STATE OF NEW YORK

S. 4006--A A. 3006--A

SENATE - ASSEMBLY

February 1, 2023

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

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

AN ACT to amend the education law, in relation to contracts for excellence; in relation to the high-impact tutoring set-aside; to amend the education law, in relation to foundation aid; to amend the education law, in relation to the number of charters issued; 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 prospective prekindergarten enrollment reporting; to amend the education law, in relation to transitional guidelines and rules; to amend the education law, in relation to universal prekindergarten expansions; to amend the education law, in relation to extending provisions of the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to state aid adjustments; to amend the education law, in relation to certain moneys apportioned; to amend the education law, in relation to zero emission bus progress reporting; 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 part CCC of chapter 59 of the laws of 2018 amending the education law relating to a statement of the total funding allocation, in relation to the effectiveness thereof; to amend

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

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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; part C of chapter 57 of the laws of 2004 relating to the support of education, in relation 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; to amend chapter 507 of the laws of 1974 relating to providing for the apportionment of state monies to certain nonpublic schools, to reimburse them for their expenses in complying with certain state requirements for the administration of state testing and evaluation programs and for participation in state programs for the reporting of basic educational data, in relation to the calculation of nonpublic schools' eligibility to receive aid; 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; and providing for the repeal of certain provisions upon expiration thereof (Part A); to amend the education law, in relation to tuition authorization at the state university of New York and the city university of New York (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 fast-track approval act (Part F); to amend the general city law, the town law and the village law, in relation to requiring certain densities of residential dwellings near transit stations (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); to amend the real property actions and proceedings law, in relation to determining when a dwelling is abandoned (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 (Part J); to amend the multiple dwelling law and the private housing finance law, in relation to establishing a program to address the legalization of specified basement dwelling units and the conversion of other specified basement dwelling units in a city with a population of one million or more (Part K); to amend the multiple dwelling law, in relation to authorizing a city of one million or more to remove the cap on the floor area ratio of certain dwellings (Part L); to amend the real property tax law, in relation to authorizing a tax abatement for alterations and improvements to multiple dwellings

for purposes of preserving habitability in affordable housing (Part M); to amend the real property tax law, in relation to authorizing a city, town or village other than a city with a population of one million or more to provide by local law for a tax exemption for new construction of eligible rental multiple dwellings (Part N); to amend the real property tax law, in relation to providing a tax exemption on the increase in value of property resulting from the addition of an accessory dwelling unit (Part O); to amend the labor law and the real property tax law, in relation to the exemption from real property taxation of certain multiple dwellings in a city having a population of one million or more (Part P); to utilize reserves in the mortgage insurance fund for various housing purposes (Part Q); to amend the real property tax law, in relation to eligible multiple dwellings (Part R); to amend the labor law and the public health law, in relation to indexing the minimum wage to inflation (Part S); to amend the New York city charter, the education law, the general municipal law, the labor law, the public authorities law, chapter 1016 of the laws of 1969 constituting the New York city health and hospitals corporation act, and chapter 749 of the laws of 2019 constituting the New York city public works investment act, in relation to providing for employment opportunities for economically disadvantaged candidates and economically disadvantaged region candidates and apprenticeship utilization on public transactions; and providing for the repeal of such provisions upon expiration thereof (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 eliminating the requirement for combined education and other work/activity assignments, directing approval of certain education and vocational training activities up to two-year post-secondary degree programs and 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, and further providing for a one-time disregard of earned income following job entry 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); and 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)

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 Z. 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. Subdivision 4 of section 3602 of education law is amended by adding a new paragraph e-1 to read as follows:

e-1. High-impact tutoring set-aside. For the two thousand twenty-three--two thousand twenty-four school year, each school district shall set aside from its total foundation aid the amount set forth for each school district as "HIGH-IMPACT TUTORING SET-ASIDE" under the heading "2023-24 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand twenty-three--two thousand twenty-four school year and entitled "BT232-4", as computed pursuant to this paragraph. Each school district shall use such high-impact tutoring set-aside amount to deliver small group or individual tutoring sessions in reading and mathematics to students in grades three through eight designated by each school district as at risk of falling below state standards. Such services and sessions may be provided during the school day, before or after school, or on the weekend and must occur no less than twice per week for no less than thirty minutes until the student is no longer designated as at risk. The funds set aside under this section shall only be used to supplement current federal, state and local funding and in no case shall supplant current district expenditures of federal, state or local funds on high-impact tutoring.

(1) For the two thousand twenty-three--two thousand twenty-four school year, for districts subject to a high-impact tutoring set-aside, this set-aside shall equal the greater of: (i) one hundred thousand dollars or (ii) the product of (A) one thousand one hundred seventy-seven ten-thousandths (0.1177) multiplied by (B) the foundation aid increase base.

(2) A district shall be subject to the high-impact tutoring set-aside for the two thousand twenty-three--two thousand twenty-four school year if (i) the quotient arrived at when dividing the foundation aid increase by the foundation aid base is greater than three hundredths (0.03) and (ii) the foundation aid increase base is greater than one hundred thousand dollars ($100,000).

(3) For purposes of this paragraph, "foundation aid increase" shall equal the positive difference of the amounts set forth for each school district as "FOUNDATION AID" under the heading "2023-24 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand twenty-three--two thousand twenty-four school year and entitled "BT232-4" less the amounts set forth for each school district as "FOUNDATION AID" under the heading "2022-23 BASE YEAR AIDS" in such computer listing.

