b) With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability

company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural, landscape architectural and/or geological services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. **With respect to a professional service limited liability company formed to provide public accountancy services as such services are defined in article 149 of the education law each member of such limited liability company whose principal place of business is in this state and who provides public accountancy services, must be licensed pursuant to article 149 of the education law to practice public accountancy in this state.** With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a professional service limited liability company formed to provide applied behavior analysis services as such services are defined in article 167 of the education law, each member of such limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. **A professional service limited liability company formed to lawfully engage in the practice of public accountancy as a firm, as such practice is defined under article 149 of the education law shall be required to show**

(i) that a simple majority of the ownership of the firm, in terms of financial interests, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (ii) that all members of a limited professional service limited liability company, whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section 7404 of the education law. For purposes of this subdivision, "financial interest" means capital stock, capital accounts, capital contributions, capital interest, or interest in undistributed earnings of a business entity. Although firms registered with the education department may include non-licensee owners, a registered firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered with the education department may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is registered under this section shall be (i) a natural person who actively participates in the business of the firm or its affiliated entities, or (ii) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm or an affiliated entity.

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

(a) "Foreign professional service limited liability company" means a professional service limited liability company, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, (i) each of whose members and managers, if any, is a professional authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or each of whose members and managers, if any, is a professional at least one of such members is authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or (ii) authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to, the education law to render a professional service within this state; except that all members and managers, if any, of a foreign professional service limited liability company that provides health services in this state shall be licensed in this state. With respect to a foreign professional service limited liability company which provides veterinary services as such services are defined in article 135 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 135 of the education law to practice veterinary medicine. With respect

to a foreign professional service limited liability company which provides medical services as such services are defined in article 131 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a foreign professional service limited liability company which provides dental services as such services are defined in article 133 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a foreign professional service limited liability company which provides professional engineering, land surveying, geologic, architectural and/or landscape architectural services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. **With respect to a foreign professional service limited liability company which provides public accountancy services as such services are defined in article 149 of the education law, each member of such foreign professional service limited liability company whose principal place of business is in this state and who provides public accountancy services, shall be licensed pursuant to article 149 of the education law to practice public accountancy in this state.** With respect to a foreign professional service limited liability company which provides licensed clinical social work services as such services are defined in article 154 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 154 of the education law to practice clinical social work in this state. With respect to a foreign professional service limited liability company which provides creative arts therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a foreign professional service limited liability company which provides marriage and family therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a foreign professional service limited liability company which provides mental health counseling services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a foreign professional service limited liability company which provides psychoanalysis services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a foreign professional service limited liability company which provides applied behavior analysis services as such services are defined in article 167 of the education law, each member of such foreign professional service limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. **A foreign professional**

service limited liability company formed to lawfully engage in the practice of public accountancy as a firm, as such practice is defined under article 149 of the education law shall be required to show (i) that a simple majority of the ownership of the firm, in terms of financial interests, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (ii) that all members of a foreign limited professional service limited liability company, whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section 7404 of the education law. For purposes of this subdivision, "financial interest" means capital stock, capital accounts, capital contributions, capital interest, or interest in undistributed earnings of a business entity. Although firms registered with the education department may include non-licensee owners, a registered firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered with the education department may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is registered under this section shall be (i) a natural person who actively participates in the business of the firm or its affiliated entities, or (ii) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm or an affiliated entity.

§ 12. Notwithstanding any other provision of law to the contrary, if a firm which is registered with the education department to lawfully engage in the practice of public accountancy has one or more non-licensee owners, each such non-licensee owner of the firm whose principal place of business is in New York state shall pay a fee of nine hundred dollars to the department of education on a triennial basis.

§ 13. This act shall take effect immediately.

PART F

Section 1. Short title. This article shall be known and cited as the "new homes targets and production incentives act".

§ 2. Article 20 of the general municipal law, as renumbered by chapter 84 of the laws of 1981, is renumbered to be article 21, sections 1000 and 1001 are renumbered to be sections 1020 and 1021, and a new article 20 is added to read as follows:

ARTICLE 20
NEW HOMES TARGETS AND PRODUCTION INCENTIVES

Section 1000. Legislative findings and declarations.
1001. Definitions.
1002. Applicability.
1003. Growth targets.
1004. Housing production incentives.
1005. Land use advisory council.

§ 1000. Legislative findings and declarations. The legislature hereby finds, determines, and declares that:

1. The lack of housing, especially affordable and supportive housing, is a critical problem that threatens the economic, environmental, and social quality of life throughout New York state and disproportionately burdens various vulnerable populations that disproportionately need more affordable housing options including, but not limited to, low- and moderate-income, racial and ethnic minority, and elderly households.

2. Housing in the state of New York is among the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by a lack of new housing production due to the prevalence of local governmental land use policies that limit the opportunities for and place procedural impediments on the approval of housing developments and thereby increase development costs and restrict the housing supply.

3. Local governmental limitations on and barriers to housing development are especially common for multi-family housing development, which constrains the supply of affordable and supportive housing that often require multi-family development to be economically feasible.

4. Among the consequences of the prevalence of local restrictions on housing development are the lack of housing to support employment growth; imbalance in number of jobs and housing supply, with the former outstripping the latter; sprawl; excessive commuting; and the potential for discrimination against low-income and minority households who disproportionately require affordable housing opportunities.

5. Many local governments do not give adequate attention to the local and broader regional economic, environmental, and social costs of local policies and actions that have the effect of stagnating or reducing the supply of housing, including affordable and supportive housing, or how such policies and actions thereby produce threats to the public health, safety, and general welfare.

6. Additionally, many local governments do not give adequate attention to the local and broader regional economic, environmental, and social costs of local policies and actions that result in disapprovals or inhibition of proposals for housing development projects that would benefit the public health, safety, and general welfare; a reduction in density of such housing projects; and creation of excessive land use and other barriers for such housing developments to be built.

7. Legislation is necessary to forestall restrictive land use practices that inhibit and limit housing development, and to forestall undue local disapprovals of housing development projects, especially affordable and supportive housing, given that such practices and disapprovals produce threats to the public health, safety, and general welfare.

8. The state of New York must ensure that local governments give adequate attention to the local and broader regional economic, environmental, and social costs of land use zoning and planning policies and actions, as well as the denial of applications to build new housing, which collectively and individually may result in a dearth of appropriate housing to meet the needs of all residents in the community or region.

9. In furtherance of overall housing production goals and to promote the greatest efficiency and coordinated development efforts of localities within the state, it is both a matter of state concern and the policy of the state that local governments address their land use policies, practices, and decisions that make housing developments, and especially multi-family, affordable, and supportive housing developments, impossible or infeasible.

10. In order to prevent housing insecurity, hardship, and dislocation, the provisions of this article are designed to protect the public health, safety, and general welfare of the residents of New York state.

§ 1001. Definitions. The following definitions apply for the purposes of this article:

1. "Accessory dwelling unit" shall mean an attached or a detached residential dwelling unit that provides housing for one or more persons which is located on a lot with a proposed or existing primary residential dwelling unit and shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the primary single-family or multi-family dwelling.

2. "Affordable housing" shall mean any income restricted housing, whether intended for rental or homeownership, that is subject to a regulatory agreement with a local, state or federal governmental entity.

3. "Application" shall mean an application for a building permit, variance, waiver, conditional use permit, special permit, zoning text amendment, zoning map amendment, amendment to zoning districts, certification, authorization, site plan approval, subdivision approval, or other discretionary land use determination by a lead agency equivalent.

4. "Division" shall mean the division of housing and community renewal.

5. "Economically infeasible" shall mean any condition brought about by any single factor or combination of factors to the extent that it makes it substantially unlikely for an owner to proceed in building a residential housing project and still realize a reasonable return in building or operating such housing without substantially changing the rent levels, residential dwelling unit sizes, or residential dwelling unit counts proposed by the owner.

6. "Land use advisory council" shall mean the land use advisory council established pursuant to this article.

7. "Land use action" shall mean any enactment of or amendment to a provision of a zoning local law, ordinance, resolution, policy, program, procedure, comprehensive plan, site plan, subdivision plan, criteria, rule, regulation, or requirement of a local agency.

8. "Land use requirements" shall mean any and all local laws, ordinances, resolutions, or regulations, that shall be adopted or enacted under this chapter, the municipal home rule law, or any general, special or other law pertaining to land use, and shall include but not be limited to a locality's:

a. written or other comprehensive plan or plans;

b. zoning ordinance, local laws, resolutions, or regulations;

c. special use permit, special exception permit, or special permit ordinance, local laws, resolutions, or regulations;

d. subdivision ordinance, local laws, resolutions, or regulations;

e. site plan review ordinance, local laws, resolutions, or regulations; and

f. policies or procedures, or any planning, zoning, or other regulatory tool that controls or establishes standards for the use and occupancy of land, the area and dimensional requirements for the development of land, or the intensity of such development.

9. "Lead agency equivalent" shall be defined as any legislative body of a locality, planning board, zoning board of appeals, planning division, planning commission, board of standards and appeals, board of zoning appeals, or any official or employee, or any other agency, department, board or other entity related to a locality with the author-

ity to approve or disapprove of any specific project or amendment to any land use requirements as defined in this article.

10. "Locality" shall refer to all cities, towns, or villages that regulate land use pursuant to the general city law, the town law, the village law, or other state law, as applicable. Provided further that in a city with a population of one million or more, "locality" shall refer to a community district as defined by chapter sixty-nine of the charter of the city of New York. Provided further that "locality" shall refer to any city, town, or village within a county, where such county regulates or otherwise has approval authority over land use requirements.

11. "Metropolitan transportation commuter district" shall refer to the counties of the Bronx, Kings (Brooklyn), New York, Richmond (Staten Island), Queens, Westchester, Putnam, Dutchess, Rockland, Nassau, and Suffolk.

12. "Objective standards" shall be defined as standards that involve no personal or subjective judgment by a public official or employee and are uniformly verifiable by reference to a publicly available and uniform benchmark or criterion available and knowable by both the development applicant and the public official or employee before submittal of a residential land use application.

13. "Previously disturbed land" shall mean a parcel or lot of land that was occupied or formerly occupied by a building or otherwise improved or utilized that is not located in a 100-year floodplain or was not being used for commercial agricultural purposes as of the effective date of this article.

14. "Residential dwelling unit" shall mean any building or structure or portion thereof which is legally occupied in whole or in part as the home, residence or sleeping place of one or more human beings, however the term does not include any class B multiple dwellings as defined in section four of the multiple dwelling law or housing that is intended to be used on a seasonal basis.

15. "Supportive housing" shall mean residential dwelling units with supportive services for tenants.

16. "Exempted localities" shall mean localities containing lands designated as forever wild by Article XIV of the New York state Constitution and municipalities engaged in a watershed agreement with the department of environmental protection of the city of New York.

§ 1002. Applicability. This article shall apply to all localities, excluding exempted localities, as defined in subdivision ten of section one thousand one of this article.

§ 1003. Growth targets. The following growth targets will be utilized as a metric to allow a locality to access funding, subject to appropriation, to incentivize increasing housing supply.

1. A locality located outside of the metropolitan transportation commuter district has a growth target of an amount equal to one percent of the amount of residential housing units existing in the locality as reported in the most recently published United States decennial census.

2. A locality located inside of the metropolitan transportation commuter district has a growth target of an amount equal to three percent of the amount of residential housing units existing in the locality as reported in the most recently published United States decennial census.

3. Subject to subdivision four of this section, the number of eligible residential dwelling units shall be calculated using the following formula:

a. a permitted new residential dwelling unit shall be counted as one eligible residential dwelling unit, provided that a permitted new resi-

dential dwelling unit that is income restricted to households earning no more than an amount that is determined pursuant to a regulatory agreement with a federal, state, or local governmental entity shall be counted as two eligible residential dwelling units; and

b. every permitted residential dwelling unit that became suitable for occupancy and that previously had been deemed abandoned pursuant to article nineteen-A of the real property actions and proceedings law shall be counted as one and one-half eligible residential dwelling units.

For the purposes of this subdivision, a project shall be considered to be permitted if it has received all necessary local authorizations required prior to requesting a building permit.

4. The following permitted residential dwelling units shall not be counted as eligible residential dwelling units:

a. any permitted residential dwelling unit where more than twelve months have passed between the authorization granting permission and the commencement of construction; and

b. any permitted residential dwelling unit where more than twenty-four months have passed between the authorization granting permission and the issuance of a certificate of occupancy or temporary certificate of occupancy.

5. In the event a permitted residential dwelling unit is not counted as an eligible residential unit pursuant to subdivision four of this section, such residential dwelling unit may be counted as an eligible residential dwelling unit when the certificate of occupancy or temporary certificate of occupancy is issued for such residential dwelling unit. Provided, further, that in no event shall an eligible residential dwelling unit be counted towards a locality's growth targets.

6. a. It shall be considered to be a preferred action pursuant to this section if a locality enacts by local law the provisions of this subdivision. For any locality within a city with a population of one million or more, it shall be considered to be such a preferred action if such city enacts by local law the provisions of this subdivision throughout such locality. For any locality located within a county wherein such county is empowered to approve or amend some or all of the land use requirements applicable within the locality, to the extent the county is so empowered, it shall be considered such a preferred action if such county enacts by local law the provisions of this subdivision to be in effect throughout such locality.

(i) For the purposes of this subdivision:

A. "Local government" shall mean a county, city, town or village.

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

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

(ii) A local government shall, by local law, provide for the creation of accessory dwelling units. Such local law shall:

A. designate areas within the jurisdiction of the local government where accessory dwelling units shall be permitted. Designated areas shall include all areas that permit single-family or multi-family residential use, and all lots with an existing residential use;

B. authorize the creation of at least one accessory dwelling unit per lot;

C. provide reasonable standards for accessory dwelling units that may include, but are not limited to, height, landscape, architectural review

and maximum size of a unit. In no case shall such standards unreasonably restrict the creation of accessory dwelling units; and

D. require accessory dwelling units to comply with the following:

(1) such accessory dwelling unit may be rented separate from the primary residential dwelling unit, but shall not be sold or otherwise conveyed separate from the primary residential dwelling unit;

(2) such accessory dwelling unit shall be located on a lot that includes a proposed dwelling or existing residential dwelling unit;

(3) such accessory dwelling unit shall not be rented for a term of less than thirty days; and

(4) if there is an existing primary residential dwelling unit, the total floor area of an accessory dwelling unit shall not exceed fifty percent of the existing primary residential dwelling unit, unless such limit would prevent the creation of an accessory dwelling unit that is no greater than six hundred square feet.

(iii) A local government shall not establish by local law any of the following:

A. in a local government having a population of one million or more, a minimum square footage requirement for an accessory dwelling unit greater than two hundred square feet, or in a local government having a population of less than one million, a minimum square footage requirement for an accessory dwelling unit that is greater than five hundred fifty square feet;

B. a maximum square footage requirement for an accessory dwelling unit that is less than fifteen hundred square feet;

C. any other minimum or maximum size for or other limits on an accessory dwelling unit that does not permit at least an eight hundred square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with other local standards, including any such minimum or maximum size based upon a percentage of the proposed dwelling or existing primary residential dwelling unit, or any such other limits on lot coverage, floor area ratio, open space, and minimum lot size. Notwithstanding any other provision of this section, a local government may provide, where a lot contains an existing residential dwelling unit, that an accessory dwelling unit located within and/or attached to the primary residential dwelling unit shall not exceed the buildable envelope for the existing residential dwelling unit, and that an accessory dwelling unit that is detached from an existing residential dwelling unit shall be constructed in the same location and to the same dimensions as an existing structure, if such structure exists;

D. a ceiling height requirement greater than seven feet, unless the local government can demonstrate that such a requirement is necessary for the preservation of health and safety;

E. any requirement that a pathway exist or be constructed in conjunction with the creation of an accessory dwelling unit, unless the local government can demonstrate that such requirement is necessary for the preservation of health and safety;

F. any setback for an existing residential dwelling unit or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, or any setback of more than four feet from the side and rear lot lines for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure;

G. any health or safety requirements on accessory dwelling units that are not necessary to protect health and safety. Nothing in this provision shall be construed to prevent a local government from requiring that accessory dwelling units are, where applicable, supported by septic capacity necessary to meet state health, safety and sanitary standards, that the creation of such accessory dwelling units comports with flood resiliency policies or efforts, and that such accessory dwelling units are consistent with the protection of wetlands and watersheds; or

H. any requirement for owner occupancy in either the primary or accessory dwelling unit.

(iv) No parking requirement shall be imposed on an accessory dwelling unit; provided, however, that where no adjacent public street permits year-round on-street parking and the accessory dwelling unit is greater than one-half mile from access to public transportation, a local government may require up to one off-street parking space per accessory unit.

(v) A local government shall not require that off-street parking spaces be replaced if a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit.

(vi) Notwithstanding any local law, ordinance, resolution, or regulations, a permit application to create an accessory dwelling unit in conformance with a local law adopted pursuant to this paragraph shall be considered ministerially, without discretionary review or a hearing. If there is an existing single-family or multi-family residential dwelling unit on the lot, the permitting local government shall act on the application to create an accessory dwelling unit within ninety days from the date the local agency receives a completed application or, in a local government having a population of one million or more, within sixty days. If the permit application to create an accessory dwelling unit is submitted with a permit application to create a new primary residential dwelling unit on the lot, the permitting local government may delay acting on the permit application for the accessory dwelling unit until the permitting local government acts on the permit application to create the new primary residential dwelling unit, but the application to create the accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the time period for review shall be tolled for the period of the delay. Such review shall include all necessary permits and approvals including, without limitation, those related to health and safety. A local government shall not require an additional or amended certificate of occupancy in connection with an accessory dwelling unit. A local government may charge a fee not to exceed one thousand dollars per application for the reimbursement of the actual costs such local agency incurs pursuant to the local law enacted pursuant to this paragraph.

(vii) Local governments shall establish an administrative appeal process to a local agency for applications to create accessory dwelling units. The jurisdiction of the local agency to decide such appeals shall be limited to reviewing any order, requirement, decision, interpretation, or determination issued under the local law adopted pursuant to this paragraph and deciding the matter from which any such appeal was taken. When a permit to create an accessory dwelling unit pursuant to a local law adopted pursuant to this paragraph is denied, the local agency that denied the permit shall issue a notice of denial which shall contain the reason or reasons such permit application was denied and instructions on how the applicant may appeal such denial. Such notice

shall be made part of the record of appeals. All appeals shall be submitted to the local agency authorized by the governing body of the local government to decide such appeals, in writing within thirty days of any order, requirement, decision, interpretation, or determination related to the creation of accessory dwelling units.

(viii) No other local law, ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this paragraph except to the extent necessary to protect health and safety and provided such law, policy, or regulation is consistent with the requirements of this paragraph.

(ix) A local government shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit, the correction of nonconforming zoning conditions, noncomplying zoning conditions, or other minor violations of any local law.

(x) Where an accessory dwelling unit requires a new or separate utility connection directly between the accessory dwelling unit and the utility, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures upon the water or sewer system. Such fee or charge shall not exceed the reasonable cost of providing such utility connection. A local government shall not impose any other fee in connection with an accessory dwelling unit.

(xi) A property owner who is denied a permit by a local government in violation of this paragraph shall have a private cause of action in a court of competent jurisdiction.