(4) For purposes of this paragraph, "foundation aid increase base" shall equal the positive difference of the foundation aid increase less the product of three hundredths (0.03) multiplied by the total foundation aid base.

§ 4. Subdivision 9 of section 2852 of the education law, as amended by section 2 of subpart A of part B of chapter 20 of the laws of 2015, is amended to read as follows:

9. The total number of charters issued pursuant to this article statewide shall not exceed four hundred sixty. (a) All charters issued on or after July first, two thousand fifteen and counted toward the numerical limits established by this subdivision shall be issued by the board of regents upon application directly to the board of regents or on the recommendation of the board of trustees of the state university of New York pursuant to a competitive process in accordance with subdivision nine-a of this section. [~~Fifty of such charters issued on or after July first, two thousand fifteen, and no more, shall be granted to a charter for a school to be located in a city having a population of one million or more.~~] The failure of any body to issue the regulations authorized pursuant to this article shall not affect the authority of a charter entity to propose a charter to the board of regents or the board of regents' authority to grant such charter. A conversion of an existing public school to a charter school, or the renewal or extension of a charter approved by any charter entity, **or the reissuance of a surrendered, revoked or terminated charter pursuant to paragraph (b) or (b-1) of this subdivision** shall not be counted toward the numerical limits established by this subdivision.

(b) A charter that has been surrendered, revoked or terminated on or before July first, two thousand fifteen, including a charter that has not been renewed by action of its charter entity, may be reissued pursuant to paragraph (a) of this subdivision by the board of regents either upon application directly to the board of regents or on the recommendation of the board of trustees of the state university of New York pursuant to a competitive process in accordance with subdivision nine-a of this section. Provided that such reissuance shall not be counted toward the statewide numerical limit established by this subdivision, and provided further that no more than twenty-two charters may be reissued pursuant to this paragraph.

(b-1) Notwithstanding any provision of law to the contrary, a charter that has been surrendered, revoked or terminated after July first, two thousand fifteen, including a charter that has not been renewed by action of its charter entity, may be reissued pursuant to paragraph (a) of this subdivision by the board of regents either upon application directly to the board of regents or on the recommendation of the board of trustees of the state university of New York pursuant to a competitive process in accordance with subdivision nine-a of this section. Provided that such reissuance shall not be counted toward the statewide numerical limit established by this subdivision.

(c) For purposes of determining the total number of charters issued within the numerical limits established by this subdivision, the approval date of the charter entity shall be the determining factor.

(d) Notwithstanding any provision of this article to the contrary, any charter authorized to be issued by chapter fifty-seven of the laws of two thousand seven effective July first, two thousand seven, and that remains unissued as of July first, two thousand fifteen, may be issued pursuant to the provisions of law applicable to a charter authorized to be issued by such chapter in effect as of June fifteenth, two thousand fifteen[~~; provided however that nothing in this paragraph shall be construed to increase the numerical limit applicable to a city having a population of one million or more as provided in paragraph (a) of this~~

~~subdivision, as amended by a chapter of the laws of two thousand fifteen which added this paragraph~~].

§ 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 thou-

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

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

3. Prospective prekindergarten enrollment reporting. a. Beginning in the two thousand twenty-three--two thousand twenty-four school year, all school districts eligible to receive an apportionment under this section or section thirty-six hundred two-ee of this part shall annually 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) the total number of four-year-old children residing

in the district who are eligible to be served under this section and section thirty-six hundred two-ee of this part, including students whose parent or guardian did not apply, where such information can be reasonably ascertained; (v) the total number of students who are eligible to enroll in four-year-old prekindergarten but are served in private settings or whose parent or guardian has not chosen to enroll the student in a prekindergarten program where such information can be reasonably ascertained; and (vi) any other information available to districts and necessary to accurately estimate the unmet demand for four-year-old prekindergarten services within the district. This report shall be due no later than September first of each year and shall be collected as part of the application specified pursuant to subdivision five of this section. Beginning November first, two thousand twenty-three, the commissioner shall annually submit a report 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 information reported by districts under this subdivision.

§ 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 product 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).

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

a. State aid adjustments. All errors or omissions in the apportionment shall be corrected by the commissioner. Whenever a school district has been apportioned less money than that to which it is entitled, the commissioner may allot to such district the balance to which it is entitled. Whenever a school district has been apportioned more money than that to which it is entitled, the commissioner may, by an order, direct such moneys to be paid back to the state to be credited to the general fund local assistance account for state aid to the schools, or may deduct such amount from the next apportionment to be made to said district, provided, however, that, upon notification of excess payments of aid for which a recovery must be made by the state through deduction of future aid payments, a school district may request that such excess payments be recovered by deducting such excess payments from the payments due to such school district and payable in the month of June in (i) the school year in which such notification was received and (ii) the two succeeding school years, provided further that there shall be no interest penalty assessed against such district or collected by the state. Such request shall be made to the commissioner in such form as the commissioner shall prescribe, and shall be based on documentation that the total amount to be recovered is in excess of one percent of the district's total general fund expenditures for the preceding school year. The amount to be deducted in the first year shall be the greater

of (i) the sum of the amount of such excess payments that is recognized as a liability due to other governments by the district for the preceding school year and the positive remainder of the district's unreserved fund balance at the close of the preceding school year less the product of the district's total general fund expenditures for the preceding school year multiplied by five percent, or (ii) one-third of such excess payments. The amount to be recovered in the second year shall equal the lesser of the remaining amount of such excess payments to be recovered or one-third of such excess payments, and the remaining amount of such excess payments shall be recovered in the third year. Provided further that, notwithstanding any other provisions of this subdivision, any pending payment of moneys due to such district as a prior year adjustment payable pursuant to paragraph c of this subdivision for aid claims that had been previously paid as current year aid payments in excess of the amount to which the district is entitled and for which recovery of excess payments is to be made pursuant to this paragraph, shall be reduced at the time of actual payment by any remaining unrecovered balance of such excess payments, and the remaining scheduled deductions of such excess payments pursuant to this paragraph shall be reduced by the commissioner to reflect the amount so recovered. [~~The commissioner shall certify no payment to a school district based on a claim submitted later than three years after the close of the school year in which such payment was first to be made. For claims for which payment is first to be made in the nineteen hundred ninety-six--ninety-seven school year, the commissioner shall certify no payment to a school district based on a claim submitted later than two years after the close of such school year.~~] For claims for which payment is first to be made [~~in the nineteen hundred ninety-seven--ninety-eight school year and thereafter~~] **prior to the two thousand twenty-two--two thousand twenty-three school year**, the commissioner shall certify no payment to a school district based on a claim submitted later than one year after the close of such school year. **For claims for which payment is first to be made in the two thousand twenty-two--two thousand twenty-three school year and thereafter, the commissioner shall certify no payment to a school district based on a claim submitted later than the first of November of such school year.** Provided, however, no payments shall be barred or reduced where such payment is required as a result of a final audit of the state. [~~It is further provided that, until June thirtieth, nineteen hundred ninety-six, the commissioner may grant a waiver from the provisions of this section for any school district if it is in the best educational interests of the district pursuant to guidelines developed by the commissioner and approved by the director of the budget.~~] **It is further provided that, for any apportionments provided pursuant to sections seven hundred one, seven hundred eleven, seven hundred fifty-one, seven hundred fifty-three, nineteen hundred fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred two-e and forty-four hundred five of this chapter for the two thousand twenty-two--two thousand twenty-three and two thousand twenty-three--two thousand twenty-four school years, the commissioner shall certify no payment to a school district, other than payments pursuant to subdivisions four, six-a, eleven, thirteen and fifteen of section thirty-six hundred two of this part, in excess of the payment computed based on an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the executive budget request submitted for the two thousand twenty-three--two thousand twenty-four state fiscal year and entitled "BT232-4", and further provided that for any appor-**

tionments provided pursuant to sections seven hundred one, seven hundred eleven, seven hundred fifty-one, seven hundred fifty-three, nineteen hundred fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred two-e and forty-four hundred five of this chapter for the two thousand twenty-four--two thousand twenty-five school year and thereafter, the commissioner shall certify no payment to a school district, other than payments pursuant to subdivisions four, six-a, eleven, thirteen and fifteen of section thirty-six hundred two of this part, in excess of the payment computed based on an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the executive budget request submitted for the state fiscal year in which the school year commences.

§ 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 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--two thousand twenty-three school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled "SA222-3".~~] For aid payable in the two thousand twenty-three--two thousand twenty-four school year and thereafter, "moneys apportioned" shall mean the sum of apportionments provided pursuant to subdivision four of section thirty-six hundred two of this article plus the lesser of: (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 executive budget request which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivisions six-a and fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision six of section ninety-seven-nnnn of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, less apportionments provided pursuant to subdivision four of section thirty-six hundred two of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed, excluding apportionments provided pursuant to subdivision four of section thirty-six hundred two of this article; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. For aid payable in the two thousand twenty-three--two thousand twenty-four school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled "BT232-4".

§ 19. Section 3638 of the education law is amended by adding a new subdivision 7 to read as follows:

7. Zero-emission bus progress reporting. a. Beginning in the two thousand twenty-three--two thousand twenty-four school year, all school districts eligible to receive an apportionment under subdivision seven of section thirty-six hundred two of this article shall annually submit to the commissioner a progress report on the implementation of zero-emission buses as required under this section in a format prescribed by the commissioner and approved by the director of the budget. The report shall include, but not be limited to, (i) sufficiency of the electric grid to support anticipated electrical needs, (ii) the availability and installation of charging stations and other components required to support the anticipated full needs for zero-emission school buses, (iii) progress of the training and workforce development needed to support, maintain, and service zero-emission buses, (iv) the number and proportion of zero-emission buses purchased, leased, or utilized by districts providing transportation services currently in use and the total anticipated number for the next two years, and (v) the number and proportion of zero-emission buses purchased, leased, or utilized by contractors providing transportation services currently in use and the total anticipated number for the next two years. These reports shall be due no later than August first of each year. Beginning October first, two thousand twenty-three, the commissioner shall annually submit a report

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 information reported by districts under this subdivision.

§ 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 eighteen dollars 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 one hundred sixty-eight thousand six hundred ninety-nine (1,168,699). 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 eleven million five hundred thousand dollars ($11,500,000).

§ 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. Subdivision 2 of section 44 of part CCC of chapter 59 of the laws of 2018 amending the education law, relating to a statement of the total funding allocation, is amended to read as follows:

2. Sections four and four-a of this act shall expire and be deemed repealed June 30, [~~2023~~] 2028; and

§ 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. 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.