(xii) Any amendment undertaken pursuant to this paragraph shall be exempt from any environmental review requirements pursuant to article eight of the environmental conservation law and any rules and regulations promulgated pursuant thereto, and any substantially equivalent local law, regulation or rule to article eight of the environmental conservation law, including, but not limited to, in a city with a population greater than one million people, city environmental quality review, but must meet the following criteria:

A. be located in a census tract defined as an urbanized area or an urban cluster by the federal Census Bureau; and

B. complete a Phase I Environmental Site Assessment (ESA) pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. Chapter 103), and complete testing for lead water and paint, asbestos, and radon, the results of which shall be submitted by the proposed developer of such action to the local agency responsible for approving or denying the application for such action;

C. receive certification from a qualified environmental professional, as such term is defined by the commissioner pursuant to regulation, that such action, as proposed, will not violate any state wetland laws or drinking water laws under article eleven of the public health law, or any rules or regulations promulgated thereto; or

D. have been subject to a general environmental impact analysis through an environmental impact statement.

(xiii) A court shall not intervene with an environmental review conducted pursuant to this article or rules or regulations promulgated thereto unless there is substantial information missing that is material to the decision makers' review.

b. It shall be considered to be a preferred action pursuant to this section if a locality enacts by local law the provisions of this para-

graph. For any locality within a city with a population of one million or more, it shall be considered to be such a preferred action if such city enacts by local law the provisions of this paragraph throughout such locality. For any locality located within a county wherein such county is empowered to approve or amend some or all of the land use requirements applicable within the locality, to the extent the county is so empowered, it shall be considered such a preferred action if such county enacts by local law the provisions of this paragraph to be in effect throughout such locality.

(i) Notwithstanding any other provision of state or local law, rule or regulation, a lead agency equivalent shall ministerially approve, as set forth by the local law adopted to establish a preferred action in accordance with this paragraph, a lot to be split if the lead agency equivalent determines that the lot meets all of the following requirements:

A. the lot to be split creates no more than two new lots of approximately equal lot area, provided that one lot shall not be smaller than forty percent of the lot area of the original lot proposed for the subdivision;

B. the lot to be split is located in an area where single-family residential use is permitted;

C. the lot was not created from a previous lot split permitted pursuant to the local law that was enacted pursuant to this paragraph; and

D. the proposed lot split would not require demolition or alteration of any of the following types of housing:

(1) housing that is subject to a recorded covenant, ordinance, law or regulatory agreement that restricts rents to levels affordable to persons and families of a set income;

(2) housing that is subject to the emergency rent stabilization law or the emergency tenant protection act; or

(3) housing that is listed on the state registry of historic places or had an application pending to be listed on such registry as of the effective date of this article.

(ii) An application for a lot split shall be approved in accordance with the following requirements:

A. A lead agency equivalent shall approve or deny an application for a lot split ministerially without discretionary review.

B. A lead agency equivalent shall not require dedications of rights-of-way or the construction of offsite improvements for the lots being created as a condition of approving a lot split pursuant to a local law adopted pursuant to this paragraph.

C. A lead agency equivalent shall not impose land use standards, zoning standards, subdivision standards, design review standards, or other development standards that would have the effect of physically precluding the construction of two units, one on each of the resulting lots, or that would result in a unit size of less than eight hundred square feet, provided further that no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

D. Notwithstanding clause C of this subparagraph, a lead agency equivalent may require a setback of up to four feet from the side and rear lot lines.

(iii) A lead agency equivalent may deny a lot split if the lead agency equivalent makes a written finding, based upon a preponderance of the evidence, that a proposed residential dwelling unit on one of the new lots would have a specific, adverse impact upon public health or safety

for which there is no feasible method to satisfactorily mitigate the specific adverse impact.

(iv) A lead agency equivalent may require any of the following conditions when considering an application to undertake a lot split:

A. easements required for the provision of public services and facilities;

B. a requirement that the lots have access to, provide access to, or adjoin the public right-of-way; and

C. off-street parking of up to one space per residential dwelling unit, except that a lead agency equivalent shall not impose parking requirements in either of the following instances:

(1) where year-round parking is permitted on an adjacent street; or

(2) where the split lot is within one-half mile of access to public transportation.

(v) A lead agency equivalent shall not impose owner occupancy requirements on a lot split authorized pursuant to a local law adopted pursuant to this paragraph.

(vi) A lead agency equivalent shall require that a rental of any unit created pursuant to a local law adopted pursuant to this paragraph be for a term longer than thirty days.

(vii) A lead agency equivalent shall not require, as a condition for ministerial approval of a lot split pursuant to a local law adopted pursuant to this paragraph, correction of nonconforming or noncomplying zoning conditions.

(viii) A request for a lot split pursuant to a local law adopted pursuant to this paragraph shall not be denied solely because it proposed adjacent or connected structures, provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(ix) Any amendment undertaken pursuant to this paragraph shall be exempt from any environmental review requirements pursuant to article eight of the environmental conservation law and any rules and regulations promulgated pursuant thereto, and any substantially equivalent local law, regulation or rule to article eight of the environmental conservation law, including, but not limited to, in a city with a population of one million or more, city environmental quality review, but must meet the following criteria:

A. be located in a census tract defined as an urbanized area or an urban cluster by the federal Census Bureau; and

B. complete a Phase I Environmental Site Assessment (ESA) pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. Chapter 103), and complete testing for lead water and paint, asbestos, and radon, the results of which shall be submitted by the proposed developer of such action to the local agency responsible for approving or denying the application for such action;

C. receive certification from a qualified environmental professional, as such term is defined by the commissioner pursuant to regulation, that such action, as proposed, will not violate any state wetland laws or drinking water laws under article eleven of the public health law, or any rules or regulations promulgated thereto; or

D. have been subject to a general environmental impact analysis through an environmental impact statement.

(x) A court shall not intervene with an environmental review conducted pursuant to this article or rules or regulations promulgated thereto unless there is substantial information missing that is material to the decision makers' review.

c. It shall be considered to be a preferred action pursuant to this section if a locality enacts by local law the provisions of this paragraph. For any locality within a city with a population of one million or more, it shall be considered to be such a preferred action if such city enacts by local law the provisions of this paragraph throughout such locality. For any locality located within a county wherein such county is empowered to approve or amend some or all of the land use requirements applicable within the locality, to the extent the county is so empowered, it shall be considered such a preferred action if such county enacts by local law the provisions of this paragraph to be in effect throughout such locality.

(i) No locality shall, as part of its land use laws, ordinances, rules or regulations, including, but not limited to, zoning laws, ordinances, rules or regulations, site plan review laws, ordinances, rules or regulations, subdivision laws, rules or regulations, or comprehensive planning laws, rules or regulations, impose:

A. minimum lot size requirements for mixed-use or residential uses;

B. height limits that preclude or unduly restrict the ability to build residential accommodations, including multi-family residential buildings;

C. lot coverage restrictions that preclude or unduly restrict the ability to build residential accommodations, including multi-family residential buildings; or

D. parking minimums on any site that exceed one parking space per residential dwelling unit, provided, further, that no parking minimums may be imposed for any site that includes residential dwelling units when such site is located within one-half mile from access to public transportation.

(ii) Any amendment undertaken pursuant to this paragraph shall be exempt from any environmental review requirements pursuant to article eight of the environmental conservation law and any rules and regulations promulgated pursuant thereto, and any substantially equivalent local law, regulation or rule to article eight of the environmental conservation law, including, but not limited to, in a city with a population of one million or more, city environmental quality review, but must meet the following criteria:

A. be located in a census tract defined as an urbanized area or an urban cluster by the federal Census Bureau; and

B. complete a Phase I Environmental Site Assessment (ESA) pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. Chapter 103), and complete testing for lead water and paint, asbestos, and radon, the results of which shall be submitted by the proposed developer of such action to the local agency responsible for approving or denying the application for such action;

C. receive certification from a qualified environmental professional, as such term is defined by the commissioner pursuant to regulation, that such action, as proposed, will not violate any state wetland laws or drinking water laws under article eleven of the public health law, or any rules or regulations promulgated thereto; or

D. have been subject to a general environmental impact analysis through an environmental impact statement.

(iii) A court shall not intervene with an environmental review conducted pursuant to this article or rules or regulations promulgated thereto unless there is substantial information missing that is material to the decision makers' review.

d. It shall be considered to be a preferred action pursuant to this section if a locality enacts by local law the provisions of this paragraph. Such preferred action shall be designed and implemented in such a manner that it complies with federal and state fair housing laws, including the requirement to affirmatively further fair housing, which shall include compliance with the requirements set forth in subdivision three of section six hundred of the public housing law. For any locality within a city with a population of one million or more, it shall be considered to be such a preferred action if such city enacts by local law the provisions of this paragraph throughout such locality. For any locality located within a county wherein such county is empowered to approve or amend some or all of the land use requirements applicable within the locality, to the extent the county is so empowered, it shall be considered such a preferred action if such county enacts by local law the provisions of this paragraph to be in effect throughout such locality.

(i) A lead agency equivalent shall undertake a land use action to amend its land use requirements, as applicable, to permit the construction of residential housing with an aggregate density of at least twenty-five residential dwelling units per acre over an area or areas consisting solely of previously disturbed land that, in the aggregate, are equal to one-third of the previously disturbed land mass of the locality.

(ii) Such land use action shall not include any measure that makes the development of residential housing economically infeasible, including, but not limited to, unduly restrictive height limits, excessive yard or open space requirements, the imposition of minimum or maximum residential dwelling unit size limits, or restrictions on the total number of permitted residential dwelling units within a residential housing project based on lot size or other criteria other than the aggregate density.

(iii) Such land use action shall permit commercial uses on a reasonable percentage of the lots impacted by the amendment with the goal of granting residents access to amenities, goods, and services within walking distance of their residences.

(iv) Any amendment undertaken pursuant to this paragraph shall be exempt from any environmental review requirements pursuant to article eight of the environmental conservation law and any rules and regulations promulgated pursuant thereto, and any substantially equivalent local law, regulation or rule to article eight of the environmental conservation law, including, but not limited to, in a city with a population greater than one million people, city environmental quality review, but must meet the following criteria:

A. be located in a census tract defined as an urbanized area or an urban cluster by the federal Census Bureau; and

B. complete a Phase I Environmental Site Assessment (ESA) pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. Chapter 103), and complete testing for lead water and paint, asbestos, and radon, the results of which shall be submitted by the proposed developer of such action to the local agency responsible for approving or denying the application for such action;

C. receive certification from a qualified environmental professional, as such term is defined by the commissioner pursuant to regulation, that such action, as proposed, will not violate any state wetland laws or drinking water laws under article eleven of the public health law, or any rules or regulations promulgated thereto; or

D. have been subject to a general environmental impact analysis through an environmental impact statement.

(v) A court shall not intervene with an environmental review conducted pursuant to this article or rules or regulations promulgated thereto unless there is substantial information missing that is material to the decision makers' review.

(vi) Any proposed project that provides residential housing and complies with a locality's land use requirements, after such land use requirements have been amended pursuant to this paragraph, shall be exempt from review requirements pursuant to article eight of the environmental conservation law and any rules and regulations promulgated thereto, and any substantially equivalent local law, regulation or rule to article eight of the environmental conservation law, including, but not limited to, in a city with a population greater than one million people, city environmental quality review, but must meet the following criteria:

A. be located in a census tract defined as an urbanized area or an urban cluster by the federal Census Bureau; and

B. complete a Phase I Environmental Site Assessment (ESA) pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. Chapter 103), and complete testing for lead water and paint, asbestos, and radon, the results of which shall be submitted by the proposed developer of such action to the local agency responsible for approving or denying the application for such action;

C. receive certification from a qualified environmental professional, as such term is defined by the commissioner pursuant to regulation, that such action, as proposed, will not violate any state wetland laws or drinking water laws under article eleven of the public health law, or any rules or regulations promulgated thereto; or

D. have been subject to a general environmental impact analysis through an environmental impact statement.

(vii) A court shall not intervene with an environmental review conducted pursuant to this article or rules or regulations promulgated thereto unless there is substantial information missing that is material to the decision makers' review.

(viii) Project specific review of any project that provides residential housing and complies with a locality's land use requirements, after such requirements have been amended pursuant to this paragraph, shall:

A. be completed with written approval or denial being delivered to the applying party within one hundred twenty days of the application being submitted; and

B. be limited to a review of the following:

(1) the capacity of local infrastructure to provide adequate drinking water and wastewater services to the proposed project;

(2) the capacity of local infrastructure to provide adequate utility services to the proposed project; and

(3) the aesthetics of the proposed project, provided that any aesthetic review must be based on published objective standards. If no objective standards are published, no project specific review may consider aesthetics. Provided further that no aesthetic requirements may increase the cost of a project to make such project as proposed economically infeasible.

C. Unless specifically set forth by this paragraph, nothing set forth in this subparagraph shall be interpreted to override or otherwise waive any permitting required pursuant to state or federal laws or regulations.

e. It shall be considered to be a preferred action pursuant to this section if a locality enacts by local law the provisions of this paragraph. Such preferred action shall be designed and implemented in such a manner that it complies with federal and state fair housing laws, including the requirement to affirmatively further fair housing, which shall include compliance with the requirements set forth in subdivision three of section six hundred of the public housing law. For any locality within a city with a population greater than one million people, it shall be considered to be such a preferred action if such city enacts by local law the provisions of this paragraph throughout such locality. For any locality located within a county wherein such county is empowered to approve or amend some or all of the land use requirements applicable within the locality, to the extent the county is so empowered, it shall be considered such a preferred action if such county enacts by local law the provisions of this paragraph to be in effect throughout such locality.

(i) A lead agency equivalent shall undertake a land use action to amend its land use requirements to permit the construction and occupancy of residential housing with an aggregate density of at least twenty-five residential dwelling units per acre in an area that, prior to such amendment, permitted only commercial use.

A. Such land use action must encompass an area of at least one hundred acres.

B. Such land use action shall not include any measure that makes the development of residential housing economically infeasible, including, but not limited to, unduly restrictive height limits, excessive yard or open space requirements, the imposition of minimum or maximum unit size limits, or restrictions on the total number of permitted residential dwelling units within a residential housing project based on lot size or other criteria other than the aggregate density.

C. Such land use action shall permit commercial uses on a reasonable percentage of the lots impacted by the amendment with the goal of granting residents access to amenities, goods, and services within walking distance of their residences.

(ii) Any amendment undertaken pursuant to this paragraph shall be exempt from any environmental review requirements pursuant to article eight of the environmental conservation law and any rules and regulations promulgated pursuant thereto, and any substantially equivalent local law, regulation or rule to article eight of the environmental conservation law, including, but not limited to, in a city with a population greater than one million people, city environmental quality review, but must meet the following criteria:

A. be located in a census tract defined as an urbanized area or an urban cluster by the federal Census Bureau; and

B. complete a Phase I Environmental Site Assessment (ESA) pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. Chapter 103), and complete testing for lead water and paint, asbestos, and radon, the results of which shall be submitted by the proposed developer of such action to the local agency responsible for approving or denying the application for such action;

C. receive certification from a qualified environmental professional, as such term is defined by the commissioner pursuant to regulation, that such action, as proposed, will not violate any state wetland laws or drinking water laws under article eleven of the public health law, or any rules or regulations promulgated thereto; or

D. have been subject to a general environmental impact analysis through an environmental impact statement.

(iii) A court shall not intervene with an environmental review conducted pursuant to this article or rules or regulations promulgated thereto unless there is substantial information missing that is material to the decision makers' review.

(iv) Any proposed project that provides residential housing and complies with land use requirements, after such land use requirements have been amended pursuant to this paragraph, shall be exempt from review requirements pursuant to article eight of the environmental conservation law and any rules and regulations promulgated pursuant thereto, and any substantially equivalent local law, regulation or rule to article eight of the environmental conservation law, including, but not limited to, in a city with a population greater than one million people, city environmental quality review.

(v) Any project that provides residential housing and complies with applicable land use requirements, after such land use requirements have been amended pursuant to this paragraph, shall be buildable as of right, and any project specific review relating to such project shall:

A. be completed with written approval or denial being delivered to the applying party within one hundred twenty days of the application being submitted; and

B. be limited to a review of the following:

(1) the capacity of local infrastructure to provide adequate drinking water and wastewater services to the proposed project;

(2) the capacity of local infrastructure to provide adequate utility services to the proposed project; and

(3) the aesthetics of the proposed project, provided that any aesthetic review must be based on published objective standards. If no objective standards are published, no project specific review may consider aesthetics. Provided further that no aesthetic requirements may increase the cost of a project to make such project as proposed economically infeasible.

C. unless specifically set forth by this paragraph, nothing set forth in this subparagraph shall be interpreted to override or otherwise waive any permitting required pursuant to state or federal laws or regulations.

f. It shall be considered to be a preferred action pursuant to this section if a locality enacts by local law the provisions of this paragraph. For any locality within a city with a population of one million or more that has an average aggregate density less than fifty dwelling units per acre one-half mile from its transit stations as of January first, two thousand twenty-four, it shall be considered to be such a preferred action if such city enacts by local law the provisions of this paragraph throughout such locality. For any locality located within a county wherein such county is empowered to approve or amend some or all of the land use requirements applicable within the locality, to the extent the county is so empowered, it shall be considered such a preferred action if such county enacts by local law the provisions of this paragraph to be in effect throughout such locality.

(i) For the purposes of this paragraph:

(A) "Aggregate density requirement" shall be defined as a required minimum average density of residential dwellings per acre across a transit-oriented development zone, provided that exempt land shall not be included in the calculation to determine the aggregate density requirement. Provided further that:

(1) Within a tier 1 transit-oriented development zone, the required minimum average density shall be fifty residential dwellings per acre;

(2) Within a tier 2 transit-oriented development zone, the required minimum average density shall be forty residential dwellings per acre;

(3) Within a tier 3 transit-oriented development zone, the required minimum average density shall be thirty residential dwellings per acre;

(4) Within a tier 4 transit-oriented development zone, the required minimum average density shall be twenty residential dwellings per acre;

(5) Within a tier 5 transit-oriented development zone, the required minimum average density shall be fifteen residential dwellings per acre; and

(6) Within a tier 6 transit-oriented development zone, the required minimum average density shall be fifteen residential dwellings per acre.

(B) "Amendment" shall be defined as any local legislative, executive, or administrative change made to a city's local land use tools pursuant to subdivision two of this section.

(C) "Economically infeasible" shall mean any condition brought about by any single factor or combination of factors to the extent that it makes it substantially unlikely for an owner to proceed in building a residential housing project and still realize a reasonable return in building or operating such housing without substantially changing the rent levels, unit sizes, or unit counts proposed by the owner.

(D) "Exempt land" shall be defined as non-buildable land, cemeteries, mapped or dedicated parks, registered historic sites, and highways.

(E) "Highways" shall be defined as a vehicle road designated and identified pursuant to the New York state or federal interstate highway system.

(F) "Lead agency equivalent" shall be defined as any city or common council or other legislative body of the city, planning board, zoning board of appeals, planning division, planning commission, board of standards and appeals, board of zoning appeals, or any official or employee, or any other agency, department, board, body, or other entity in a city with the authority to approve or disapprove of any specific project or amendment to any local land use tools as defined herein.

(G) "Local land use tools" shall be adopted or enacted under this chapter, the municipal home rule law, or any general, special or other law pertaining to land use, and shall include but not be limited to a city's:

(1) written or other comprehensive plan or plans;

(2) zoning ordinance, local laws, resolutions or regulations;

(3) special use permit, special exception permit, or special permit ordinance, local laws, resolutions or regulations;

(4) subdivision ordinance, local laws, resolutions, or regulations;

(5) site plan review ordinance, local laws, resolutions or regulations; and/or

(6) policies or procedures, or any planning, zoning, or other land use regulatory tool that controls or establishes standards for the use and occupancy of land, the area and dimensional requirements for the development of land or the intensity of such development.

(H) "Mapped or dedicated parks" shall be defined as:

(1) any land designated on an official map established as authorized by law or depicted on another map adopted or enacted by the local governing board as a publicly accessible space designated for park or recreational use on or before the effective date of this section; or

(2) any parkland expressly or impliedly dedicated to park or recreational use on or before the effective date of this section.