2. At a minimum, any recommended alternative rate-setting methodology or methodologies proposed for such preschool and school-age providers

shall: (a) in total, be cost neutral to the state, school districts and counties; (b) substantially restrict or eliminate tuition rate appeals; (c) establish tuition rates that are calculated based on 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; (d) include a schedule to phase in new tuition rates in accordance with the recommended methodology or methodologies; and (e) ensure tuition rates for all programs can be calculated no later than the beginning of each school year.

3. The education department shall present its recommendations and analysis to the division of the budget no later than July 1, 2025, provided, however, that the department shall regularly consult with the division of the budget 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.

§ 28. Section 3 of chapter 507 of the laws of 1974, relating to providing for the apportionment of state monies to certain nonpublic schools, to reimburse them for their expenses in complying with certain state requirements for the administration of state testing and evaluation programs and for participation in state programs for the reporting of basic educational data, as amended by section 38 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

§ 3. Apportionment. a. The commissioner shall annually apportion to each qualifying school, for school years beginning on and after July first, nineteen hundred seventy-four, an amount equal to the actual cost incurred by each such school during the preceding school year for providing services required by law to be rendered to the state in compliance with the requirements of the state's pupil evaluation program, the basic educational data system, regents examinations, the statewide evaluation plan, the uniform procedure for pupil attendance reporting, the state's immunization program and other similar state prepared examinations and reporting procedures. Provided that each nonpublic school that seeks aid payable in the two thousand twenty--two thousand twenty-one school year to reimburse two thousand nineteen--two thousand twenty school year expenses shall submit a claim for such aid to the state education department no later than May fifteenth, two thousand twenty-one and such claims shall be paid by the state education department no later than June thirtieth, two thousand twenty-one. Provided further that each nonpublic school that seeks aid payable in the two thousand twenty-one--two thousand twenty-two school year and thereafter shall submit a claim for such aid to the state education department no later than April first of the school year in which aid is payable and such claims shall be paid by the state education department no later than May thirty-first of such school year. **Provided further that, for aid payable in the two thousand twenty-three--two thousand twenty-four school year and thereafter, the state's liability under this section shall be limited to the annual amount appropriated for such purpose. In the event that total claims submitted exceed the appropriation available for such aid, each claimant shall only be reimbursed an amount equal to the percentage that each such claimant represents to the total of all claims submitted.**

b. Such nonpublic schools shall be eligible to receive aid based on the number of days or portion of days attendance is taken and either a 5.0/5.5 hour standard instructional day, or another work day as certified by the nonpublic school officials, in accordance with the methodol-

ogy for computing salary and benefits applied by the department in paying aid for the two thousand twelve--two thousand thirteen and prior school years.

c. The commissioner shall annually apportion to each qualifying school in the cities of New York, Buffalo and Rochester, for school years beginning on or after July first two thousand sixteen, an amount equal to the actual cost incurred by each such school during the preceding school year in meeting the recording and reporting requirements of the state school immunization program, provided that the state's liability shall be limited to the amount appropriated for this purpose.

§ 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.

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

2. Section three of this act shall expire and be deemed repealed June 30, 2024;

3. Section nineteen of this act shall expire and be deemed repealed June 30, 2036; and

4. 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 B

Section 1. The opening paragraph of subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law, as amended by section 1 of part JJJ of chapter 59 of the laws of 2017, is amended to read as follows:

The trustees shall not impose a differential tuition charge based upon need or income. Except as hereinafter provided, all students enrolled in programs leading to like degrees at state-operated institutions of the state university shall be charged a uniform rate of tuition except for differential tuition rates based on state residency. Provided, however, that the trustees may authorize the presidents of the colleges of technology and the colleges of agriculture and technology to set differing rates of tuition for each of the colleges for students enrolled in degree-granting programs leading to an associate degree and non-degree granting programs so long as such tuition rate does not exceed the tuition rate charged to students who are enrolled in like degree programs or degree-granting undergraduate programs leading to a baccalaureate degree at other state-operated institutions of the state university of New York. **Provided further, that the trustees may establish a differential tuition charge for students attending the university centers at Albany, Binghamton, Buffalo, and Stony Brook pursuant to subdivision four-c of this section.** Notwithstanding any other provision

of this subparagraph, the trustees may authorize the setting of a separate category of tuition rate, that shall be greater than the tuition rate for resident students and less than the tuition rate for non-resident students, only for students enrolled in distance learning courses who are not residents of the state. Except as otherwise authorized in this subparagraph, the trustees shall not adopt changes affecting tuition charges prior to the enactment of the annual budget, provided however that:

§ 2. Subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law, as amended by section 2 of chapter 437 of the laws of 2015, is amended to read as follows:

(4) The trustees shall not impose a differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at state-operated institutions of the state university shall be charged a uniform rate of tuition except for differential tuition rates based on state residency. Provided, however, that the trustees may authorize the presidents of the colleges of technology and the colleges of agriculture and technology to set differing rates of tuition for each of the colleges for students enrolled in degree-granting programs leading to an associate degree and non-degree granting programs so long as such tuition rate does not exceed the tuition rate charged to students who are enrolled in like degree programs or degree-granting undergraduate programs leading to a baccalaureate degree at other state-operated institutions of the state university of New York. **Provided further, that the trustees may establish a differential tuition charge for students attending the university centers at Albany, Binghamton, Buffalo, and Stony Brook pursuant to subdivision four-c of this section.** Notwithstanding any other provision of this subparagraph, the trustees may authorize the setting of a separate category of tuition rate, that shall be greater than the tuition rate for resident students and less than the tuition rate for non-resident students, only for students enrolled in distance learning courses who are not residents of the state. The trustees shall not adopt changes affecting tuition charges prior to the enactment of the annual budget.

§ 3. Paragraph h of subdivision 2 of section 355 of the education law is amended by adding two new subparagraphs 4-a-1 and 4-c to read as follows:

(4-a-1) Commencing in the two thousand twenty-three--two thousand twenty-four academic year through the two thousand twenty-seven--two thousand twenty-eight academic year, following the review and approval of the chancellor of the state university or his or her designee the board of trustees may annually raise non-resident undergraduate rates of tuition for the four university centers at Albany, Binghamton, Buffalo, and Stony Brook if the board shall determine that such rate increase is competitive with the rates of tuition charged by peer institutions, provided however that in no year shall such rate of tuition exceed one hundred and ten percent of the tuition rate for the university centers in the prior academic year.

(4-c) Commencing with the two thousand twenty-three--two thousand twenty-four academic year and thereafter, the board of trustees may raise resident undergraduate rates of tuition in excess of the tuition rates of the prior academic year by as much as the lower of (i) the general higher education price index (HEPI) released annually by the Commonfund Asset Management Company, Inc. founded in 1971, or other alternative entity that may be responsible for this index into the future, released most recently prior to the start of each academic year,

or (ii) three percent. Notwithstanding the preceding, and upon the approval of the state university of New York board of trustees, the following institutions may have additional increases to the resident rates of undergraduate tuition that are in addition to any impact from the preceding; for the university center at Albany, the university center at Binghamton, the university center at Buffalo, and the university center at Stony Brook such annual increase may include up to an additional six percentage points. Notwithstanding the preceding, no such additional annual increase shall result in a rate in excess of thirty percent higher than the rate charged in such year for state-operated institutions other than the university center at Albany, the university center at Binghamton, the university center at Buffalo, and the university center at Stony Brook. Monies generated by these prospective increases shall be used directly to support student access, student services, research and discovery, and the success of the university system.

§ 4. Paragraph (a) of subdivision 7 of section 6206 of the education law is amended by adding a new subparagraph (vi) to read as follows:

(vi) Commencing with the two thousand twenty-three--two thousand twenty-four academic year and thereafter, the city university of New York board of trustees may raise resident undergraduate rates of tuition in excess of the tuition rates of the prior academic year by as much as the lower of (A) the general higher education price index (HEPI) released annually by the Commonfund Asset Management Company, Inc. founded in 1971, or other alternative entity that may be responsible for this index into the future, released most recently prior to the start of each academic year, or (B) three percent. Monies generated by these prospective increases shall be used directly to support student access, student services, research and discovery, and the success of the university system.

§ 5. Paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

(a) (i) The board of trustees shall establish positions, departments, divisions and faculties; appoint and in accordance with the provisions of law fix salaries of instructional and non-instructional employees therein; establish and conduct courses and curricula; prescribe conditions of student admission, attendance and discharge; and shall have the power to determine in its discretion whether tuition shall be charged and to regulate tuition charges, and other instructional and non-instructional fees and other fees and charges at the educational units of the city university. The trustees shall review any proposed community college tuition increase and the justification for such increase. The justification provided by the community college for such increase shall include a detailed analysis of ongoing operating costs, capital, debt service expenditures, and all revenues. The trustees shall not impose a differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at the senior colleges shall be charged a uniform rate of tuition, except for differential tuition rates based on state residency. Notwithstanding any other provision of this paragraph, the trustees may authorize the setting of a separate category of tuition rate, that shall be greater than the tuition rate for resident students and less than the tuition rate for non-resident students, only for students enrolled in distance learning courses who are not residents of the state. The trustees shall further provide that the payment of tuition and fees by any student who is not a

resident of New York state, other than a non-immigrant noncitizen within the meaning of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States Code, shall be paid at a rate or charge no greater than that imposed for students who are residents of the state if such student:

[~~(i)~~] **(1)** attended an approved New York high school for two or more years, graduated from an approved New York high school and applied for attendance at an institution or educational unit of the city university within five years of receiving a New York state high school diploma; or

[~~(ii)~~] **(2)** attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state and applied for attendance at an institution or educational unit of the city university within five years of receiving a general equivalency diploma issued within New York state; or

[~~(iii)~~] **(3)** was enrolled in an institution or educational unit of the city university in the fall semester or quarter of the two thousand one--two thousand two academic year and was authorized by such institution or educational unit to pay tuition at the rate or charge imposed for students who are residents of the state.

A student without lawful immigration status shall also be required to file an affidavit with such institution or educational unit stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so. The trustees shall not adopt changes in tuition charges prior to the enactment of the annual budget. The board of trustees may accept as partial reimbursement for the education of veterans of the armed forces of the United States who are otherwise qualified such sums as may be authorized by federal legislation to be paid for such education. The board of trustees may conduct on a fee basis extension courses and courses for adult education appropriate to the field of higher education. In all courses and courses of study it may, in its discretion, require students to pay library, laboratory, locker, breakage and other instructional and non-instructional fees and meet the cost of books and consumable supplies. In addition to the foregoing fees and charges, the board of trustees may impose and collect fees and charges for student government and other student activities and receive and expend them as agent or trustee.