(I) "Non-buildable land" shall be defined as any land that cannot be built upon without significant alterations to the natural terrain needed to make such land suitable for construction, including but not limited to rivers and streams, freshwater and tidal wetlands, marshlands, coastal erosion hazard areas, one hundred-year flood plain, and protected forests. No land that has previously had a building or other improvement, including but not limited to parking lots, constructed on it shall be considered non-buildable land.

(J) "Objective standards" shall be defined as standards that involve no personal or subjective judgment by a public official or employee and are uniformly verifiable by reference to a publicly available and uniform benchmark or criterion available and knowable by both the development applicant and the public official or employee before submittal of a land use application to locate and develop residential dwellings.

(K) "Project specific review" shall be defined as any review or approval process related to a specific site, or to a proposed development or an application, regardless of the number of sites, including, but not limited to, variance, waiver, special permit, site plan review or subdivision review.

(L) "Eligible project" shall be defined as a proposed project that consists primarily of residential dwellings that is or will be located within a transit-oriented development zone and which will be connected to publicly-owned water and sewage systems.

(M) "Registered historic sites" shall be defined as sites, districts, structures, landmarks, or buildings listed on the state register of historic places as of the effective date of this section.

(N) "Residential dwellings" shall be defined as any building or structure or portion thereof which is legally occupied in whole or in part as the home, residence or sleeping place of one or more human beings, however the term does not include any class B multiple dwellings as defined in section four of the multiple dwelling law or housing that is intended to be used on a seasonal basis.

(O) "Residential zone" shall be defined as any land within a transit-oriented development zone wherein residential dwellings are permitted as of the effective date of this section.

(P) "Transit-oriented development review process" shall be the process by which all project specific reviews in a transit-oriented development zone and all other land use actions undertaken pursuant to this section shall be reviewed, which shall:

(1) Be completed with approval or denial delivered to the applying party within one hundred twenty days of the application being submitted; and

(2) Be limited to a review of the following:

(i) The capacity of local infrastructure to provide adequate drinking water and wastewater services to the proposed project;

(ii) The capacity of local infrastructure to provide adequate utility services to the proposed project; and

(iii) The aesthetics of the proposed project, provided that any aesthetic review must be based on published objective standards. If no objective standards are published, no transit-oriented development review process may consider aesthetics, and provided further that no aesthetic requirements shall increase the cost of an eligible project to make such project as proposed economically infeasible.

(Q) "Tier 1 qualifying transit station" shall be defined as any rail station, including subway stations, within the state of New York that is not operated on an exclusively seasonal basis and that is owned, oper-

ated or otherwise served by metro-north railroad, the Long Island railroad, the port authority of New York and New Jersey, the New Jersey transit corporation, the New York city transit authority, or the metropolitan transportation authority where any portion of such station is located within a city with a population of greater than one million people.

(R) "Tier 2 qualifying transit station" shall be defined as any rail station, including subway stations, within the state of New York that is not operated on an exclusively seasonal basis and that is owned, operated or otherwise served by metro-north railroad, the Long Island railroad, the port authority of New York and New Jersey, the New Jersey transit corporation, the New York city transit authority, or the metropolitan transportation authority where any portion of such station is located no more than fifteen miles from the nearest border of a city with a population of greater than one million people, as measured on a straight line from such city's nearest border to such rail station.

(S) "Tier 3 qualifying transit station" shall be defined as any rail station, including subway stations, within the state of New York that is not operated on an exclusively seasonal basis and that is owned, operated or otherwise served by metro-north railroad, the Long Island railroad, the port authority of New York and New Jersey, the New Jersey transit corporation, the New York city transit authority, or the metropolitan transportation authority where any portion of such station is located more than fifteen and no more than thirty miles from the nearest border of a city with a population of greater than one million people, as measured on a straight line from such city's nearest border to such rail station.

(T) "Tier 4 qualifying transit station" shall be defined as any rail station, including subway stations, within the state of New York that is not operated on an exclusively seasonal basis and that is owned, operated or otherwise served by metro-north railroad, the Long Island railroad, the port authority of New York and New Jersey, the New Jersey transit corporation, the New York city transit authority, or the metropolitan transportation authority where any portion of such station is located more than thirty and no more than fifty miles from the nearest border of a city with a population of greater than one million people, as measured on a straight line from such city's nearest border to such rail station.

(U) "Tier 5 qualifying transit station" shall be defined as any rail station, including subway stations, within the state of New York that is not operated on an exclusively seasonal basis and that is owned, operated or otherwise served by metro-north railroad, the Long Island railroad, the port authority of New York and New Jersey, the New Jersey transit corporation, the New York city transit authority, or the metropolitan transportation authority where the entirety of such station is located more than fifty miles from the nearest border of a city with a population of greater than one million people, as measured on a straight line from such city's nearest border to such rail station.

(V) "Tier 6 qualifying transit station" shall be defined as any rail or bus station within the state of New York that is not operated on an exclusively seasonal basis and that is owned, operated or otherwise served by Amtrak, provides frequent service, or has substantial parking, where the entirety of such station is located more than fifty miles from the nearest border of a city with a population of greater than one million people, as measured on a straight line from such city's nearest border to such rail station.

(W) "Tier 1 transit-oriented development zone" shall be defined as any land, other than exempt land, located within a one-half mile radius of any publicly accessible areas of a tier 1 qualifying transit station, provided that such publicly accessible areas include, but are not limited to, platforms, ticketing areas, waiting areas, entrances and exits, and parking lots or parking structures that provide parking for customers of such tier 1 qualifying transit stations, and are appurtenant to such tier 1 qualifying transit stations, regardless of the ownership of such parking structures or facilities, as of the effective date of this section. Provided further that any tier 1 qualifying transit station shall be considered to be part of such tier 1 transit-oriented development zone.

(X) "Tier 2 transit-oriented development zone" shall be defined as any land, other than exempt land, located within a one-half mile radius of any publicly accessible areas of a tier 2 qualifying transit station, provided that such publicly accessible areas include, but are not limited to, platforms, ticketing areas, waiting areas, entrances and exits, and parking lots or parking structures that provide parking for customers of such tier 2 qualifying transit stations, and are appurtenant to such tier 2 qualifying transit stations, regardless of the ownership of such parking structures or facilities, as of the effective date of this section. Provided further that any tier 2 qualifying transit station shall be considered to be part of such tier 2 transit-oriented development zone.

(Y) "Tier 3 transit-oriented development zone" shall be defined as any land, other than exempt land, located within a one-half mile radius of any publicly accessible areas of a tier 3 qualifying transit station, provided that such publicly accessible areas include, but are not limited to, platforms, ticketing areas, waiting areas, entrances and exits, and parking lots or parking structures that provide parking for customers of such tier 3 qualifying transit stations, and are appurtenant to such tier 3 qualifying transit stations, regardless of the ownership of such parking structures or facilities, as of the effective date of this section. Provided further that any tier 3 qualifying transit station shall be considered to be part of such tier 3 transit-oriented development zone.

(Z) "Tier 4 transit-oriented development zone" shall be defined as any land, other than exempt land, located within a one-half mile radius of any publicly accessible areas of a tier 4 qualifying transit station, provided that such publicly accessible areas include, but are not limited to, platforms, ticketing areas, waiting areas, entrances and exits, and parking lots or parking structures that provide parking for customers of such tier 4 qualifying transit stations, and are appurtenant to such tier 4 qualifying transit stations, regardless of the ownership of such parking structures or facilities, as of the effective date of this section. Provided further that any tier 4 qualifying transit station shall be considered to be part of such tier 4 transit-oriented development zone.

(AA) "Tier 5 transit-oriented development zone" shall be defined as any land, other than exempt land, located within a one-half mile radius of any publicly accessible areas of a tier 5 qualifying transit station, provided that such publicly accessible areas include, but are not limited to, platforms, ticketing areas, waiting areas, entrances and exits, and parking lots or parking structures that provide parking for customers of such tier 5 qualifying transit stations, and are appurtenant to such tier 5 qualifying transit stations, regardless of the ownership of

such parking structures or facilities, as of the effective date of this section. Provided further that any tier 5 qualifying transit station shall be considered to be part of such tier 5 transit-oriented development zone.

(BB) "Tier 6 transit-oriented development zone" shall be defined as any land, other than exempt land, located within a one-half mile radius of any publicly accessible areas of a tier 6 qualifying transit station, provided that such publicly accessible areas include, but are not limited to, platforms, ticketing areas, waiting areas, entrances and exits, and parking lots or parking structures that provide parking for customers of such tier 6 qualifying transit stations, and are appurtenant to such tier 6 qualifying transit stations, regardless of the ownership of such parking structures or facilities, as of the effective date of this section. Provided further that any tier 6 qualifying transit station shall be considered to be part of such tier 6 transit-oriented development zone.

(CC) "Transit-oriented development zone" shall refer to a tier 1 transit-oriented development zone, a tier 2 transit-oriented development zone, a tier 3 transit-oriented development zone, a tier 4 transit-oriented development zone, a tier 5 transit-oriented development zone, or a tier 6 transit-oriented development zone as applicable.

(ii) A local government shall, by local law, provide for the facilitation of transit-oriented development by:

(A) A lead agency equivalent shall undertake a land use action to amend its land use requirements, as applicable, to permit the construction of residential housing with an applicable aggregate density over the transit-oriented development zone.

(B) Such land use action shall not include any measure that makes the development of residential housing economically infeasible, including, but not limited to, unduly restrictive height limits, excessive yard or open space requirements, the imposition of minimum or maximum residential dwelling unit size limits, or restrictions on the total number of permitted residential dwelling units within a residential housing project based on lot size or other criteria other than the aggregate density.

(C) All proposed actions subject to review pursuant to a transit-oriented development review process shall be exempt from any environmental review requirements pursuant to article eight of the environmental conservation law and any rules and regulations promulgated thereto, and any local equivalent law, regulation or rule, including, but not limited to, in the city of New York, city environmental quality review. Provided further that nothing set forth in this paragraph shall be interpreted to override or otherwise waive any permitting required pursuant to state or federal laws or regulations, unless specifically set forth herein. Projects not subject to environmental review must meet the following criteria:

(1) be located in a census tract defined as an urbanized area or an urban cluster by the federal Census Bureau; and

(2) complete a Phase I Environmental Site Assessment (ESA) pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. Chapter 103), and complete testing for lead water and paint, asbestos, and radon, the results of which shall be submitted by the proposed developer of such action to the local agency responsible for approving or denying the application for such action;

(3) receive certification from a qualified environmental professional, as such term is defined by the commissioner pursuant to regulation, that

such action, as proposed, will not violate any state wetland laws or drinking water laws under article eleven of the public health law, or any rules or regulations promulgated thereto; or

(4) have been subject to a general environmental impact analysis through an environmental impact statement.

(D) A court shall not intervene with an environmental review conducted pursuant to this article or rules or regulations promulgated thereto unless there is substantial information missing that is material to the decision makers' review.

§ 1004. Housing production incentives. 1. Localities may access funds, subject to appropriation, at the discretion of the land use advisory council for the purpose of engaging in housing data collection and a general planning process.

2. Localities determined by the land use advisory council to have reached or surpassed their growth targets or adopted a preferred action, as set pursuant to section one thousand three of this article, shall be eligible for an incentive bonus disbursed by the land use advisory council from the newly created housing infrastructure fund, subject to appropriation.

3. Localities determined by the land use advisory council to have reached or surpassed their growth targets or adopted a preferred action, set pursuant to section one thousand three of this article, shall be eligible for a ten percent increase of points on such locality's or localities' consolidated funding application, a ten percent increase in aid and incentives for municipalities and aid and incentives for municipalities related payments, increased eligibility for individual infrastructure, transportation, parks, and economic development grants.

4. Localities seeking housing production incentives pursuant to this section, must meet proposed growth targets by December thirty-first, two thousand twenty-six. Upon request to the land use advisory council, a locality may be granted additional time to meet proposed growth targets and remain eligible for incentives pursuant to this section. The land use advisory council may grant additional time to a locality ending no later than December thirty-first, two thousand twenty-eight.

§ 1005. Land use advisory council. 1. Structure and powers of the land use advisory council.

a. There is hereby established, within the division, a land use advisory council, to effectuate the provisions of this article.

b. The land use advisory council shall consist of five members. Three members shall be appointed by the governor, one member shall be appointed by the speaker of the assembly, and one member shall be appointed by the temporary president of the senate. The council members shall serve a five year term, and shall only be relieved for cause. Any vacancies on the council shall be filled within a reasonable time period by the official who appointed the council member whose absence has caused the vacancy.

c. The land use advisory council shall have the power and duties to review funding requests made by localities pursuant to this article, make determinations regarding achievement of growth targets and adoption of preferred actions pursuant to this article, disbursement of funds, subject to appropriation, pursuant to this article, and any other duties necessary to effectuate the responsibilities of the land use advisory council pursuant to this article. The powers of the land use advisory council shall include, but not be limited to, the powers granted to the commissioner of housing by subdivision one of section fourteen of the public housing law, and the statutes, rules, regulations and other docu-

ments governing the administration of housing by the division of homes and community renewal.

d. The division shall provide any administrative and staff support to the land use advisory council necessary for the effective implementation of the provisions of this article.

§ 3. Section 14 of the public housing law is amended by adding a new subdivision 8 to read as follows:

8. The division shall have the authority to promulgate regulations, rules and policies related to land use by cities, towns, and villages as it relates to the development of housing, including, but not limited to, the administration and enforcement of article twenty of the general municipal law and section twenty-a of the public housing law. Such enforcement authority shall include, but not be limited to, all of the powers granted by subdivision one of this section, in addition to the statutes, rules, regulation and other documents regarding the authority of the division, and, where applicable, the power to issue orders and administer funding and grants to localities to assist with land use planning.

§ 4. Severability. In the event it is determined by a court of competent jurisdiction that any phrase, clause, part, subdivision, paragraph or subsection, or any of the provisions of this article is unconstitutional or otherwise invalid or inoperative, such determination shall not affect the validity or effect of the remaining provisions of this article.

§ 5. This act shall take effect immediately.

PART G

Intentionally Omitted

PART H

Section 1. The public housing law is amended by adding a new section 20-a to read as follows:

§ 20-a. Housing production reporting. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Local board" means any city, town, or village board, commission, officer or other agency or office having supervision of the construction of buildings or the power of enforcing municipal building laws.

(b) "Housing site" means the site of planned construction, conversion, alteration, demolition, or consolidation of one or more residential buildings.

(c) "Dwelling unit" means a dwelling within a residential building which is either sold, rented, leased, let or hired out, to be occupied, or is occupied as the residence or home of one or more individuals that is independent of other dwellings within such residential building.

2. Each local board may submit to the division of housing and community renewal annually, in the manner and format to be directed by the division of housing and community renewal, the following information regarding new construction, conversion, alteration, demolition, or consolidation of a housing site within the jurisdiction of such local board that is required to be reported to such local board:

(a) the address of such housing site;

(b) the block and/or lot number of such housing site;

(c) the total number of dwelling units in such housing site;

(d) the building type, any relevant dates of approval, permits, and completions associated with such housing site;

(e) any associated governmental subsidies or program funds being allocated to such housing site that such local board is aware of;

(f) the specific details of such construction, conversion, alteration, demolition, or consolidation of such housing site;

(g) any permits requested to build dwelling units, and the status of such requests as of the date of the report; and

(h) the total number of dwelling units within the jurisdiction of the local board as of the date of the report.

3. Beginning on the thirty-first of January next succeeding the effective date of this section, and annually thereafter, each local board may submit to the commissioner, in a manner and format to be determined by the commissioner, a digital file containing a zoning map or maps of such local board's jurisdiction that contains the following information for the prior year:

(a) The geographic extents of areas where residential housing, commercial, industrial, or other developments are or are not permitted;

(b) In areas zoned for residential buildings, where residential buildings containing two, three, and four or more dwelling units are allowed per lot;

(c) Any minimum lot size requirements for residential buildings;

(d) Any minimum size requirements for individual dwelling units;

(e) Any parking requirements for residential buildings;

(f) Any setback or lot coverage requirements for residential buildings;

(g) Designation of whether each zoning approval granted by such local board was as-of-right or discretionary;

(h) The geographic bounds of any areas which have been amended since such local board's previous submission pursuant to this subdivision;

(i) Any floor area ratio restrictions for residential buildings;

(j) In areas where residential development is not permitted, the reasons such development is not permitted; and

(k) Any other information deemed relevant by the commissioner.

4. The commissioner may make the information submitted pursuant to subdivisions two and three of this section publicly available on the division of housing and community renewal's website, updated annually to reflect the most recent submissions.

5. Localities shall receive funds, as appropriation permits, to be used for the purpose of supporting technical and fiscal needs related to the collection of information required pursuant to this section, in order to facilitate information collection in the manner promulgated by the commissioner.

§ 2. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART I

Intentionally Omitted

PART J

Section 1. This Part enacts into law major components of legislation relating to multiple dwellings and certain exemptions therefor. Each component wholly contained within a Subpart identified as Subparts A, B and C. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this Part sets forth the general effective date of this Part.

SUBPART A

Section 1. Subdivision 11 of section 3 of the multiple dwelling law, as amended by chapter 806 of the laws of 1972, is amended to read as follows:

11. Notwithstanding any other provision of this section, the following enumerated articles, sections and subdivisions of sections of this chapter shall not apply to the construction or alteration of multiple dwellings for which an application for a permit is made to the department after December sixth, nineteen hundred sixty-nine in a city having a population of one million or more [~~which adopts or has adopted local laws, ordinances, resolutions or regulations providing protection from fire hazards and making provision for escape from fire in the construction and alteration of multiple dwellings and in other respects as protective as local law seventy-six of the laws of the city of New York for nineteen hundred sixty-eight and covering the same subject matter as the following~~]: subdivisions twenty-five, twenty-seven, twenty-eight, thirty-five-c, thirty-six and thirty-nine of section four, subdivision three of section twenty-eight, sections thirty-six, thirty-seven, fifty, fifty-one, fifty-two, fifty-three, fifty-five, sixty, sixty-one, sixty-seven, subdivisions one, two, four and five of section seventy-five, article four, article five, article five-A[~~,~~] **and** article six [~~and article seven-B~~]; except that after December sixth, nineteen hundred sixty-nine where a multiple dwelling erected prior to December sixth, nineteen hundred sixty-nine is altered, or a building erected prior to December sixth, nineteen hundred sixty-nine is converted to a multiple dwelling pursuant to a permit applied for to the department having jurisdiction, the foregoing articles, sections and subdivisions of sections shall remain applicable where a local law of such city authorizes such alteration or conversion to be made, at the option of the owner, either in accordance with the requirements of the building law and regulations in effect in such city prior to December sixth, nineteen hundred sixty-eight or the requirements of the building law and regulations in effect after such date, and the owner elects to comply with the requirements of the building law and regulations in effect prior to December sixth, nineteen hundred sixty-eight.

§ 2. Section 275 of the multiple dwelling law, as added by chapter 734 of the laws of 1985, is amended to read as follows:

§ 275. Legislative findings. It is hereby declared and found that in cities with a population in excess of one million, large numbers of loft, manufacturing, commercial, institutional, public and community facility buildings have lost, and continue to lose, their tenants to more modern premises; and that the untenanted portions of such buildings constitute a potential housing stock within such cities which is capa-

ble, when appropriately altered, of accommodating general residential use, thereby contributing to an alleviation of the housing shortage most severely affecting moderate and middle income families, and of accommodating joint living-work quarters for artists by making readily available space which is physically and economically suitable for use by persons regularly engaged in the arts.