(ii) Commencing with the two thousand twenty-three--two thousand twenty-four academic year and thereafter, the city university of New York board of trustees may raise resident undergraduate rates of tuition in excess of the tuition rates of the prior academic year by as much as the lower of (1) the general higher education price index (HEPI) released annually by the Commonfund Asset Management Company, Inc. founded in 1971, or other alternative entity that may be responsible for this index into the future, released most recently prior to the start of each academic year, or (2) three percent. Monies generated by these prospective increases shall be used directly to support student access, student services, research and discovery, and the success of the university system.

§ 6. This act shall take effect immediately; provided however:

a. the amendments to subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law made by section one of this act shall be subject to the expiration and reversion of such subparagraph pursuant to section 16 of chapter 260 of the laws of 2011 as amended, when upon

such date the provisions of section two of this act shall take effect; and

b. the amendments to paragraph (a) of subdivision 7 of section 6206 of the education law made by section four of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 16 of chapter 260 of the laws of 2011 as amended, when upon such date the provisions of section five of this act shall take effect.

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 fast-track approval act".

§ 2. Article 20 of the general municipal law 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 FAST TRACK APPROVAL

Section 1000. Legislative findings and declarations.
1001. Definitions.
1002. Applicability.
1003. Safe harbor.
1004. Local procedures outside of safe harbor/general appeal process.
1005. Housing review board.
1006. Land use appeals before the supreme court.

§ 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 afforda-

ble 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. To further address the shortage of affordable and supportive housing in New York and encourage reduction of land use restrictions and the production of much needed housing, this article creates an impartial forum and a process for specially designating judges to resolve conflicts arising from local decisions on the development of affordable and supportive housing.

11. In order to prevent housing insecurity, hardship, and dislocation, the provisions of this act are necessary and 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. "Housing review board" shall mean the housing review board 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 authority 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, Orange, 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. "Qualifying project" shall refer to an application that is for at least ten dwelling units in localities not located in the metropolitan transportation commuter district or at least twenty dwelling units in localities located in the metropolitan transportation commuter district and at least twenty percent of the dwelling units are affordable housing units restricted to households at or below fifty percent of the area median income or supportive dwelling units, or at least twenty-five percent of the dwelling units are affordable housing units restricted to

households at or below eighty percent of the area median income or supportive dwelling units.

15. "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.

16. "Safe harbor" shall mean that a locality's denials of applications are not subject to appeal pursuant to section one thousand four, one thousand five or one thousand six of this article for a three-year cycle as set forth in section one thousand three of this article.

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

18. "Three-year cycle" shall mean a term of three calendar years with the first cycle beginning on January first, two thousand twenty-four, and each cycle commencing three calendar years thereafter.

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

§ 1003. Safe harbor. 1. Determinations. a. The division, using the information submitted pursuant to this section, may make and publish a determination as to whether a locality is in safe harbor as a result of such locality achieving its growth targets, as defined in subdivision three of this section. Such determination may only be reviewed by a court or the housing review board as part of an appeal of a denial of a specific qualifying project.

b. Safe harbor, as defined in section one thousand one of this article, shall be granted to localities based upon a three-year cycle with the first cycle beginning on January first, two thousand twenty-four, provided further that all localities shall be deemed in safe harbor for the duration of the first cycle beginning on January first, two thousand twenty-four and terminating after December thirty-first, two thousand twenty-six.

(i) A locality shall be deemed to be in safe harbor if such locality satisfactorily enacts at least two preferred actions, as set forth in subdivision four of this section. Except as otherwise set forth in this article, any determination issued by the division that a locality is in safe harbor based on the enactment of preferred actions, as set forth in subdivision four of this section, shall be in effect from the effective date of such determination through the end of the three-year cycle that is current on the date on which such determination is issued, provided further, however, that any determination as to whether safe harbor should apply based on the locality's enactment of such preferred actions shall be based on such preferred actions enacted during the three-year cycle immediately preceding the three-year cycle in which the determination was issued. In the event that a locality rescinds any such preferred action that contributed to a locality being determined to be in safe harbor within ten years of such preferred action's enactment, such locality shall be ineligible for safe harbor for ten years, starting on the date such locality was initially deemed to be in safe harbor as a result of such rescinded preferred action.

(ii) A locality shall be deemed to be in safe harbor if such locality met or exceeded their growth targets as set forth in subdivision three of this section. Except as otherwise set forth in this article, any determination issued by the division that a locality is in safe harbor based on the locality meeting or exceeding their growth targets set

forth in subdivision three of this section shall be in effect from the effective date of such determination through the end of the three-year cycle that was current at the time such determination was issued by the division; provided further, however, that any determination as to whether safe harbor should apply shall be based on the locality meeting or exceeding their growth targets in the three-year cycle immediately preceding the three-year cycle in which the determination was issued.

(iii) A locality shall be determined to be in safe harbor for the three-year cycle beginning on January first, two thousand twenty-seven, and ending on December thirty-first, two thousand twenty-nine, if, from a period beginning on January first, two thousand twenty-one, and ending on December thirty-first, two thousand twenty-three, such locality met or exceeded their growth targets as set forth in subdivision three of this section.

2. Local reporting requirements. Each locality subject to this article shall submit housing production information to the division. Such information shall be submitted pursuant to the deadlines set forth by section twenty-a of the public housing law and shall contain the information prescribed in such section. Notwithstanding any other provision of this section, any failure of a locality to provide such information pursuant to this subdivision to the division shall result in the locality being deemed ineligible for safe harbor until such time as the information is properly submitted.