There is a public purpose to be served by making accommodations readily available for joint living-work quarters for artists for the following reasons: persons regularly engaged in the arts require larger amounts of space for the pursuit of their artistic endeavors and for the storage of the materials therefor and of the products thereof than are regularly to be found in dwellings subject to this article; that the financial remunerations to be obtained from pursuit of a career in the arts are generally small; that as a result of such limited financial remuneration persons regularly engaged in the arts generally find it financially impossible to maintain quarters for the pursuit of their artistic endeavors separate and apart from their places of residence; that the cultural life of cities of more than one million persons within this state and of the state as a whole is enhanced by the residence in such cities of large numbers of persons regularly engaged in the arts; that the high cost of land within such cities makes it particularly difficult for persons regularly engaged in the arts to obtain the use of the amounts of space required for their work as aforesaid; and that the residential use of the space is secondary or accessory to the primary use as a place of work.

It is further declared that the legislation governing the alteration of such buildings to accommodate general residential use must of necessity be more restrictive than statutes heretofore in effect, which affected only joint living-work quarters for artists.

It is the intention of this legislation to promulgate statewide minimum standards for all alterations of non-residential buildings to residential use, but the legislature is cognizant that the use of such buildings for residential purposes must be consistent with local zoning ordinances. The legislature further recognizes that it is the role of localities to adopt regulations which will define in further detail the manner in which alterations should be carried out where building types and conditions are peculiar to their local environment. **It is hereby additionally declared and found that in cities with a population in excess of one million, large numbers of commercial buildings have lost, and continue to lose, their tenants to more modern premises and to the changing nature of remote office work in the wake of the COVID-19 pandemic; and that the untenanted portions of such buildings constitute a potential housing stock within such cities which is capable, when appropriately altered, of accommodating general residential use, thereby contributing to an alleviation of the housing shortage.**

§ 3. Section 276 of the multiple dwelling law, as amended by chapter 420 of the laws of 2022, is amended to read as follows:

§ 276. [~~**Definition of an artist**~~] **Definitions**. As used in this article, the **following terms shall have the following meanings:**

1. The word "artist" means a person who is regularly engaged in the fine arts, such as painting and sculpture or in the performing or creative arts, including choreography and filmmaking, or in the composition of music on a professional basis, and is so certified by the city department of cultural affairs and/or state council on the arts. For joint living-work quarters for artists limited to artists' occupancy by local zoning resolution, any permanent occupant whose residence therein

began on or before December fifteenth, two thousand twenty-one shall be deemed to meet such occupancy requirements under the same rights as an artist so certified in accordance with applicable law.

2. The term "general residential purposes" means use of a building as a class A multiple dwelling, except that such term shall not include a rooming unit as defined in section 27-2004 of the administrative code of the city of New York other than a rooming unit in a class A or class B multiple dwelling that is authorized pursuant to section 27-2077 of such administrative code.

§ 4. The multiple dwelling law is amended by adding a new section 279 to read as follows:

§ 279. Occupancy of commercial buildings. 1. Any building in a city with a population of one million or more persons which was occupied for loft, commercial, institutional, public, community facility or manufacturing purposes at any time prior to December thirty-first, nineteen hundred ninety, may be occupied, in whole or in part, for general residential purposes if such occupancy is in compliance with this article, notwithstanding any other article of this chapter, or any provision of law covering the same subject matter, except as otherwise required by the zoning resolution of such city.

2. Occupancy pursuant to this section shall be permitted only if the conditions in subdivisions one through sixteen of section two hundred seventy-seven of this article are complied with, except that the conversion shall not be required to include joint living-work quarters for artists, and provided further that conversions undertaken pursuant to this section shall not be subject to subdivision three of section twenty-six of this chapter.

3. Notwithstanding any state or local law, rule, or regulation, including any other provision of this section or article to the contrary, the provisions of this section shall apply to any building located in a district that otherwise would have been subject to the provisions of section 15-01 of the zoning resolution of a city with a population of one million or more persons.

§ 5. An application for conversion of a building pursuant to the provisions of this act, which application for a permit containing complete plans and specifications is filed prior to December 31, 2030, shall be permitted to proceed as if subdivision 3 of section 279 of the multiple dwelling law, as added by section four of this act, remained in effect, so long as construction of such project begins within the earlier to occur of three years from December 31, 2030 or such time which the permit otherwise expires.

§ 6. This act shall take effect immediately; provided, however, that subdivision 3 of section 279 of the multiple dwelling law as added by section four of this act shall expire and be deemed repealed on December 31, 2030; provided further, however, that the repeal of subdivision 3 of section 279 of the multiple dwelling law as added by section four of this act shall not affect the use of any building for general residential purposes, as such term is defined in article 7-B of the multiple dwelling law, permitted prior to such repeal.

SUBPART B

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

c. Money loaned by the public entity that is to be repaid on a contingent basis; [~~or~~]

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

e. Benefits under section four hundred sixty-seven-m of the real property tax law.

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

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

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

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

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

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

e. "Agency" shall mean the New York city department of housing preservation and development.

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

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

g-1. "Building service work" shall have the same meaning as set forth in article nine of the labor law.

h. "Commencement date" shall mean the date upon which the actual construction of the eligible conversion lawfully begins in good faith.

i. "Completion date" shall mean the date upon which the local department of buildings issues the first temporary or permanent certificate of occupancy covering all residential areas of an eligible multiple dwelling.

j. "Construction period" shall mean, with respect to any eligible multiple dwelling, a period: (i) beginning on the later of the commencement date or three years before the completion date; and (ii) ending on the day preceding the completion date.

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

l. "Eligible conversion" shall mean the conversion of a non-residential building to an eligible multiple dwelling.

m. "Eligible multiple dwelling" shall mean a multiple dwelling in which: (i) all dwelling units included in any application are operated as rental housing; (ii) six or more dwelling units have been created through an eligible conversion; (iii) the commencement date is after December thirty-first, two thousand twenty-two and on or before December thirty-first, two thousand thirty-two; and (iv) the completion date is on or before December thirty-first, two thousand thirty-eight.

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

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

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

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

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

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

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

u. "Nineteen-year benefit" shall mean: (i) for the construction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; (ii) for the first fifteen years of the restriction period, (A) within the Manhattan prime development area, a fifty percent exemption from real property taxation, other than assessments for local improvements, and (B) outside of the Manhattan prime development area, a thirty-five percent exemption from real property taxation, other than assessments for local improvements; (iii) for the sixteenth year of the restriction period, (A) within the Manhattan prime development area, a forty percent exemption from real property taxation, other than assessments for local improvements, and (B) outside of the Manhattan prime development area, a twenty-eight percent exemption from real property taxation, other than assessments for local improvements; (iv) for the seventeenth year of the restriction period, (A) within the Manhattan prime development area, a thirty percent exemption from real property taxation, other than assessments for local improvements, and (B) outside of the Manhattan prime development area, a twenty-one percent exemption from real property taxation, other than assessments for local improvements; (v) for the eighteenth year of the

restriction period, (A) within the Manhattan prime development area, a twenty percent exemption from real property taxation, other than assessments for local improvements, and (B) outside of the Manhattan prime development area, a fourteen percent exemption from real property taxation, other than assessments for local improvements; and (vi) for the nineteenth year of the restriction period, (A) within the Manhattan prime development area, a ten percent exemption from real property taxation, other than assessments for local improvements, and (B) outside of the Manhattan prime development area, a seven percent exemption from real property taxation, other than assessments for local improvements.

v. "Non-residential building" shall mean a structure or portion of a structure having at least one floor, a roof and at least three walls enclosing all or most of the space used in connection with the structure or portion of the structure, which has a certificate of occupancy for commercial, manufacturing or other non-residential use for not less than ninety percent of the aggregate floor area of such structure or portion of such structure, or other proof of such non-residential use as is acceptable to the agency.

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

x. "Rent stabilization" shall mean, collectively, the rent stabilization law of nineteen hundred sixty-nine, the rent stabilization code, and the emergency tenant protection act of nineteen seventy-four, all as in effect as of the effective date of this section or as amended thereafter, together with any successor statutes or regulations addressing substantially the same subject matter.

y. "Residential tax lot" shall mean a tax lot that contains dwelling units.

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

2. Benefit. In cities having a population of one million or more, notwithstanding the provisions of any other general, special or local law to the contrary, a new eligible multiple dwelling, except a hotel, that complies with the provisions of this section shall be exempt from real property taxation, other than assessments for local improvements, in the amounts and for the periods specified in this section, provided that such eligible multiple dwelling is used or held out for use for dwelling purposes. An eligible multiple dwelling that meets all of the requirements of this section shall receive a nineteen-year benefit.

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

4. Limitation on benefits for non-residential space. If the aggregate floor area of commercial, community facility and accessory use space in an eligible multiple dwelling exceeds twelve percent of the aggregate floor area in such eligible multiple dwelling, any AHCC program benefits shall be reduced by a percentage equal to such excess. If an eligible multiple dwelling contains multiple tax lots, the tax arising out of such reduction in AHCC program benefits shall first be apportioned pro rata among any non-residential tax lots. After any such non-residential tax lots are fully taxable, the remainder of the tax arising out of such reduction in AHCC program benefits, if any, shall be apportioned pro rata among the remaining residential tax lots. For the purposes of this section, accessory use space shall not include home occupation space or

accessory parking space located not more than twenty-three feet above the curb level.

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

6. Affordability requirements. An eligible multiple dwelling shall comply with the following affordability requirements during the restriction period:

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

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

c. Notwithstanding any provision of rent stabilization to the contrary: (i) all affordable housing units shall remain fully subject to rent stabilization during the restriction period; and (ii) any affordable housing unit occupied by a tenant that has been approved by the agency prior to the agency's denial of an eligible multiple dwelling's application for AHCC program benefits shall remain subject to rent stabilization until such tenant vacates such affordable housing unit.

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

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

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

g. Following issuance of a temporary certificate of occupancy and upon each vacancy thereafter, an affordable housing unit shall promptly be offered for rental by individuals or families whose income does not exceed the maximum percentage of the area median income or income band, as applicable, adjusted for family size, specified for such affordable housing unit pursuant to this section and who intend to occupy such affordable housing unit as their primary residence. An affordable housing unit shall not be: (i) rented to a corporation, partnership or other

entity; or (ii) held off the market for a period longer than is reasonably necessary to perform repairs needed to make such affordable housing unit available for occupancy.

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

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

j. The agency may establish by rule such requirements as the agency deems necessary or appropriate for: (i) the marketing of affordable housing units, both upon initial occupancy and upon any vacancy; (ii) monitoring compliance with the provisions of this subdivision; and (iii) the establishment of marketing bands for affordable housing units. Such requirements may include, but need not be limited to, retaining a monitor approved by the agency and paid for by the owner of the eligible multiple dwelling.

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

7. Public funds. Notwithstanding any law to the contrary, the incentives provided for in paragraph a of subdivision three of section two hundred twenty-four-a of the labor law shall be deemed "public funds" pursuant to subdivision two of section two hundred twenty-four-a of the labor law. As such, any project that meets the definition of a "covered project" pursuant to subdivisions one and four of section two hundred twenty-four-a of the labor law shall comply with all requirements of such law.

7-a. Building service work. Building service work shall be subject to prevailing wage under article eight of the labor law where the project meets the definition of a "covered project" as defined in section two hundred twenty-four-a of the labor law. Any project that meets the definition of a "covered project" pursuant to subdivisions one and four of section two hundred twenty-four-a of the labor law shall comply with all requirements of such law.

8. Building service employees. a. For the purposes of this subdivision, "applicant" shall mean an applicant for AHCC program benefits, any successor to such applicant, or any employer of building service employees for such applicant including, but not limited to, a property management company or contractor.

b. All building service employees employed by the applicant at the eligible multiple dwelling shall receive the applicable prevailing wage for the duration of the nineteen-year benefit period, regardless of whether such benefits are revoked or terminated.

c. The fiscal officer shall have the power to enforce the provisions of this subdivision. In enforcing such provisions, the fiscal officer shall have the power: (i) to investigate or cause an investigation to be made to determine the prevailing wages for building service employees, and in making such investigation, the fiscal officer may utilize wage and fringe benefit data from various sources, including, but not limited to, data and determinations of federal, state or other governmental agencies; provided, however, that the provision of a dwelling unit shall not be considered wages or a fringe benefit; (ii) to institute and conduct inspections at the site of the work or elsewhere; (iii) to examine the books, documents and records pertaining to the wages paid to,

and the hours of work performed by, building service employees; (iv) to hold hearings and, in connection therewith, to issue subpoenas, the enforcement of which shall be regulated by the civil practice law and rules, administer oaths and examine witnesses; (v) to make a classification by craft, trade or other generally recognized occupational category of the building service employees and to determine whether such work has been performed by the building service employees in such classification; (vi) to require the applicant to file with the fiscal officer a record of the wages actually paid by such applicant to the building service employees and of their hours of work; (vii) to delegate any of the foregoing powers to his or her deputy or other authorized representative; (viii) to promulgate rules as he or she shall consider necessary for the proper execution of the duties, responsibilities and powers conferred upon him or her by the provisions of this subdivision; and (ix) to prescribe appropriate sanctions for failure to comply with the provisions of this subdivision. For each violation of paragraph b of this subdivision, the fiscal officer may require the payment of (A) back wages and fringe benefits; (B) liquidated damages up to three times the amount of the back wages and fringe benefits for willful violations; and/or (C) reasonable attorneys' fees. If the fiscal officer finds that the applicant has failed to comply with the provisions of this subdivision, he or she shall present evidence of such non-compliance to the agency.

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

e. The applicant shall submit a sworn affidavit with its application certifying that it shall comply with the requirements of this subdivision or is exempt in accordance with paragraph d of this subdivision. Upon the agency's approval of such application, the applicant who is not exempt in accordance with paragraph d of this subdivision shall submit annually a sworn affidavit to the fiscal officer certifying that it shall comply with the requirements of this subdivision.

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

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

11. Termination or revocation. The agency may terminate or revoke AHCC program benefits for noncompliance with this section. If an applicant has committed three violations of the requirements of subdivision eight of this section within a five-year period, the agency may revoke any benefits under this section. For purposes of this subdivision, a "violation" of subdivision eight of this section shall be deemed a finding by the fiscal officer that the applicant has failed to comply with subdivision eight of this section and has failed to cure the deficiency within three months of such finding. Provided, however, that after a

second such violation, the applicant shall be notified that any further violation may result in the revocation of benefits under this section and that the fiscal officer shall publish on its website a list of all applicants with two violations as defined in this subdivision. All of the affordable housing units shall remain subject to rent stabilization and all other requirements of this section for the duration of the restriction period, regardless of whether such benefits have been terminated or revoked.

12. Powers cumulative. The enforcement provisions of this section shall not be exclusive, and are in addition to any other rights, remedies or enforcement powers set forth in any other law or available at law or in equity.

13. Multiple tax lots. If an eligible multiple dwelling contains multiple tax lots, an application may be submitted with respect to one or more of such tax lots. The agency shall determine eligibility for AHCC program benefits based upon the tax lots included in such application and benefits for each such eligible multiple dwelling shall be based upon the completion date of each such multiple dwelling.

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

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

c. The agency may rely on certification by an architect or engineer submitted by an applicant in connection with the filing of an application. A false certification by such architect or engineer shall be deemed to be professional misconduct pursuant to section sixty-five hundred nine of the education law. Any architect or engineer found guilty of such misconduct under the procedures prescribed in section sixty-five hundred ten of the education law shall be subject to the penalties prescribed in section sixty-five hundred eleven of the education law and shall thereafter be ineligible to submit a certification pursuant to this section.

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

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

a. imposing a lesser fee for an eligible multiple dwelling whose eligible conversion is carried out with the substantial assistance of grants, loans or subsidies provided by a federal, state or local governmental agency or instrumentality pursuant to a program for the development of affordable housing; and

b. requiring a portion of the filing fee to be paid upon the submission of the information the agency requires in advance of approving the commencement of the marketing process for such eligible conversion.

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

17. Penalties for violations of affordability requirements. a. On or after the expiration date of the nineteen-year benefit, the agency may impose, after notice and an opportunity to be heard, a penalty for any violation by an eligible multiple dwelling of the affordability requirements of subdivision six of this section.

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

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

d. A person or entity who fails to pay a penalty imposed pursuant to this subdivision shall be guilty of a misdemeanor punishable by imprisonment not to exceed six months.

§ 3. This act shall take effect immediately.

SUBPART C

Section 1. Paragraphs d and e of subdivision 2 of section 224-a of the labor law, paragraph d as amended and paragraph e as added by section 1 of subpart B of this act, are amended and a new paragraph f is added to read as follows:

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

e. Benefits under section four hundred sixty-seven-m of the real property tax law[~~.~~]; or

f. Benefits under section four hundred twenty-one-p of the real property tax law.

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

§ 421-p. Exemption of eligible conversions to rental multiple dwellings. 1. (a) A city, town or village may, by local law, provide for the exemption of rental multiple dwellings converted from existing non-residential buildings in a benefit area designated in such local law from taxation and special ad valorem levies, as provided in this section. Subsequent to the adoption of such a local law, any other municipal corporation in which the designated benefit area is located may likewise exempt such property from its taxation and special ad valorem levies by local law, or in the case of a school district, by resolution.

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

(c) The term "rental multiple dwelling" means a structure, other than a hotel, consisting of twenty or more dwelling units, where all of the units are rented for residential purposes, and at least twenty percent of such units, upon initial rental and upon each subsequent rental following a vacancy during the benefit period is affordable to and restricted to occupancy by individuals or families whose household income does not exceed eighty percent of the area median income, adjusted for family size, on average, at the time that such households initially occupy such dwelling units, provided further that all of the income restricted units upon initial rental and upon each subsequent

rental following a vacancy during the benefit period shall be affordable to and restricted to occupancy by individuals or families whose household income does not exceed one hundred percent of the area median income, adjusted for family size, at the time that such households initially occupy such dwelling units. Such benefit period shall be in effect coterminous with the benefit period, provided, however, that the tenant or tenants in an income restricted dwelling unit at the time such benefit period ends shall have the right to lease renewals at the income restricted level until such time as such tenant or tenants permanently vacate the dwelling unit.

(d) The term "non-residential building" means a structure or portion of a structure having at least one floor, a roof and at least three walls enclosing all or most of the space used in connection with the structure or portion of the structure, which has a certificate of occupancy for commercial, manufacturing or other non-residential use for not less than ninety percent of the aggregate floor area of such structure or portion of such structure, or other proof of such non-residential use as is acceptable to the city, town, or village.

(e) The term "eligible conversion" shall mean the conversion of a non-residential building to an eligible multiple dwelling.

2. Eligible conversions rental multiple dwellings in a designated benefit area shall be wholly exempt from taxation while under construction, subject to a maximum of three years. Such property shall then be exempt for thirty years at fifty percent. Provided, however:

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

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

3. Affordability requirements. An eligible conversion to a rental multiple dwelling shall comply with the following affordability requirements during the benefit period:

(a) All income-restricted dwelling units in a rental multiple dwelling shall share the same common entrances and common areas as non-restricted units in such eligible conversion and shall not be isolated to a specific floor or area of an eligible rental multiple dwelling. Common entrances shall mean any means of ingress or egress regularly used by any resident of a rental dwelling unit in the eligible rental multiple dwelling.

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

4. A rental multiple dwelling unit shall not be rented on a temporary, transient or short-term basis. Every lease and renewal thereof for an affordable housing unit shall be for a term of one or two years, at the option of the tenant.

5. A rental multiple dwelling unit shall not be converted to cooperative or condominium ownership.

6. Application for exemption under this section shall be made on a form prescribed by the commissioner of the division of homes and community renewal and filed with the assessor on or before the applicable taxable status date.

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

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

§ 3. This act shall take effect immediately.

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

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

PART K

Intentionally Omitted

PART L

Intentionally Omitted

PART M

Intentionally Omitted

PART N

Intentionally Omitted

PART O

Intentionally Omitted

PART P

Intentionally Omitted

PART Q

Section 1. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the neighborhood preservation program, a sum not to exceed $17,780,000 for the fiscal year ending March 31, 2024. Within this total amount, $125,000 shall be used for the purpose of entering into a contract with the neighborhood preservation coalition to provide technical assistance and services to companies funded pursuant to article 16 of the private housing finance law. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with neighborhood preservation program contracts authorized by this section, a total sum not to exceed $17,780,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2022-2023 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2023.

§ 2. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural preservation program, a sum not to exceed $7,750,000 for the fiscal year ending March 31, 2024. ;Within this total amount, $125,000 shall be used for the purpose of entering into a contract with the rural housing coalition to provide technical assistance and services to companies funded pursuant to article 17 of the private housing finance law. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural preservation program contracts authorized by this section, a total sum not to exceed $7,750,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2022-2023 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2023.

§ 3. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural rental assistance program pursuant to article 17-A of the private housing finance

law, a sum not to exceed $21,710,000 for the fiscal year ending March 31, 2024. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural rental assistance program contracts authorized by this section, a total sum not to exceed $21,710,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2022-2023 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating, as determined by the state of New York mortgage agency, required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer shall be made as soon as practicable but no later than June 30, 2023.

§ 4. Notwithstanding any other provision of law, the homeless housing and assistance corporation may provide, for purposes of the New York state supportive housing program, the solutions to end homelessness program or the operational support for AIDS housing program, or to qualified grantees under such programs, in accordance with the requirements of such programs, a sum not to exceed $50,781,000 for the fiscal year ending March 31, 2024. The homeless housing and assistance corporation may enter into an agreement with the office of temporary and disability assistance to administer such sum in accordance with the requirements of such programs. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the homeless housing and assistance corporation, a total sum not to exceed $50,781,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2022-2023 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating as determined by the state of New York mortgage agency, required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer shall be made as soon as practicable but no later than March 31, 2024.

§ 5. This act shall take effect immediately.

PART R

Intentionally Omitted

PART S

Intentionally Omitted

PART T

Intentionally Omitted

PART U

Section 1. Subdivision 2 of section 410-u of the social services law, as amended by section 1 of part L of chapter 56 of the laws of 2022, is amended to read as follows:

2. The state block grant for child care shall be divided into two parts pursuant to a plan developed by the department and approved by the director of the budget. One part shall be retained by the state to provide child care on a statewide basis to special groups and for activities to increase the availability and/or quality of child care programs, including, but not limited to, the start-up of child care programs, the operation of child care resource and referral programs, training activities, the regulation and monitoring of child care programs, the development of computerized data systems, and consumer education, provided however, that child care resource and referral programs funded under title five-B of article six of this chapter shall meet additional performance standards developed by the department of social services including but not limited to: increasing the number of child care placements for persons who are at or below [~~two hundred percent of the state income standard, or three hundred percent of the state income standard effective August first, two thousand twenty-two, provided such persons are at or below eighty-five~~] one hundred three percent of the state median income, effective October first, two thousand twenty-three or one hundred twenty-nine percent of the state median income, effective October first, two thousand twenty-four, with emphasis on placements supporting local efforts in meeting federal and state work participation requirements, increasing technical assistance to all modalities of legal child care to persons who are at or below [~~two hundred percent of the state income standard, or three hundred percent of the state income standard effective August first, two thousand twenty-two, provided such persons are at or below eighty-five~~] one hundred three percent of the state median income, effective October first, two thousand twenty-three or one hundred twenty-nine percent of the state median income, effective October first, two thousand twenty-four, including the provision of training to assist providers in meeting child care standards or regulatory requirements, and creating new child care opportunities, and assisting social services districts in assessing and responding to child care needs for persons at or below [~~two hundred percent of the state income standard, or three hundred percent of the state income standard effective August first, two thousand twenty-two, provided such persons are at or below eighty-five~~] one hundred three percent of the state median income effective October first, two thousand twenty-three or one hundred twenty-nine percent of the state median income, effective October first, two thousand twenty-four. The department shall have the authority to withhold funds from those agencies which do not meet performance standards. Agencies whose funds are withheld may have funds restored upon achieving performance standards. The other part shall be allocated to social services districts to provide

child care assistance to families receiving family assistance and to other low income families.

§ 2. Subdivisions 1 and 3 of section 410-w of the social services law, subdivision 1 as amended by section 2 of part L of chapter 56 of the laws of 2022, and subdivision 3 as amended by chapter 834 of the laws of 2022, are amended to read as follows:

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

(a) families receiving public assistance when such child care assistance is necessary: to enable a parent or caretaker relative to engage in work, participate in work activities or perform a community service pursuant to title nine-B of article five of this chapter; to enable a teenage parent to attend high school or other equivalent training program; because the parent or caretaker relative is physically or mentally incapacitated; or because family duties away from home necessitate the parent or caretaker relative's absence; child day care shall be provided during breaks in activities[~~, for a period of up to two weeks~~]. Such child day care [~~may~~] **shall** be authorized [~~for a period of up to one month if child care arrangements shall be lost if not continued, and the program or employment is scheduled to begin within such period~~] **for the period designated by the regulations of the department**;

(b) families with incomes up to [~~two hundred percent of the state income standard, or three hundred percent of the state income standard effective August first, two thousand twenty-two~~] **one hundred three percent of the state median income effective October first, two thousand twenty-three or one hundred twenty-nine percent of the state median income, effective October first, two thousand twenty-four,** who are attempting through work activities to transition off of public assistance when such child care is necessary in order to enable a parent or caretaker relative to engage in work provided such families' public assistance has been terminated as a result of increased hours of or income from employment or increased income from child support payments or the family voluntarily ended assistance; provided that the family received public assistance at least three of the six months preceding the month in which eligibility for such assistance terminated or ended or provided that such family has received child care assistance under subdivision four of this section[~~; and provided, the family income does not exceed eighty-five percent of the state median income~~];

(c) families with incomes up to [~~two hundred percent of the state income standard, or three hundred percent of the state income standard effective August first, two thousand twenty-two~~] **one hundred three percent of the state median income, effective October first, two thousand twenty-three or one hundred twenty-nine percent of the state median income, effective October first, two thousand twenty-four,** which are determined in accordance with the regulations of the department to be at risk of becoming dependent on family assistance[~~; provided, the family income does not exceed eighty-five percent of the state median income~~];

(d) families with incomes up to [~~two hundred percent of the state income standard, or three hundred percent of the state income standard effective August first, two thousand twenty-two~~] **one hundred three percent of the state median income, effective October first, two thousand twenty-three or one hundred twenty-nine percent of the state median income, effective October first, two thousand twenty-four,** who are attending a post secondary educational program[~~; provided, the family income does not exceed eighty-five percent of the state median income~~]; and

(e) other families with incomes up to [~~two hundred percent of the state income standard, or three hundred percent of the state income standard effective August first, two thousand twenty-two, which the social services district designates in its consolidated services plan as eligible for child care assistance~~] one hundred three percent of the state median income effective October first, two thousand twenty-three or one hundred twenty-nine percent of the state median income, effective October first, two thousand twenty-four, in accordance with criteria established by the department[~~; provided, the family income does not exceed eighty-five percent of the state median income~~].

3. A social services district shall guarantee child care assistance to families in receipt of public assistance with children under thirteen years of age when such child care assistance is necessary for a parent or caretaker relative to engage in work or participate in work activities pursuant to the provisions of title nine-B of article five of this chapter. Child care assistance shall continue to be guaranteed for such a family for a period of twelve months or may be provided by a social service district for a period up to twenty-four months, after the month in which the family's eligibility for public assistance has terminated or ended when such child care is necessary in order to enable the parent or caretaker relative to engage in work, provided that the family's public assistance has been terminated as a result of an increase in the hours of or income from employment or increased income from child support payments or because the family voluntarily ended assistance; that the family received public assistance in at least three of the six months preceding the month in which eligibility for such assistance terminated or ended or provided that such family has received child care assistance under subdivision four of this section; and that the family's income does not exceed [~~two hundred percent of the state income standard, or three hundred percent of the state income standard effective August first, two thousand twenty-two; and that the family income does not exceed eighty-five~~] one hundred three percent of the state median income effective October first, two thousand twenty-three or one hundred twenty-nine percent of the state median income, effective October first, two thousand twenty-four. Such child day care shall recognize the need for continuity of care for the child and a district shall not move a child from an existing provider unless the participant consents to such move.

§ 3. Paragraph (a) of subdivision 2 of section 410-x of the social services law, as amended by chapter 416 of the laws of 2000, is amended to read as follows:

(a) [~~A social services district~~] The department may establish priorities for the families which will be eligible to receive funding; provided that the priorities provide that eligible families will receive equitable access to child care assistance funds to the extent that these funds are available.

§ 4. Paragraphs (b) and (c) of subdivision 2 of section 410-x of the social services law are REPEALED.

§ 5. This act shall take effect October 1, 2023. The office of children and family services is hereby authorized to promulgate such rules and regulations as may be necessary, including on an emergency basis, to implement the provisions of this act.

PART V

Section 1. Section 3 of part N of chapter 56 of the laws of 2020, amending the social services law relating to restructuring financing for residential school placements, as amended by section 1 of part M of chapter 56 of the laws of 2022, is amended to read as follows:

§ 3. This act shall take effect immediately and shall expire and be deemed repealed April 1, [~~2023~~] **2024**; provided however that the amendments to subdivision 10 of section 153 of the social services law made by section one of this act, shall not affect the expiration of such subdivision and shall be deemed to expire therewith.

§ 2. This act shall take effect immediately.

PART W

Section 1. Section 11 of subpart A of part G of chapter 57 of the laws of 2012, amending the social services law and the family court act relating to establishing a juvenile justice services close to home initiative, as amended by section 2 of part G of chapter 56 of the laws of 2018, is amended to read as follows:

§ 11. This act shall take effect April 1, 2012 [~~and shall expire on March 31, 2023 when upon such date the provisions of this act shall be deemed repealed; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date; provided, however, upon the repeal of this act, a social services district that has custody of a juvenile delinquent pursuant to an approved juvenile justice services close to home initiative shall retain custody of such juvenile delinquent until custody may be legally transferred in an orderly fashion to the office of children and family services~~].

§ 2. Section 7 of subpart B of part G of chapter 57 of the laws of 2012, amending the social services law, the family court act and the executive law relating to juvenile delinquents, as amended by section 3 of part G of chapter 56 of the laws of 2018, is amended to read as follows:

§ 7. This act shall take effect April 1, 2012 [~~and shall expire on March 31, 2023 when upon such date the provisions of this act shall be deemed repealed; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date~~].

§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 31, 2023.

PART X

Section 1. Paragraph (a) of subdivision 8 of section 131-a of the social services law is amended by adding a new subparagraph (xi) to read as follows:

(xi) all of the income of a head of household or any person in the household, who is receiving such aid or for whom an application for such aid has been made, which is derived from participation in a program carried out under the federal workforce innovation and opportunity act (P.L. 113-128) or any successor act or public assistance employment, training or skills certification program, provided, however, that in the case of earned income such disregard must be applied for at least, but

no longer than, six consecutive months following the last day of the month in which such person commences employment after completing a qualifying job training or adult education program.

§ 2. This act shall take effect immediately.

PART Y

Section 1. The social services law is amended by adding a new section 152-d to read as follows:

§ 152-d. Replacement of stolen public assistance. 1. Notwithstanding section three hundred fifty-j of this article and subdivision eleven of section one hundred thirty-one of this title, and in accordance with this section, public assistance recipients shall receive replacement assistance for the loss of public assistance, as defined in subdivision nineteen of section two of this chapter, in instances when such public assistance has been stolen as a result of card skimming, cloning, third party misrepresentation or other similar fraudulent activities, consistent with guidance issued by the office of temporary and disability assistance.

2. The office of temporary and disability assistance shall establish a protocol for recipients to report incidents of stolen public assistance.

3. Social services districts shall promptly replace stolen public assistance, however, such replacement shall occur no later than seven business days after the date the victim submits a signed statement documenting the theft.

4. For public assistance that is verified as stolen, replacement assistance shall be provided by the social services district in accordance with this section as follows:

(a) replacement assistance shall be issued in an amount equal to the value of the stolen benefits; and

(b) (i) no more than twice in a calendar year to cover public assistance stolen on or after January first, two thousand twenty-two through December thirty-first, two thousand twenty-four; or (ii) no more than once in a calendar year to cover public assistance stolen on or after January first, two thousand twenty-five.

5. Any replacement assistance provided under this section shall be exempt from recoupment and recovery provisions under title six of article three of this chapter; provided, however, that assistance shall not be exempt from recoupment and recovery if it is later determined that the public assistance that was replaced pursuant to this section was not stolen as a result of card skimming, cloning, third party misrepresentation or other similar fraudulent activities.

§ 2. Section 95 of the social services law is amended by adding a new subdivision 12 to read as follows:

12. Notwithstanding any other provision of law to the contrary, the office shall direct social services districts to provide replacement benefits in instances of fraud or theft of supplemental nutrition assistance program benefits equal to the value of benefits stolen on or after January first, two thousand twenty-two, in the same manner as outlined in subdivision four of section one hundred fifty-two-d of this chapter, using funds from the supplemental nutrition assistance program, as authorized pursuant to Section 501(b)(2) of the Consolidated Appropriations Act of 2023, P.L. 117-328, emergency safety net assistance, emergency assistance to families, or emergency assistance to adults, as applicable.

§ 3. Subdivision 1 of section 303 of the social services law is amended by adding a new paragraph (p) to read as follows:

(p) In the event of a reported theft of emergency assistance previously issued pursuant to this section or theft of supplemental nutrition assistance benefits, emergency assistance equal to the value of the stolen benefits shall be provided in the same manner as outlined in subdivision four of section one hundred fifty-two-d of this chapter. Where replacement benefits have been issued pursuant to this paragraph, the district may require an assignment of any duplicative replacement benefits authorized by and issued pursuant to Section 501(b)(2) of the Consolidated Appropriations Act of 2023, P.L. 117-328, should such replacement benefits become available at a future time.

§ 4. Paragraph (e) of subdivision 2 of section 350-j of the social services law, as amended by section 38 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

(e) such occurrence or situation could not have been foreseen by the applicant[~~,~~] and was not under his or her control [~~and, in the case of a person receiving public assistance, did not result from the loss, theft or mismanagement of a regular public assistance grant~~]; and

§ 5. Section 350-j of the social services law is amended by adding a new subdivision 4 to read as follows:

4. In instances of fraud or theft of benefits occurring on or after January first, two thousand twenty-two, emergency assistance to needy families with children benefits shall be issued in an amount equal to the value of stolen family assistance, emergency assistance to needy families, pandemic electronic benefit transfer benefits, or supplemental nutrition assistance program benefits in the same manner as outlined in subdivision four of section one hundred fifty-two-d of this chapter.

Where replacement benefits are being issued pursuant to this subdivision, the district may reduce the amount designated to replace stolen supplemental nutrition assistance program benefits by any previously or contemporaneously received benefits authorized by and issued pursuant to Section 501(b)(2) of the Consolidated Appropriations Act of 2023, P.L. 117-328. Where replacement benefits are issued pursuant to this subdivision to replace stolen supplemental nutrition assistance program benefits, the district may require an assignment of any duplicative replacement benefits authorized by and issued pursuant to Section 501(b)(2) of the Consolidated Appropriations Act of 2023, P.L. 117-328 should such replacement benefits become available at a future time.

§ 6. Section 159 of the social services law is amended by adding a new subdivision 13 to read as follows:

13. Notwithstanding any other provision of law to the contrary, in instances of fraud or theft of benefits that occur on or after January first, two thousand twenty-two, the victim of such fraud or theft shall be provided emergency assistance benefits equal to the value of the stolen safety net assistance, emergency safety net assistance, pandemic electronic benefit transfer benefits, or supplemental nutrition assistance program benefits in the same manner as outlined in subdivision four of section one hundred fifty-two-d of this chapter. Where replacement benefits are being issued pursuant to this subdivision, the district may reduce the amount designated to replace stolen supplemental nutrition assistance program benefits by any previously or contemporaneously received benefits authorized by and issued pursuant to Section 501(b)(2) of the Consolidated Appropriations Act of 2023, P.L. 117-328. Where replacement benefits are issued pursuant to this subdivision to

replace stolen supplemental nutrition assistance program benefits, the district may require an assignment of any duplicative replacement benefits authorized by and issued pursuant to Section 501(b)(2) of the Consolidated Appropriations Act of 2023, P.L. 117-328 should such replacement benefits become available at a future time.

§ 7. This act shall take effect immediately.

PART Z

Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 131-o of the social services law, as amended by section 1 of part S of chapter 56 of the laws of 2022, are amended to read as follows:

(a) in the case of each individual receiving family care, an amount equal to at least [~~$161.00~~] $175.00 for each month beginning on or after January first, two thousand [~~twenty-two~~] twenty-three.

(b) in the case of each individual receiving residential care, an amount equal to at least [~~$186.00~~] $202.00 for each month beginning on or after January first, two thousand [~~twenty-two~~] twenty-three.

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least [~~$222.00~~] $241.00 for each month beginning on or after January first, two thousand [~~twenty-two~~] twenty-three.

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

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

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

§ 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part S of chapter 56 of the laws of 2022, are amended to read as follows:

(a) On and after January first, two thousand [~~twenty-two~~] twenty-three, for an eligible individual living alone, [~~$928.00~~] $1,001.00; and for an eligible couple living alone, [~~$1,365.00~~] $1,475.00.

(b) On and after January first, two thousand [~~twenty-two~~] twenty-three, for an eligible individual living with others with or without in-kind income, [~~$864.00~~] $937.00; and for an eligible couple living with others with or without in-kind income, [~~$1,307.00~~] $1,417.00.

(c) On and after January first, two thousand [~~twenty-two~~]twenty-three, (i) for an eligible individual receiving family care, [~~$1,107.48~~] $1,180.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~$1,069.48~~] $1,142.48; and (iv) for an eligible couple receiving such

care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(d) On and after January first, two thousand [~~twenty-two~~] twenty-three, (i) for an eligible individual receiving residential care, [~~$1,276.00~~] $1,349.00 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving residential care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~$1,246.00~~] $1,319.00; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(e) On and after January first, two thousand [~~twenty-two~~] twenty-three, (i) for an eligible individual receiving enhanced residential care, [~~$1,535.00~~] $1,608.00; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

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

§ 3. This act shall take effect December 31, 2023.

PART AA

Section 1. Subdivision 1 of section 696-a of the labor law, as added by chapter 88 of the laws of 2021, is amended to read as follows:

1. "Covered airport location" means John F. Kennedy International Airport [~~and~~], LaGuardia Airport, Stewart International Airport, or any location used to perform airline catering work as such work is described in subparagraph (iv) of paragraph (a) of subdivision two of this section.

§ 2. This act shall take effect immediately.

PART BB

Section 1. Subdivision 1 of section 196-b of the labor law, as added by section 1 of part J of chapter 56 of the laws of 2020, is amended to read as follows:

1. Every employer shall be required to provide its employees with sick leave as follows:

a. [~~For~~] Except as provided in paragraph b of this subdivision, for employers with four or fewer employees in any calendar year, each employee shall be provided with up to forty hours of unpaid sick leave in each calendar year; provided, however, an employer that employs four or fewer employees in any calendar year and that has a net income of greater than one million dollars in the previous tax year shall provide each employee with up to forty hours of paid sick leave pursuant to this section;

b. For employers with between five and ninety-nine employees in any calendar year and all employers of one or more domestic workers, each employee shall be provided with up to forty hours of paid sick leave in each calendar year. For purposes of this subdivision, "domestic worker"

shall mean any domestic worker as such term is defined in subdivision sixteen of section two of this chapter; and

c. For employers with one hundred or more employees in any calendar year, each employee shall be provided with up to fifty-six hours of paid sick leave each calendar year.