3. Growth targets. a. A locality may be determined to be in safe harbor for a three-year cycle, if, in the previous three-year cycle, a locality located outside of the metropolitan transportation commuter district permitted the construction of new eligible residential dwelling units in 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.

b. A locality may be determined to be in safe harbor for a three-year cycle, if, in the previous three-year cycle, a locality located inside of the metropolitan transportation commuter district permitted the construction of new eligible residential dwelling units in 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.

c. Subject to paragraph d of this subdivision, the number of eligible residential dwelling units shall be calculated using the following formula:

(i) a permitted new residential dwelling unit shall be counted as one eligible residential dwelling unit, provided that a permitted new residential 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

(ii) 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.

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

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

(ii) 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.

e. In the event a permitted residential dwelling unit is not counted as an eligible residential unit pursuant to paragraph d of this subdivision, 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 target in more than one three-year cycle.

4. Preferred actions. a. Accessory dwelling units. 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) Definitions. For the purposes of this paragraph:

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; or

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.

(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.

b. Lot splits. 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 a 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.

c. Remove exclusionary measures. 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.

d. Smart growth rezonings. 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.

(v) 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.

(vi) 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. Adaptive reuse rezonings. 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.

(iii) 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.

(iv) 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.

§ 1004. Local procedures outside of safe harbor/general appeal process. Effective January first, two thousand twenty-seven, when a locality is not in safe harbor:

1. An applicant may propose a qualifying project to a lead agency equivalent, regardless of whether the qualifying project complies with the land use requirements applicable to the site where the qualifying project is proposed. No lead agency equivalent may reject a proposed qualifying project due to such project failing to comply with the land use requirements on the site where the qualifying project is proposed, unless such qualifying project is not located on previously disturbed land.

2. The lead agency equivalent must approve or deny the application for the qualifying project within one hundred twenty days if the proposed qualifying project contains at least ten residential dwelling units but less than one hundred residential dwelling units, and within one hundred eighty days if the proposed qualifying project contains one hundred or more residential dwelling units. Failure to approve or deny an application within the time periods specified in this subdivision shall be deemed to be a constructive denial, provided further that the imposition of conditions on the project by the lead agency equivalent that render the project economically infeasible shall be deemed to be a constructive denial, and subject to appeal pursuant to this section, section one thousand five or section one thousand six of this article.

3. Any project specific review related to a proposed qualifying project 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 of one million or more, city environmental quality review, and shall be limited to a review of the following:

a. The capacity of local infrastructure to provide adequate drinking water and wastewater services to the proposed project;

b. The capacity of local infrastructure to provide adequate utility services to the proposed project; and

c. 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.

Nothing set forth in this subdivision shall be interpreted to override or otherwise waive any permitting required pursuant to state or federal laws or regulations, unless specifically set forth in this article.

4. Any denial of an application must be accompanied by the specific reasons for the denial set forth in writing.

5. When an applicant is denied permission to proceed with a qualifying project, the applicant may file an appeal of the denial pursuant to section one thousand five or one thousand six of this article within sixty days of the denial. An applicant may only file one such appeal per qualifying project and may only file either pursuant to section one thousand five or one thousand six.

§ 1005. Housing review board. 1. Structure and powers of the housing review board.

a. There is hereby established, within the division, a housing review board, to effectuate the provisions of this article.

b. The housing review board 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 board members shall serve five year terms, and shall only be relieved for cause. Any vacancies on the board shall be filled within a reasonable time period by the official who appointed the board member whose absence has caused the vacancy.

c. The housing review board shall have the power and duties to conduct hearings, take oaths, issue orders, and otherwise perform any function necessary to operate in conformity with the provisions of this article. The powers of the housing review board 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 documents governing the administration of housing by the division of homes and community renewal.

d. The division shall provide any administrative and staff support, including, but not limited to, administrative law judges, to the housing review board necessary for the effective implementation of the provisions of this article.

e. If the division determines that a locality does or does not qualify for safe harbor, the housing review board, or any court hearing an appeal related to such locality shall take judicial notice of the division's determination. If the division has not issued a determination as to whether a locality is in safe harbor based on the three-year cycle that was completed immediately prior to the applicable three-year cycle, and such a determination is necessary to adjudicate an appeal before the housing review board or a court, such housing review board or court may make such a determination that applies only to the application pending before the housing review board or the court, provided further, however, that if the housing review board or a court makes a determination that a locality is in safe harbor as a result of the locality enacting preferred actions pursuant to subdivision four of section one thousand three of this article, such determination shall be applied to future proceedings pursuant to this section and section one thousand six of this article for the remainder of the three-year cycle for which such determination was made. The division, at its discretion, may take notice of such determination and the facts underlying such determination, and

issue its own determination as to the application of safe harbor that would be applied to all further appeals relating to such locality for the duration that safe harbor applies.