For purposes of determining the number of employees pursuant to this subdivision, a calendar year shall mean the twelve-month period from January first through December thirty-first. For all other purposes, a calendar year shall either mean the twelve-month period from January first through December thirty-first, or a regular and consecutive twelve-month period, as determined by an employer.

§ 2. This act shall take effect immediately.

PART CC

Section 1. Paragraph h of subdivision 2 of section 355 of the education law is amended by adding a new subparagraph 11 to read as follows:

(11) All current and future mandatory fees owed on or after January first, two thousand twenty-four, with the exclusion of the graduate student association student activities fee, shall not be charged to a graduate student serving a full-time or half-time appointment as a graduate teaching assistant, graduate assistant, graduate research assistant, graduate research associate, or a graduate teaching associate.

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

(g) All current and future mandatory fees owed on or after January first, two thousand twenty-four, with the exclusion of the graduate student association student activities fee, shall not be charged to a graduate student serving as a graduate assistant, adjunct instructor, adjunct lecturer, adjunct college laboratory technician or a non-teaching adjunct staff member.

§ 3. This act shall take effect immediately.

PART DD

Section 1. The veterans' services law is amended by adding a new section 29-b to read as follows:

§ 29-b. Staff sergeant Alex R. Jimenez New York state military immigrant family legacy program. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Uniformed service member" shall mean a member of the army, navy, air force, space corps, marine corps, coast guard, public health service commissioned corps, or national oceanic and atmospheric administration commissioned officer corps serving on active duty.

(b) "The program" shall mean the staff sergeant Alex R. Jimenez military immigrant family legacy program.

(c) "Coordinator" shall mean a military immigrant family legacy program coordinator appointed pursuant to subdivision three of this section.

(d) "Veteran" shall mean a person who served in the active military, naval or air service and who was discharged or released under conditions other than dishonorable.

(e) "Intended recipients" shall mean uniformed service members, veterans, reserve component members and their family members.

(f) "Reserve component members" shall mean those serving in the army reserve, navy reserve, marine corps reserve, the army national guard or

the air national guard during the time the unit was federally recognized as a reserve component.

2. There is hereby established within the department, in conjunction with the division of military and naval affairs, the staff sergeant Alex R. Jimenez New York state military immigrant family legacy program which shall be jointly developed and implemented by the commissioner and the adjutant general of the division of military and naval affairs, in consultation with the office for new Americans established pursuant to section ninety-four-b of the executive law, and in accordance with the provisions of this section. The primary purpose of the program shall be to assist intended recipients to secure legal immigration status in the United States, including but not limited to, citizenship.

3. Two military immigrant family legacy program coordinators shall be appointed, one appointed by the commissioner and one by the adjutant general of the division of military and naval affairs, to administer the program. Each coordinator shall be a veteran. The coordinators' duties shall include, but not be limited to:

(a) assisting intended recipients who may qualify for adjustment of status, special immigration status through the federal Parole in Place program authorized by section 1758 of the 2020 National Defense Authorization Act, or any other sort of relief that can lead to citizenship.

(b) communication with the commissioner and the adjutant general and the office for new Americans regarding existing policies and regulations pertaining to the needs of intended recipients and to make recommendations regarding the improvement of benefits and services to such intended recipients.

(c) serving as liaison between the department and the division of military and naval affairs, the United States citizenship and immigration services, immigration and customs enforcement, the United States department of veterans affairs, local veterans' service agencies, state agencies, community groups, advocates, and other veterans and military organizations and interested parties.

(d) consulting with qualified immigration attorneys or duly authorized board of immigration appeals approved representatives to facilitate such coordination with the United States citizenship and immigration services or other appropriate agency.

(e) advocating for intended recipients.

(f) developing and maintaining a clearinghouse for information and resources relating to the program.

(g) promoting events and activities that educate and assist intended recipients, including but not limited to, veteran human rights conferences, veterans benefit and resources events.

(h) including the contributions that intended recipients have made on behalf of the United States and this state on the department's official website.

(i) developing information to be made available to congressionally chartered veterans' organizations, and local veterans' services agencies to provide a general overview of the program, including but not limited to, its purpose and the eligibility requirements for adjustment of status, citizenship, or any other form of available relief.

(j) preparing reports on topics, including but not limited to, the demographics of intended recipients, the number of such intended recipients by county, and the unique needs of the intended recipients within New York state to the commissioner, the adjutant general of the division of military and naval affairs and the office for new Americans.

4. The coordinators shall submit a report to the commissioner and to the adjutant general of the division of military and naval affairs on January first each year following the first full year after the effective date of this section. Such report shall include, but not be limited to, a description of the coordinators' activities for the preceding calendar year. The commissioner shall submit the report to the governor and the legislature in accordance with the provisions of section four of this article. The adjutant general of the division of military and naval affairs shall submit the report to the governor and the legislature in accordance with the provisions of section one hundred sixty-four of the executive law.

§ 2. Section 4 of the veterans' services law is amended by adding a new subdivision 38 to read as follows:

38. To encourage the development of and provide for the establishment of a state military immigrant family legacy program coordinator, as provided in section twenty-nine-b of this article.

§ 3. The military law is amended by adding a new section 256 to read as follows:

§ 256. State military immigrant family legacy program support. The adjutant general shall encourage the development of and provide for the establishment of a state military immigrant family legacy program coordinator, as provided in section twenty-nine-b of the veterans' services law.

§ 4. Paragraph (l) of subdivision 5 of section 94-b of the executive law, as added by chapter 206 of the laws of 2014, is amended to read as follows:

(l) (i) Coordinate with other state agencies and otherwise marshal the resources of the state to serve the needs of immigrants, and (ii) advise the state military immigrant family legacy program coordinators pursuant to section twenty-nine-b of the veterans' services law;

§ 5. This act shall take effect on the ninetieth day after it shall have become a law, provided however, that if section 2 of part PP of chapter 56 of the laws of 2022 shall not have taken effect on or before such date, then this act shall take effect on the same date and in the same manner as such section of such part of such chapter of the laws of 2022 takes effect.

PART EE

Section 1. Subdivision 1 of section 350 of the social services law is amended by adding a new paragraph (c) to read as follows:

(c) In accordance with the regulations of the department approved by the director of the budget, allowances granted under the provisions of this title may include the costs of diapers for an eligible child, two years of age or younger. Said allowances shall not exceed eighty dollars, every three months, per eligible child.

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

PART FF

Section 1. The arts and cultural affairs law is amended by adding a new section 3.17 to read as follows:

§ 3.17. Arts and cultural districts. 1. For the purposes of this section, "arts and cultural districts" means geographic areas of a city, town or village with a concentration of arts or cultural facilities

located within its boundaries. Two or more local governments may jointly apply for a designated district where the proposed geographic area of such district shall extend across commonly held jurisdictional boundaries.

2. The council, in cooperation with the department of economic development and any other state department, office, division or agency the council deems necessary, shall develop criteria and guidelines for state designated arts and cultural districts. Criteria developed by the council, in cooperation with the department of economic development and any other state department, office, division or agency the council deems necessary, to designate a district shall, to the extent practicable, include, but not be limited to, determinations that such district: (a) attracts artists or cultural enterprises to the community, (b) encourages enterprise and job development due to the concentration of artistic or cultural activity, a major arts or cultural institution or facility, arts and entertainment businesses, an area with arts and cultural activities, or artistic or cultural production, (c) attracts a sufficient amount of tourism, (d) enhances local property values and fosters local cultural development, (e) engages in the promotional, preservation, and educational aspects of the arts and culture of the community and contribute to the public through interpretive, educational, or recreational uses; or (f) satisfies additional criteria as determined by the council that will further the purposes of this section. The council, in cooperation with the department of economic development and any other state department, office, division or agency the council deems necessary, shall also develop guidelines that provide assistance to a city, town, or village, or multiple local governments applying jointly in developing an application for district certification. For any state designated arts and cultural district, the department of economic development, in cooperation with the council and any other state department, office, division or agency the department deems necessary, shall provide state supported assistance to the district in its activities, including but not limited to technical assistance in applying for federal and non-profit grants, marketing expertise, identification of other state resources that may assist a district's activities or programs that could be created or expanded within state agencies to assist districts.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.

PART GG

Section 1. The public housing law is amended by adding a new article 14-A to read as follows:

ARTICLE 14-A

HOUSING ACCESS VOUCHER PROGRAM

Section 605. Legislative findings.
606. Definitions.
607. Housing access voucher program.
608. Eligibility.
609. Funding allocation and distribution.
610. Payment of housing vouchers.
611. Leases and tenancy.
612. Rental obligation.
613. Monthly assistance payment.
614. Inspection of units.

615. Rent.
616. Vacated units.
617. Leasing of units owned by a housing access voucher local administrator.
618. Verification of income.
619. Division of an assisted family.
620. Maintenance of effort.
621. Vouchers statewide.
622. Applicable codes.
623. Housing choice.

§ 605. Legislative findings. The legislature finds that it is in the public interest of the state to ensure that individuals and families are not rendered homeless because of an inability to pay the cost of housing, and to aid individuals and families who are homeless or face an imminent loss of housing in obtaining and maintaining suitable permanent housing in accordance with the provisions of this article.

§ 606. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Homeless" means lacking a fixed, regular, and adequate nighttime residence; having a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, campground, or other place not meant for human habitation; living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by federal, state or local government programs for low-income individuals or by charitable organizations, congregate shelters, or transitional housing); exiting an institution where an individual or family has resided and lacking a regular fixed and adequate nighttime residence upon release or discharge; individuals released or scheduled to be released from incarceration and lacking a regular fixed and adequate nighttime residence upon release or discharge; being a homeless family with children or unaccompanied youth defined as homeless under 42 U.S.C. § 11302(a); having experienced a long-term period without living independently in permanent housing or having experienced persistent instability as measured by frequent moves and being reasonably expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, multiple barriers to employment, or other dangerous or life-threatening conditions, including conditions that relate to violence against an individual or a family member.

2. "Imminent loss of housing" means having received a verified rent demand or a petition for eviction; having received a court order resulting from an eviction action that notifies the individual or family that they must leave their housing; facing loss of housing due to a court order to vacate the premises due to hazardous conditions, which may include but not be limited to asbestos, lead exposure, mold, and radon; having a primary nighttime residence that is a room in a hotel or motel and lacking the resources necessary to stay; facing loss of the primary nighttime residence, which may include living in the home of another household, where the owner or renter of the housing will not allow the individual or family to stay, provided further, that an assertion from an individual or family member alleging such loss of housing or homelessness shall be sufficient to establish eligibility; or fleeing or

attempting to flee domestic violence, dating violence, sexual assault, stalking, human trafficking or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, provided further that an assertion from an individual or family member alleging such abuse and loss of housing shall be sufficient to establish eligibility.

3. "Public housing agency" means any county, municipality, or other governmental entity or public body that is authorized to administer any public housing program (or an agency or instrumentality of such an entity), and any other public or private non-profit entity that administers any other public housing program or assistance.

4. "Section 8 local administrator" means a public housing agency that administers the Section 8 Housing Choice Voucher program under section 8 of the United States housing act of 1937 within a community, county or region, or statewide, on behalf of and under contract with the housing trust fund corporation.

5. "Housing access voucher local administrator" means a public housing agency, as defined in subdivision three of this section, or Section 8 local administrator designated to administer the housing access voucher program within a community, county or region, or statewide, on behalf of and under contract with the housing trust fund corporation. In the city of New York, the housing access voucher local administrator shall be the New York city department of housing preservation and development, or the New York city housing authority, or both.

6. "Family" means a group of persons residing together. Such group includes, but is not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family) or any remaining members of a tenant family. The commissioner shall have the discretion to determine if any other group of persons qualifies as a family.

7. "Owner" means any private person or any entity, including a cooperative, an agency of the federal government, or a public housing agency, having the legal right to lease or sublease dwelling units.

8. "Dwelling unit" means a single-family dwelling, including attached structures such as porches and stoops; or a single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the residence of one or more persons.

9. "Income" shall mean the same as it is defined by 24 CFR § 5.609 and any amendments thereto.

10. "Adjusted income" shall mean the same as it is defined by 24 CFR § 5.611 and any amendments thereto.

11. "Reasonable rent" means rent not more than the rent charged on comparable units in the private unassisted market and rent charged for comparable unassisted units in the premises.

12. "Fair market rent" means the fair market rent for each rental area as promulgated annually by the United States department of housing and urban development pursuant to 42 U.S.C. 1437f.

13. "Voucher" means a document issued by the housing trust fund corporation pursuant to this article to an individual or family selected for admission to the housing access voucher program, which describes such program and the procedures for approval of a unit selected by the family and states the obligations of the individual or family under the program.

14. "Lease" means a written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by an individual or family with housing assistance payments under a contract between the owner and the housing access voucher local administrator.

15. "Dependent" means any member of the family who is neither the head of household, nor the head of the household's spouse, and who is:

(a) under the age of eighteen;

(b) a person with a disability; or

(c) a full-time student.

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

17. "Child care expenses" means expenses relating to the care of children under the age of thirteen.

18. "Severely rent burdened" means those individuals and families who pay more than fifty percent of their income in rent as defined by the United States census bureau.

19. "Disability" means:

(a) the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months; or

(b) in the case of an individual who has attained the age of fifty-five and is blind, the inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which they have previously engaged with some regularity and over a substantial period of time; or

(c) a physical, mental, or emotional impairment which:

(i) is expected to be of long-continued and indefinite duration;

(ii) substantially impedes his or her ability to live independently; and

(iii) is of such a nature that such ability could be improved by more suitable housing conditions; or

(d) a developmental disability that is a severe, chronic disability of an individual that:

(i) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(ii) is manifested before the individual attains age twenty-two;

(iii) is likely to continue indefinitely;

(iv) results in substantial functional limitations in three or more of the following areas of major life activity:

(A) self-care;

(B) receptive and expressive language;

(C) learning;

(D) mobility;

(E) self-direction;

(F) capacity for independent living; or

(G) economic self-sufficiency; and

(v) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

§ 607. Housing access voucher program. The commissioner, subject to the appropriation of funds for this purpose, shall implement a program of rental assistance in the form of housing vouchers for eligible individuals and families who are homeless or who face an imminent loss of

housing in accordance with the provisions of this article. The housing trust fund corporation shall issue vouchers pursuant to this article, subject to appropriation of funds for this purpose, and may contract with the division of housing and community renewal to administer any aspect of this program in accordance with the provisions of this article. The commissioner shall designate housing access voucher local administrators in the state to make vouchers available to such individuals and families and to administer other aspects of the program in accordance with the provisions of this article.

§ 608. Eligibility. The commissioner shall promulgate standards for determining eligibility for assistance under this program. Individuals and families who meet the standards shall be eligible regardless of immigration status. Eligibility shall be limited to individuals and families who are homeless or facing imminent loss of housing. Housing access voucher local administrators may rely on a certification from a social services provider serving homeless individuals, including, but not limited to, homeless shelters to determine whether an applicant qualifies as a homeless individual or family.

1. An individual or family shall be eligible for this program if they are homeless or facing imminent loss of housing and have an income of no more than fifty percent of the area median income, as defined by the United States department of housing and urban development.

2. An individual or family in receipt of rental assistance pursuant to this program shall be no longer financially eligible for such assistance under this program when thirty percent of the individual's or family's adjusted income is greater than or equal to the total rent for the dwelling unit.

3. When an individual or family becomes financially ineligible for rental assistance under this program pursuant to subdivision two of this section, the individual or family shall retain rental assistance for a period no shorter than one year, subject to appropriation of funds for this purpose.

4. Income eligibility shall be verified prior to a housing access voucher local administrator's initial determination to provide rental assistance for this program and upon determination of such eligibility, an individual or family shall annually certify their income for the purpose of determining continued eligibility and any adjustments to such rental assistance.

5. The commissioner may collaborate with the office of temporary and disability assistance and other state and city agencies to allow a housing access voucher local administrator to access income information for the purpose of determining an individual's or family's initial and continued eligibility for the program.

6. Reviews of income shall be made no less frequently than annually.

§ 609. Funding allocation and distribution. 1. Subject to appropriation, funding shall be allocated by the commissioner in each county except for those counties located within the city of New York, the initial allocation shall be in proportion to the number of households in each county or the city of New York who are severely rent burdened based on data published by the United States census bureau. Funding for counties located within the city of New York shall be allocated directly to the New York city department of housing preservation and development and/or the New York city housing authority, as appropriate, in proportion to the number of households in New York city as compared to the rest of the state of New York who are severely rent burdened based on data published by the United States census bureau.

2. The commissioner shall be responsible for distributing the funds allocated in each county not located within the city of New York among housing access voucher local administrators operating in each county or in the city of New York.

3. Priority shall be given to applicants who are homeless. The commissioner shall have the discretion to establish further priorities as appropriate.

4. Up to ten percent of the funds allocated may be used by the commissioner and the housing access voucher local administrator for administrative expenses attributable to administering the housing access voucher program.

§ 610. Payment of housing vouchers. The housing voucher shall be paid directly to any owner under a contract between the owner of the dwelling unit to be occupied by the voucher recipient and the appropriate housing access voucher local administrator. The commissioner shall determine the form of the housing assistance payment contract and the method of payment. A housing assistance payment contract entered into pursuant to this section shall establish the payment standard (including utilities and all maintenance and management charges) which the owner is entitled to receive for each dwelling unit with respect to which such assistance payments are to be made. The payment standard shall not exceed one hundred twenty percent nor be less than ninety percent of the fair market rent for the rental area in which it is located. Fair market rent shall be determined pursuant to the procedures and standards as set forth in the Federal Housing Choice voucher program, as set forth in the applicable sections of Part 888 of Title 24 of the Code of Federal Regulations. Fair market rent for a rental area shall be published not less than annually by the commissioner and shall be made available on the website of New York state homes and community renewal.

§ 611. Leases and tenancy. Each housing assistance payment contract entered into by a housing access voucher local administrator and the owner of a dwelling unit shall provide:

1. that the lease between the tenant and the owner shall be for a term of not less than one year, except that the housing access voucher local administrator may approve a shorter term for an initial lease between the tenant and the dwelling unit owner if the housing access voucher local administrator determines that such shorter term would improve housing opportunities for the tenant and if such shorter term is considered to be a prevailing local market practice;

2. that the dwelling unit owner shall offer leases to tenants assisted under this article that:

(a) are in a standard form used in the locality by the dwelling unit owner; and

(b) contain terms and conditions that:

(i) are consistent with state and local law; and

(ii) apply generally to tenants in the property who are not assisted under this article;

(c) shall provide that during the term of the lease, the owner shall not terminate the tenancy except for serious or repeated violation of the terms and conditions of the lease, for violation of applicable state or local law, or for other good cause, including, but not limited to, the non-payment of the tenant's portion of the rent owed, and in the case of an owner who is an immediate successor in interest pursuant to foreclosure during the term of the lease vacating the property prior to sale shall not constitute other good cause, except that the owner may

terminate the tenancy effective on the date of transfer of the unit to the owner if the owner:

(i) will occupy the unit as a primary residence; and

(ii) has provided the tenant a notice to vacate at least ninety days before the effective date of such notice;

(d) shall provide that any termination of tenancy under this section shall be preceded by the provision of written notice by the owner to the tenant specifying the grounds for that action, and any relief shall be consistent with applicable state and local law;

3. that any unit under an assistance contract originated under this article shall only be occupied by the individual or family designated in said contract and shall be the designated individual or family's primary residence. Contracts shall not be transferable between units and shall not be transferable between recipients. A family or individual may transfer their voucher to a different unit under a new contract pursuant to this article;

4. that an owner shall not charge more than a reasonable rent as defined in section six hundred six of this article.

§ 612. Rental obligation. The monthly rental obligation for an individual or family receiving housing assistance pursuant to the housing access voucher program shall be the greater of:

1. thirty percent of the monthly adjusted income of the family or individual; or

2. If the family or individual is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated. These payments include, but are not limited to any shelter assistance or housing assistance administered by any federal, state or local agency.

§ 613. Monthly assistance payment. 1. The amount of the monthly assistance payment with respect to any dwelling unit shall be the difference between the maximum monthly rent which the contract provides that the owner is to receive for the unit and the rent the individual or family is required to pay under section six hundred twelve of this article.

2. The commissioner shall establish maximum rent levels for different sized rentals in each rental area in a manner that promotes the use of the program in all localities based on the fair market rent of the rental area. Rental areas shall be determined by the commissioner. The commissioner may rely on data or other information promulgated by any other state or federal agency in determining the rental areas and fair market rent.

3. The payment standard for each size of dwelling unit in a rental area shall not be less than ninety percent and shall not exceed one hundred twenty percent of the fair market rent established in section six hundred six of this article for the same size of dwelling unit in the same rental area, except that the commissioner shall not be required as a result of a reduction in the fair market rent to reduce the payment standard applied to a family continuing to reside in a unit for which the family was receiving assistance under this article at the time the fair market rent was reduced.

§ 614. Inspection of units. Inspection of units shall be conducted pursuant to the procedures and standards of the Federal Housing Choice voucher program, as set forth in the applicable sections of Part 982 of Title 24 of the Code of Federal Regulations.

§ 615. Rent. 1. The rent for dwelling units for which a housing assistance payment contract is established under this article shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted local market.

2. A housing access voucher local administrator (or other entity, as provided in section six hundred seventeen of this article) may, at the request of an individual or family receiving assistance under this article, assist that individual or family in negotiating a reasonable rent with a dwelling unit owner. A housing access voucher local administrator (or other such entity) shall review the rent for a unit under consideration by the individual or family (and all rent increases for units under lease by the individual or family) to determine whether the rent (or rent increase) requested by the owner is reasonable. If a housing access voucher local administrator (or other such entity) determines that the rent (or rent increase) for a dwelling unit is not reasonable, the housing access voucher local administrator (or other such entity) shall not make housing assistance payments to the owner under this subdivision with respect to that unit.

3. If a dwelling unit for which a housing assistance payment contract is established under this article is exempt from local rent control provisions during the term of that contract, the rent for that unit shall be reasonable in comparison with other units in the rental area that are exempt from local rent control provisions.

4. Each housing access voucher local administrator shall make timely payment of any amounts due to a dwelling unit owner under this section, subject to appropriation of funds for this purpose.

§ 616. Vacated units. If an assisted family vacates a dwelling unit for which rental assistance is provided under a housing assistance payment contract before the expiration of the term of the lease for the unit, rental assistance pursuant to such contract may not be provided for the unit after the month during which the unit was vacated.

§ 617. Leasing of units owned by a housing access voucher local administrator. 1. If an eligible individual or family assisted under this article leases a dwelling unit (other than a public housing dwelling unit) that is owned by a housing access voucher local administrator administering assistance to that individual or family under this section, the commissioner shall require the unit of general local government or another entity approved by the commissioner, to make inspections required under section six hundred fourteen of this article and rent determinations required under section six hundred fifteen of this article. The housing access voucher local administrator shall be responsible for any expenses of such inspections and determinations, subject to the appropriation of funds for this purpose.

2. For purposes of this section, the term "owned by a housing access voucher local administrator" means, with respect to a dwelling unit, that the dwelling unit is in a project that is owned by such administrator, by an entity wholly controlled by such administrator, or by a limited liability company or limited partnership in which such administrator (or an entity wholly controlled by such administrator) holds a controlling interest in the managing member or general partner. A dwelling unit shall not be deemed to be owned by a housing access voucher local administrator for purposes of this section because such administrator holds a fee interest as ground lessor in the property on which the unit is situated, holds a security interest under a mortgage or deed of trust on the unit, or holds a non-controlling interest in an entity

which owns the unit or in the managing member or general partner of an entity which owns the unit.

§ 618. Verification of income. The commissioner shall establish procedures which are appropriate and necessary to assure that income data provided to the housing access voucher local administrator and owners by individuals and families applying for or receiving assistance under this article is complete and accurate. In establishing such procedures, the commissioner shall randomly, regularly, and periodically select a sample of families to authorize the commissioner to obtain information on these families for the purpose of income verification, or to allow those families to provide such information themselves. Such information may include, but is not limited to, data concerning unemployment compensation and federal income taxation and data relating to benefits made available under the social security act, 42 U.S.C. 301 et seq., the food and nutrition act of 2008, 7 U.S.C. 2011 et seq., or title 38 of the United States Code. Any such information received pursuant to this section shall remain confidential and shall be used only for the purpose of verifying incomes in order to determine eligibility of individuals and families for benefits (and the amount of such benefits, if any) under this article.

§ 619. Division of an assisted family. 1. In those instances where a family assisted under this article becomes divided into two otherwise eligible individuals or families due to divorce, legal separation or the division of the family, where such individuals or families cannot agree as to which such individual or family should continue to receive the assistance, and where there is no determination by a court, the housing access voucher local administrator shall consider the following factors to determine which of the individuals or families will continue to be assisted:

(a) which of such individuals or families has custody of dependent children;

(b) which such individual was the head of household when the voucher was initially issued as listed on the initial application;

(c) the composition of such individuals and families and which such family includes elderly or disabled members;

(d) whether domestic violence was involved in the breakup of such family;

(e) which family members remain in the unit; and

(f) recommendations of social services professionals.

2. Documentation of these factors will be the responsibility of the requesting parties. If documentation is not provided, the housing access voucher local administrator will terminate assistance on the basis of failure to provide information necessary for a recertification.

§ 620. Maintenance of effort. Any funds made available pursuant to this article shall not be used to offset or reduce the amount of funds previously expended for the same or similar programs in a prior year in any county or in the city of New York, but shall be used to supplement any prior year's expenditures. The commissioner may grant an exception to this requirement if any county, municipality, or other governmental entity or public body can affirmatively show that such amount of funds previously expended is in excess of the amount necessary to provide assistance to all individuals and families within the area in which the funds were previously expended who are homeless or facing an imminent loss of housing.

§ 621. Vouchers statewide. Notwithstanding section six hundred eleven of this article, any voucher issued pursuant to this article may be used

for housing anywhere in the state. The commissioner shall inform voucher holders that a voucher may be used anywhere in the state and, to the extent practicable, the commissioner shall assist voucher holders in finding housing in the area of their choice. Provided further, however, that a voucher must be used in the county in which it was issued, or within the city of New York, if the voucher was issued within the city of New York, for no less than one year before it can be used in a different jurisdiction, unless the issuing housing access voucher local administrator grants a waiver, or the voucher holder, or a family member thereof, is or has been the victim of domestic violence, dating violence, sexual assault, or stalking.

§ 622. Applicable codes. Housing eligible for participation in the housing access voucher program shall comply with applicable state and local health, housing, building and safety codes.

§ 623. Housing choice. 1. The commissioner shall administer the housing access voucher program under this article to promote housing choice for voucher holders. The commissioner shall affirmatively promote fair housing to the extent possible under this program.

2. Nothing in this article shall lessen or abridge any fair housing obligations promulgated by municipalities, localities, or any other applicable jurisdiction.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule, regulation, plan or guidance document necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date; provided further that any rule, regulation, plan or guidance document shall apply only to those counties located outside of the city of New York. The New York city department of housing preservation and development and the New York city housing authority, as applicable, shall promulgate or release rules, regulations, plans or guidance documents as necessary for the implementation of this act within the city of New York.

PART HH

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

§ 210-d. Registration of curricula. 1. Notwithstanding any law, rule or regulation to the contrary, any new curriculum or program of study offered by any not-for-profit college or university chartered by the regents or incorporated by special act of the legislature that does not require a master plan amendment pursuant to section two hundred thirty-seven of this part, charter amendment pursuant to section two hundred sixteen of this part, or lead to professional licensure, and that is approved by the state university board of trustees, the city university board of trustees, or the trustees or governing body of any other not-for-profit college or university chartered by the regents which (a) has maintained a physical presence in the state for the immediately preceding ten years and has been operated continuously by the same governing body during the same immediately preceding ten-year period, and (b) is accredited and has continued its accreditation by the Middle States Commission on Higher Education or another institutional accrediting agency recognized by the secretary of the United States department of education or the department for the immediately preceding ten years, shall be deemed registered with the department forty-five days after notification of approval by such college or university's governing body

and submission of a complete application for review. If within forty-five days of submission, the department determines the new curriculum or program of study to be incomplete or insufficient, a written explanation shall be provided to the institution. Upon curing, the new curriculum or program of study shall be deemed registered with the department thirty days after resubmission, or earlier upon the department's approval.

2. Any not-for-profit college or university that meets the criteria set forth in subdivision one of this section which has received curriculum or program approval from the department and seeks to offer the same curriculum or program in a distance learning format shall not need to have such curriculum or program re-approved by the department, but shall inform the department of such college's or university's intent to offer such program in such format within thirty days prior to providing distance learning.

3. If a college or university is placed on probation or has its accreditation terminated by the institutional accrediting agency, such college or university shall notify the regents in writing no later than thirty days after receiving notice of its probationary status or loss of accreditation by the institutional accrediting agency.

4. Any college or university which has its accreditation placed on probation or terminated by the institutional accrediting agency or the education department shall be subject to the commissioner's program approval until it has been removed from probation or regained accreditation by the institutional accrediting agency or the education department, and shall further remain subject to such commissioner's program approval until it has continued without probation for a period of not less than six years.

5. If a college or university subject to this section intends to offer or institute an additional degree or program which constitutes a substantive change as defined and determined by the institutional accrediting agency, then such college or university shall provide the commissioner with copies of any reports or other documents filed with the institutional accrediting agency as part of the institutional accrediting agency's substantive change review process and shall inform the commissioner when the substantive change is approved.

6. Any such college or university that does not satisfy all of the provisions of this section shall comply with the procedures and criteria established by the regents and commissioner for academic program approval. Nothing in this section shall be deemed to limit the department's existing authority to investigate a complaint concerning the institution, or any program offered, including the authority to deregister the program.

7. The commissioner shall establish and maintain a database, accessible to institutions seeking curriculum or program approval, which shall provide updated information on the current status of an institution's submitted requests. To the extent practicable, the database shall include, but is not limited to, the following information:

(a) acknowledgement and date of receipt of submission;

(b) the initial review by an office of college and university evaluation;

(c) questions from the department to the specific institution and receipt of answers provided by the institution in response; and

(d) any remarks and the final decision made by the department regarding a curriculum's or program's approval or disapproval.

8. The commissioner is hereby authorized to promulgate rules and regulations necessary for the implementation of this section.

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

PART II

Section 1. Subdivision 14 of section 131-a of the social services law, as amended by section 1 of part ZZ of chapter 59 of the laws of 2018, is amended to read as follows:

14. In determining the [~~need for~~] **amount of** aid provided pursuant to public assistance programs, each person living with medically diagnosed HIV infection [~~as defined by the AIDS institute of the department of health in social services districts with a population over five million~~] who **applies for or** is receiving [~~services through such district's administrative unit providing HIV/AIDS services,~~] public assistance and **has** earned and/or unearned income, **up to two hundred percent of the federal poverty guidelines,** shall not be required to pay more than thirty percent of his or her monthly earned and/or unearned income toward the cost of rent that such person has a direct obligation to pay; this provision shall not apply to **the amount of payment obligations for** room and board arrangements **attributable to the provision of goods and services other than living space**.

§ 2. Subdivision 15 of section 131-a of the social services law is REPEALED and a new subdivision 15 is added to read as follows:

15. Notwithstanding the provisions of this chapter or of any other law or regulation to the contrary, in determining the amount of aid provided pursuant to public assistance programs, social service districts shall, upon application, provide access to emergency shelter, transportation, or nutrition payments which the district determines are necessary to establish or maintain independent living arrangements among persons living with medically diagnosed HIV infection who are homeless or facing homelessness and for whom no viable and less costly alternative to housing is available, including HIV emergency shelter allowance payments in excess of those promulgated by the office of temporary and disability assistance but not exceeding an amount reasonably approximate to one hundred ten percent of fair market rent as determined by the federal department of housing and urban development.

§ 3. Section 131 of the social services law is amended by adding two new subdivisions 21 and 22 to read as follows:

21. When necessary, each local social services district shall assist persons with medically diagnosed HIV infection by (i) helping to secure the required documentation to determine eligibility for assistance, (ii) arranging for required face-to-face interviews to be conducted during home visits or at other appropriate sites, and (iii) providing referrals for services as well as other resources and materials as described in subdivision twenty-two of this section.

22. The office, in consultation with the department of health, shall create, maintain, and periodically update information on the office's website regarding resources and services throughout the state, including the location of such services, which shall include but not be limited to, community based supports, employment opportunities, and medical professionals specialized in assisting such persons with medically diagnosed HIV infection to be utilized by the local social services

districts. Such information shall also be made available on the office's website.

§ 4. Paragraphs f and (g) of subdivision 1 of section 153 of the social services law, paragraph f as amended by chapter 81 of the laws of 1995 and paragraph (g) as amended by chapter 471 of the laws of 1980, are amended and a new paragraph h is added to read as follows:

f. the full amount expended by any district, city, town or Indian tribe for the costs, including the costs of administration of public assistance and care to eligible needy Indians and members of their families residing on any Indian reservation in this state, after first deducting therefrom any federal funds properly received or to be received on account thereof[~~.~~];

[~~(g)~~] g. fifty per centum of the amount expended for substance abuse services pursuant to this chapter, after first deducting therefrom any federal funds properly received or to be received on account thereof. In the event funds appropriated for such services are insufficient to provide full reimbursement of the total of the amounts claimed by all social services districts pursuant to this section then reimbursement shall be in such proportion as each claim bears to such total[~~.~~]; and

h. notwithstanding any inconsistent provision of law, one hundred per centum of safety net or family assistance expenditures, in social services districts with a population of five million or fewer, for HIV emergency shelter allowance payments in excess of those promulgated by the office of temporary and disability assistance but not exceeding an amount reasonably approximate to one hundred ten percent of fair market rent as determined by the federal department of housing and urban development, and for transportation or nutrition payments, which the district determines are necessary to establish or maintain independent living arrangements among persons living with medically diagnosed HIV infection and who are homeless or facing homelessness and for whom no viable and less costly alternative to housing is available, after first deducting therefrom any federal funds properly received or to be received on account thereof.

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

PART JJ

Section 1. Short title. This act shall be known and may be cited as the "NYCHA utility accountability act".

§ 2. Section 402-e of the public housing law is amended by adding a new subdivision 5 to read as follows:

5. Where there is a disruption in the New York city housing authority's provision of heat, water, gas, or electricity service to any tenant, the New York city housing authority shall, at a minimum, reduce the amount of rent to be paid by such tenant for the following month by the greater of either (a) seventy-five dollars per month, on a prorated daily basis for each day such tenant experienced a disruption of heat, water, gas, or electricity service; or (b) the amount equal to ten percent of such tenant's prorated daily cost of rent for each day such tenant experienced a disruption of heat, water, gas, or electricity service.

§ 3. This act shall take effect immediately.

PART KK

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

§ 131-ss. Automated identification of affordability program participants. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "Commissioner" shall mean the commissioner of the office of temporary and disability assistance.

(b) "Affordability program participant" shall mean a household that is determined to be eligible by the appropriate agency for any of the following programs:

(i) Public assistance;

(ii) Supplemental security income;

(iii) Supplemental Nutrition Assistance Program (SNAP);

(iv) Low income home energy assistance program;

(v) Veteran's disability pension;

(vi) Veteran's surviving spouse pension;

(vii) Child health plus;

(viii) Lifeline; and

(ix) Any other income-based assistance program identified by the public service commission in consultation with the office.

(c) "Office" shall mean the office of temporary disability assistance.

(d) "Utility corporation" shall mean a corporation regulated pursuant to article two of the public service law.

(e) "Utility corporation energy affordability programs" shall be defined by the public service commission and shall include programs which are intended to assist customers with energy affordability by reducing customers' energy burden.

2. Within one hundred eighty days of the effective date of this section, the commissioner shall establish a statewide program to provide for automated identification of eligible affordability program participants for participation in utility corporation energy affordability programs.

3. The office shall engage with utility corporations to establish automated file matching mechanisms that will provide, via electronic means, to utility corporations a list of eligible affordability program participants within the utility corporation's service territory.

4. The office shall conduct automated file matching to identify utility corporation customer accounts that are also affordability program participants and such information shall be provided to utility corporations no less than semi-annually. Utility corporation customer accounts identified by the office as eligible for participation in available utility corporation energy affordability programs as a result of such file matching shall be enrolled in such programs within sixty days of receipt of the office communicating the results of the automated file matching to the utility corporation. Any information provided to the utility corporations related to affordability program participants pursuant to this section shall be redacted as necessary to protect any information that is protected under any state or federal privacy laws, kept confidential, and shall only be utilized for the purpose of confirming eligibility in the utility corporation energy affordability program.

5. Upon automatic enrollment, the commissioner shall further notify the affordability program participants of other programs that such participants are eligible for, and to the extent permissible by state and federal law, shall develop systems and procedures to obtain consent

for automatic enrollment into any of the programs listed in paragraph (b) of subdivision one of this section.

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

7. The commissioner may delegate the administration of any portion of this program to any state agency, city, county, town, contractor or non-profit organization in accordance with the provisions of this article and applicable federal requirements. Provided however, such privacy and confidentiality limitations prescribed in subdivision four of this section shall apply to any entity that the commissioner delegates the administration of the program to.

§ 2. This act shall take effect immediately.

PART LL

Section 1. The state finance law is amended by adding a new section 99-qq to read as follows:

§ 99-qq. New York state youth sports initiative grants fund. 1. A special fund to be known as the "New York state youth sports initiative grants fund" is hereby established in the custody of the state comptroller and the commissioner of children and family services.

2. The fund shall consist of all monies appropriated for its purpose, all monies transferred to such fund pursuant to law, all monies required by this section or any other provision of law to be paid into or credited to the fund and any interest earnings which may accrue from the investment of monies in the fund. Nothing contained herein shall prevent the comptroller or commissioner of children and family services from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law.

3. Monies of the fund, when allocated, shall be available to make grants to eligible not-for-profit youth sports organizations. Not-for-profit youth sports organizations shall be chosen by the commissioner of children and family services for such grants based on criteria established by the commissioner of children and family services for such purpose.

4. Monies shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the commissioner of children and family services.

5. The commissioner of children and family services shall promulgate any rules and regulations necessary to carry out the provisions of this section.

6. Additionally, the commissioner of children and family services shall submit a report to the governor, the temporary president of the senate and the speaker of the assembly, prior to, but in no event later than, December thirty-first, in the year following the effective date of this section, and annually thereafter, which shall include, but not be limited to:

(a) financial reports of the grants fund operations established pursuant to this section;

(b) an analysis of the grants fund's ability to provide such youth sports initiative grants;

(c) recommendations on the continuation of such grants and the need for fund expansion, if appropriate;

(d) profiles of the grant recipients; and

(e) other information deemed necessary by the commissioner of education.

7. (a) No applicant for a grant provided for under this section shall knowingly: (i) make a false statement or representation concerning a material fact; (ii) submit false information concerning a material fact; or (iii) conceal a material fact, on an application to obtain a grant provided for under this section.

(b) Any applicant who is found by the commissioner of children and family services, after notice and an administrative hearing, to have received a grant provided for under this section based upon an application which violated paragraph (a) of this subdivision shall be subject to a civil penalty not to exceed two hundred fifty dollars.

§ 2. This act shall take effect immediately.

PART MM

Section 1. Paragraphs (d) and (e) of subdivision 1 of section 410-w of the social services law, as amended by section 2 of part L of chapter 56 of the laws of 2022, are amended and a new paragraph (f) is added to read as follows:

(d) families with incomes up to two hundred percent of the state income standard, or three hundred percent of the state income standard effective August first, two thousand twenty-two, who are attending a post secondary educational program; provided, the family income does not exceed eighty-five percent of the state median income; [~~and~~]

(e) other families with incomes up to two hundred percent of the state income standard, or three hundred percent of the state income standard effective August first, two thousand twenty-two, which the social services district designates in its consolidated services plan as eligible for child care assistance in accordance with criteria established by the department; provided, the family income does not exceed eighty-five percent of the state median income[~~.~~]; and

(f) families receiving child care assistance under a presumptive eligibility standard, pursuant to subdivision three-a of this section.

§ 2. Section 410-w of the social services law is amended by adding a new subdivision 3-a to read as follows:

3-a. (a) A social services district shall utilize a presumptive eligibility standard to provide child care assistance to families in need.

(b) Upon application for child care assistance, with included documentation required by a local social services district, a family shall be presumed eligible for such assistance for a period of thirty to sixty days. A local social services district shall make eligibility determinations within thirty to sixty days, to ensure applicants meet necessary criteria for continued assistance.

(c) If a social services district has not made eligibility determinations after a period of thirty to sixty days has elapsed, a family shall continue to be presumed eligible for assistance. For eligibility determinations made after such a period has elapsed, the local social services district shall utilize local funds for such assistance during the period of presumed eligibility.

(d) If a family has been determined to be presumptively eligible for child care assistance, pursuant to this subdivision, and is subsequently determined to be ineligible for such assistance, the commissioner, on behalf of the state and the local social services district shall have the authority to recoup from the individual the sums expended for such assistance during the period of presumed eligibility.

(e) A social services district shall provide child care assistance to families under a presumptive eligibility standard, using child care block grant funds, pursuant to paragraph (f) of subdivision one of this section.

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

PART NN

Section 1. The education law is amended by adding a new section 6912 to read as follows:

§ 6912. Clinical education in New York state nursing education programs. 1. For purposes of this section, "simulation experience" shall mean planned learning experiences that represent actual or potential situations in clinical nursing practice and adhere to the standards of this section. Such learning experiences allow participants to develop or enhance clinical nursing competencies and provide an opportunity to analyze and respond to realistic situations in a simulated environment.

2. New York state certificate and degree programs registered by the department for the purposes of meeting the education requirements set forth in this article shall include clinical education, or the equivalent as defined and determined by the commissioner pursuant to regulation.

3. Registered programs may deliver one-third of such clinical training or clinical education through simulation experience as defined in this section and in accordance with the commissioner's regulations, provided, however, nothing in this section shall reduce the minimum in-person or direct care requirements established by programmatic accreditors and certifying bodies. To meet a particular educational need the commissioner may approve that more than one-third of such clinical training or clinical education may be met through simulation experience as defined in this section and in accordance with the commissioner's regulations.

4. The commissioner shall prescribe in regulation an expedited process for programs seeking a curricular change to implement simulation experiences. For programs that are not in substantial compliance with department program requirements, the department may request additional information and materials, in accordance with the commissioner's regulations. The department shall act upon a program's submission to implement simulation experiences within twenty business days of receipt of a complete and properly submitted form.

5. Simulation experience acceptable to the department for the purposes of clinical training or clinical education shall:

(a) be designed, guided and supervised by program faculty and program staff with appropriate and relevant training, certification or accreditation, who may be assisted or supported by experts in simulation, in a nursing skills or clinical simulation laboratory setting;

(b) include continued professional development opportunities for program faculty and program staff in simulation methods and best practices;

(c) utilize theory-based, evidence-based, and standards-driven pedagogy;

(d) require active student engagement in guided skills practice with instructional feedback;

(e) include formative and summative assessments of well-articulated competencies appropriate to the role and responsibilities of the learner;

(f) use various types of fidelity through equipment and practice to replicate substantial aspects of clinical nursing practice and utilize relevant equipment and technologies as appropriate to the desired learning outcomes;

(g) maintain continued compliance with the standards of program registration; and

(h) respond to innovations or emerging educational needs, pursuant to regulation.

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

PART OO

Section 1. Short title. This act shall be known and may be cited as the "special joint legislative commission on affordable housing act".

§ 2. Legislative findings and intent. The legislature hereby finds and declares that New York State and its localities have made significant investments in the development and preservation of affordable housing in recent years, including the implementation of landmark, statewide spending plans targeting various types of housing and those populations most in need of affordable and supportive options. While the state has made progress toward achieving housing goals, additional initiatives are needed to address affordable housing shortages. The purpose of this commission is to examine the overall effectiveness of existing programs that prioritize housing stability and the preservation and development of affordable housing. This commission will also allow the legislature to hear from a broad array of housing stakeholders in order to identify methods to improve existing programs as well as implement new strategies to increase the supply and production of affordable housing units across the state.

§ 3. Special joint legislative commission on affordable housing. 1. There is hereby created in the division of housing and community renewal a special joint legislative commission on affordable housing. The commission shall consist of twenty-five members: (a) the chief housing officer of the city of New York, or their designee; (b) eight members to be appointed by the governor including (i) the commissioner of the division of housing and community renewal, or their designee, (ii) the commissioner of the office of temporary and disability assistance, or their designee, (iii) the superintendent of the department of financial services, or their designee, and (iv) five members with experience working with issues related to affordable housing; (c) eight members to be appointed by the temporary president of the senate including (i) a tenants' rights advocate with experience in providing legal services to tenants, (ii) a representative of building service or construction trades, (iii) a real estate trade association representative, (iv) one member of the New York state senate, and (v) four members with experience working with issues related to affordable housing; (d) eight members to be appointed by the speaker of the assembly including (i) a tenants' rights advocate with experience in providing legal services to tenants, (ii) a representative of building service or construction trades, (iii) a real estate trade association representative, (iv) one member of the New York state assembly, and (v) four members with experience working with issues related to affordable housing.

2. The commissioner of the division of housing and community renewal shall serve, ex officio, as the chair of the commission. A member of the senate appointed to the commission by the temporary president of the senate and a member of the assembly appointed to the commission by the speaker of the assembly shall be designated by each to serve as the co-chairs of the commission. In appointing members to the commission, appointing authorities shall ensure that such members, as a group, represent diverse perspectives relevant to the duties of the commission and shall represent the geographic diversity of the state.

3. The members of the commission shall serve at the pleasure of their appointing authority. Any vacancy that occurs in the commission shall be filled in the same manner in which the original appointment was made. No member of the commission shall be disqualified from holding any other public office or employment, nor shall he or she forfeit any such office or employment by reason of his or her appointment hereunder, notwithstanding the provisions of any general, special, or local law, ordinance, or city charter.

4. The members of the commission, except those who serve ex officio, shall be allowed their actual and necessary expenses incurred in the performance of their duties under this act but shall receive no additional compensation for services rendered pursuant to this act.

5. The commission, on call of the chair, shall meet in-person or via electronic means at least monthly and at such other times as may be necessary. The commission may establish rules and procedures regarding conduct of its meetings and other affairs. A quorum shall be necessary for the conduct of official business by the commission or any committee or subcommittee thereof. Unless otherwise provided by law, fifty percent or more of the appointed members of the commission or any committee, when applicable, shall constitute a quorum. The commission may establish committees and subcommittees.

6. The division of housing and community renewal shall provide technical assistance and data to the commission as may be necessary for the commission to carry out its responsibilities pursuant to this section. To the maximum extent feasible, the commission shall be entitled to request and receive and shall utilize and be provided with such facilities, resources and data of any department, division, board, bureau, committee, agency or public authority of the state or any political subdivision thereof as it may reasonably request to properly carry out its powers and duties pursuant to this act.

7. Appointments to the commission shall be made no later than thirty days after the effective date of this act.

8. Any vacancy in the commission shall not affect the powers of the commission, and shall be filled in the same manner as the original appointment.

9. The commission shall meet not later than thirty days after the date on which a majority of the members of the commission have been appointed.

§ 4. Definitions. As used in this act, the following terms shall have the following meanings:

1. "Affordable housing" means a dwelling unit that does not cost-burden an extremely low income household, a very low income household, a low income household, a moderate income household, or a middle income household, as the case may be.

2. "Low income housing" and "public housing" shall have the same meanings given to those terms in 42 U.S.C. 1437a (b).

3. "Commissioner" means the commissioner of the division of housing and community renewal.

4. "Rural" or "rural area" means any open county, or any place, town, village, or city which is not part of or associated with an urban area and which:

(a) has a population not in excess of twenty-five hundred residents;

(b) has a population in excess of twenty-five hundred residents but not in excess of ten thousand residents if such area is rural in nature; or

(c) has a population in excess of ten thousand residents but not in excess of twenty thousand residents, and is not contained within a standard metropolitan statistical area.

5. "Urban" or "urban area" means an area as designated by the United States census bureau having a population of five thousand or more and not within any urbanized area, within boundaries to be fixed by state and local officials in cooperation with each other. Such boundaries shall encompass, at a minimum, the entire urban area as designated by the United States census bureau.

6. "Urbanized area" means an area with a population of fifty thousand or more designated by the United States census bureau, within boundaries to be fixed by state and local officials in cooperation with each other. Such boundaries shall encompass, at a minimum, the entire urbanized area as designated by the United States census bureau.

7. "Suburb" or "suburban area" means a mixed-use or residential area, existing either as part of a city or urban area, or as a separate residential community that is not an urban area within commuting distance of a city.

8. "Middle income household" means a household that has an income of more than one hundred twenty percent of the area median income but no more than one hundred sixty percent of the area median income, adjusted for the size of the household, as determined by the United States department of housing and urban development.

9. "Moderate income household" means a household income of more than eighty percent of the area median income but no more than one hundred twenty percent of the area median income, adjusted for the size of the household, as determined by the United States department of housing and urban development.

10. "Low income household" means a household income of more than fifty percent of the area median income but no more than eighty percent of the area median income, adjusted for the size of the household, as determined by the United States department of housing and urban development.

11. "Very low income household" means a household income of more than thirty percent of the area median income but no more than fifty percent of the area median income, adjusted for the size of the household, as determined by the United States department of housing and urban development.

12. "Extremely low income household" means income not in excess of thirty percent of the area median income, adjusted for the size of the household, as determined by the United States department of housing and urban development.

§ 5. Duties and responsibilities of the commission. 1. The mission of the commission is to make specific recommendations to the legislature on how to preserve and maintain existing affordable housing, to support the development of new affordable housing in the state of New York, to strengthen and grow diverse and stable communities, and to maximize the

impact of private, state, local and federal resources by ensuring long term affordability.

2. The commission shall:

(a) evaluate and measure access to affordable housing for extremely low income, very low income, low income, moderate income, and median income households in urban, rural and suburban areas across the state, including, but not limited to, single family homes with four units or less, multiple residences, multiple dwellings, public housing accommodations, and mobile and manufactured homes;

(b) evaluate and quantify the costs incurred by other state, and local programs due to a lack of affordable housing;

(c) evaluate and make recommendations to the legislature on how to address affordable housing access for higher need populations, including but not limited to people of color, veterans, persons with disabilities, independent seniors, workforce and public servants, single parents and kinship care, and extremely low income households;

(d) evaluate and make recommendations to the legislature on how to address affordable housing access across the state, by geography, region, size of localities, and proximity to public transportation;

(e) evaluate and make recommendations to the legislature on how to use affordable housing to improve the effectiveness of state, and local programs and improve life outcomes including, but not limited to, greater income stability, better education and physical and mental health outcomes for adults and children;

(f) evaluate and make recommendations to the legislature on how to support the development of more affordable housing, preserve existing affordable housing and how to use affordable housing to improve the effectiveness of state and local programs and improve life outcomes for individuals living in New York;

(g) evaluate and make recommendations to the legislature on real property tax assessments, abatement and exemption incentives to support the development of more affordable housing and preserve existing affordable housing, and homeowner assistance;

(h) evaluate and make recommendations to the legislature on eviction protections, stabilizing rents, and the impact short term rentals have on housing vacancy rates;

(i) evaluate and make recommendations to the legislature on labor and worker concerns during the construction and post-construction phases of affordable housing development, including wages, work-site safety, and employment protections;

(j) evaluate and make recommendations to the legislature on zoning laws and rules and land use restrictions, housing density and accessory dwelling units, vacant property conversions, and transit oriented affordable housing development;

(k) evaluate and make recommendations to the legislature on Federal housing and urban development section 8 and section 9 public housing programs, housing assistance vouchers and supplemental payments;

(l) evaluate and make recommendations to the legislature on affordable homeownership opportunities, foreclosure prevention, rehabilitation and restoration options, demolition and reconstruction, new construction, and down payment assistance;

(m) evaluate and make recommendations to the legislature on fair housing, housing equity and inclusion, and reversing the residual effects of redlining; and

(n) evaluate and make recommendations to the legislature on the conversion of existing vacant or blighted property into affordable or supportive housing.

3. The commission shall utilize any available survey and statistical data related to the purpose of the commission to complete comprehensive reports that evaluate and quantify the impact that a lack of affordable housing has on current conditions and future life outcomes for individuals living in New York, including:

(a) education;
(b) employment;
(c) income level;
(d) disability, and physical and mental health;
(e) nutrition;
(f) access to transportation;
(g) the poverty level of the neighborhood in which individuals live;
(h) geographical location and access to public transportation;
(i) regional economic growth;
(j) home ownership;
(k) neighborhood and rural community stability and revitalization; and
(l) other areas of life and future life outcomes related to the purpose of the commission necessary to complete a comprehensive report.

4. The commission may request and shall receive any and all information from any other state or local agency the commission considers necessary to carry out this act.

5. The commission may hold such hearings, take such testimony and receive such evidence as the commission considers advisable to carry out this act. The commission shall also hold at least one public hearing in the city of New York and two public hearings outside of the city of New York in different regions of the state.

6. Reports and recommendations to the legislature by the commission shall be submitted to the legislature annually, the first report shall be due no later than December 31, 2023.

§ 6. This act shall take effect immediately and shall expire and be deemed repealed one year after the date on which all members of the commission are first appointed pursuant to section three of this act; provided that the co-chairs of the commission shall jointly notify the legislative bill drafting commission upon the occurrence of such appointments in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART PP

Section 1. Legislative intent. The State University of New York ("SUNY") has committed to becoming the most inclusive university system in the country, where all students, faculty, and staff feel welcome and supported. To meet this goal, SUNY must employ, in addition to faculty and staff, leaders at the highest levels who share common experiences and culture with those who comprise the fastest-growing segment of its student population: diverse students who will become the nation's next generation of leaders.

SUNY has seen a steady increase of Black students in recent years, reaching nearly 11 percent, or over 42,000 students, in the 2019-2020 academic year. While SUNY continues its efforts to ensure that campus leadership and faculty reflect the students they serve by hiring faculty

who are more representative of the diverse student population at SUNY campuses, the diversity within executive leadership teams on many campuses can be expanded further with support from the legislature.

It is, therefore, the intention of the legislature to create a Black Leadership Institute ("the Institute") as an initiative for Black leaders in higher education with a mission to retain and grow from within SUNY a greater proportion of Black professionals at SUNY campuses. The Institute shall offer support and foster professional development for candidates for senior leadership roles on SUNY campuses, which will, in turn, create a more diverse SUNY culture that represents New York state and the SUNY student population.

The legislature further intends that the Institute would be designed to open doors to executive-level positions and strengthen the University's pool of Black leaders. The Institute will identify, develop, and recruit, and ultimately support, retain, and foster the success of Black leaders across the SUNY system.

§ 2. The education law is amended by adding a new section 362 to read as follows:

§ 362. Black leadership institute. 1. Subject to an appropriation for this purpose, the chancellor of the state university of New York, in consultation with the board of trustees of the state university of New York, shall create a Black Leadership Institute within the state university of New York to foster the success of Black leaders at the university president and president's cabinet level. Such institute shall develop candidate identification and recruitment efforts, search committee training, professional development and individualized support measures for institute participants, professional assistance programming, services, research and resource identification activities, and any other programs deemed necessary to effectuate the intent of this institute.

2. The chancellor shall appoint an executive director and an eight member advisory council, to provide guidance and advice to further the development and growth of the institute. The director and the members of the advisory council shall serve for three-year terms, with the director and three advisory council members appointed in the first year of the institute's existence, three other members appointed in the second year, and two members appointed in the third year. The director and advisory council members may be reappointed at the end of each term in the manner of the original appointment. The director and advisory council shall receive no compensation for their work in conjunction with the institute.

3. In considering measures and programming for effectuating the purpose of the institute, the institute shall consider such factors as program cost-effectiveness; the ability of such programs to offer programmatically appropriate, long-term, training, and support services; the ability of such programs to enable individuals to participate in the institute to receive rewarding training, services, and supports; and current and projected employment data at campuses within the state university system.

4. The executive director shall prepare and present to the governor, the speaker of the assembly, and the majority leader of the senate at the beginning of each regular session of the legislature a separate report covering, in summary, and in detail, all phases of activity of the institute for the immediately preceding fiscal year.

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

PART QQ

Section 1. Subdivisions 2, 5 and 6 of section 352-a of the education law, as added by section 1 of part F of chapter 83 of the laws of 2002, are amended to read as follows:

2. (a) Maritime college shall have a total of two hundred eighty-four vacancy positions set aside for applicants who are nominated by the governor, a state senator or a member of the assembly. Such vacancy nominations shall increase or decrease based upon the number of senate districts authorized pursuant to article three of the New York state constitution. An applicant who receives such a nomination, is accepted for admission into the college and participates in the regimental program shall receive a [~~tuition~~] scholarship equal to the amount of the state tuition charge [~~after the deduction of any available grant aid~~] for the four consecutive years following his or her admission into the program provided, however, that the student remains in the regimental/cadet degree program and remains at all times in good academic standing as determined by the maritime college administration. In no event shall a student lose his or her scholarship based upon legislative reapportionment or changes in legislative composition or membership. Nothing herein shall be construed to limit or reduce the number of vacancies available to the general population.

(b) To be eligible to receive such nomination and [~~tuition~~] scholarship, the applicant must be a resident of the state. For purposes of this section, a state resident shall be defined as a person who has resided in the state of New York for a period of at least one year prior to the time of nomination, is a graduate or within one year of graduation from an approved high school or has attained a New York state high school equivalency diploma or its equivalent as determined by the commissioner.

5. The [~~tuition~~] scholarships authorized by this section shall be made available so long as funds are made available for such purposes.

6. Any individual receiving a [~~tuition~~] scholarship pursuant to this section shall apply for all other available state, federal, or other educational grant aid at the time of enrollment. Any grant aid or financial assistance received shall be utilized to offset the cost of tuition to the maximum extent possible[~~, except that nothing shall require that aid or assistance received which~~]. Maritime admissions scholarships may be used towards educational costs other than that of tuition [~~shall be applied toward the cost of tuition~~].

§ 2. This act shall take effect immediately.

PART RR

Section 1. Subparagraph (ii) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part B of chapter 60 of the laws of 2000, is amended to read as follows:

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

Amount of income	Schedule of reduction of base amount
(A) Less than seven thousand	None

	dollars	
(B)	Seven thousand dollars or more, but less than eleven thousand dollars	Seven per centum of excess over seven thousand dollars
(C)	Eleven thousand dollars or more, but less than eighteen thousand dollars	Two hundred eighty dollars plus ten per centum of excess over eleven thousand dollars
(D)	Eighteen thousand dollars or more, but not more than [~~eighty~~] **one hundred ten** thousand dollars	Nine hundred eighty dollars plus twelve per centum of excess over eighteen thousand dollars

§ 2. This act shall take effect June 1, 2024.

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

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