2. Appeals before the housing review board. a. Beginning on January first, two thousand twenty-seven, any applicant whose application relating to a qualifying project is denied by a lead agency equivalent may appeal such denial to the housing review board within sixty days of the issuance of the denial.

b. If an appeal is brought before the housing review board and the division has already determined that the locality at issue is in safe harbor for the applicable three-year cycle, then the appeal shall be denied and the determination by the lead agency equivalent shall be maintained. If no determination has been made as to whether the locality is in safe harbor, the housing review board shall determine as a threshold issue whether such locality is in safe harbor.

c. If a locality is found to not be in safe harbor, the housing review board shall issue a determination as to whether the lead agency equivalent properly denied the application at issue in the appeal pursuant to the requirements set forth in section one thousand four of this article.

d. In issuing a determination, the housing review board may:

(i) remand the proceeding to the lead agency equivalent and direct such lead agency equivalent to issue a comprehensive permit or approval to the applicant;

(ii) deny the appeal and uphold the lead agency equivalent's denial of the application; or

(iii) remand the proceeding to the lead agency equivalent and direct such lead agency equivalent to consider the application as amended to address any legitimate concerns raised by the lead agency equivalent. The housing review board may require that the lead agency equivalent consider any such amended application on an expedited basis.

e. In considering the denial of an application, the housing review board may only consider the reasons for the denial given by the lead agency equivalent at the time the application was denied.

f. Once a determination has been issued by the housing review board, such determination may be appealed within sixty days to an administrative law judge designated to hear such matters. Any determination issued by an administrative law judge shall be considered to be a final agency determination and may be appealed pursuant to article seventy-eight of the civil practice law and rules.

3. Burden of proof before the housing review board. a. (i) During a proceeding before the housing review board, the locality which denied the permit for the qualifying project shall initially carry the burden of proof to demonstrate, based upon clear and convincing evidence, that the permit was properly denied pursuant to one or more of the reasons set forth in subdivision three of section one thousand four of this article, that the locality is in safe harbor, or that the project at issue is not a qualifying project.

(ii) Notwithstanding any other provision in this article, a locality that is not in safe harbor may raise as an affirmative defense that the amount of eligible residential dwelling units, as weighted pursuant to subdivision three of section one thousand three of this article, constructed in the three-year cycle during which the appeal was filed, combined with the amount of eligible residential dwelling units constructed in the three-year cycle immediately preceding the cycle in which the appeal was filed, constitute an amount of eligible residential dwelling units to qualify the locality for safe harbor for the three-

year cycle in which the appeal was filed. Provided, further that eligible residential dwelling units shall only be credited for one three-year cycle, regardless of when such dwelling units were permitted or built. Such defense must be demonstrated by clear and convincing evidence, and must be substantiated by documentation such as temporary or final certificates of occupancy for the housing. If the locality meets the burden set forth in this paragraph, unless the applicant successfully rebuts the evidence or reasons for rejection provided by the locality pursuant to paragraph b of this subdivision, such locality shall be deemed to be in safe harbor for the remainder of the three-year cycle in effect at the time the appeal was filed, effective the date such determination is made.

b. If the locality meets the burden set forth in paragraph a of this subdivision, the applicant shall be given an opportunity to rebut the evidence and reasons for rejection provided by the locality.

c. If the division issues a determination as to whether a locality is in safe harbor, the housing review board and administrative law judges shall take notice of such determination. If no such determination has been issued by the division, except as provided in paragraph e of subdivision one of this section, the housing review board and administrative law judges may make a determination as to whether a locality is in safe harbor, based on the three-year cycle that was completed immediately prior to the applicable three-year cycle, solely for the purposes of issuing a determination regarding the application that is the subject of the appeal being considered.

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

§ 1006. Land use appeals before the supreme court. 1. Judges of the supreme court that are specially designated as land use judges by the chief administrator of the courts shall hear land use appeals. Such judges shall be selected from a list of qualified candidates as created by the land use advisory council. Only such land use judges shall be empowered to adjudicate land use appeals pursuant to this section arising anywhere in the State of New York, regardless of what county the judge serves in over the course of their normal duties.

2. There shall be established a land use advisory council. a. The land use advisory council shall be composed 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 members shall serve five year terms, 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 member whose absence has caused the vacancy.

b. The land use advisory council shall meet at least four times a year, and on such additional occasions as they may require or as may be required by the administrative judge. Members shall receive no compensation.

c. The land use advisory council shall publish a list of supreme court judges qualified to hear land use appeals based on training, experience and judicial temperament.

3. Appeals before a land use judge. a. Beginning on January first, two thousand twenty-seven, any applicant whose application related to a

qualifying project is denied by a lead agency equivalent may appeal such denial before a land use judge designated pursuant to this section in supreme court. The applicant shall choose the forum in which to file the appeal.

b. If an appeal is brought before such land use judge and the division has already determined that the locality at issue is in safe harbor for the applicable three-year cycle, then the appeal shall be denied and the determination by the lead agency equivalent shall be maintained. If no determination has been made as to whether the locality is in safe harbor, such land use judge shall determine as a threshold issue whether such locality is in safe harbor based on the three-year cycle that was completed immediately prior to the applicable three-year cycle.

c. If a locality is found to not be in safe harbor, such land use judge shall issue a determination as to whether the lead agency equivalent properly denied the application at issue in the appeal pursuant to the requirements set forth in section one thousand four of this article.

d. In issuing a determination, such land use judge may:

(i) remand the proceeding to the lead agency equivalent and direct such lead agency equivalent to issue a comprehensive permit or approval to the applicant;

(ii) deny the appeal and uphold the lead agency equivalent's denial of the application; or

(iii) remand the proceeding to the lead agency equivalent and direct such lead agency equivalent to consider the application as amended to address any legitimate concerns raised by the lead agency equivalent. Such land use judge may require that the lead agency equivalent consider any such amended application on an expedited basis.

e. In considering the denial of an application, such land use judge may only consider the reasons for the denial given by the lead agency equivalent at the time the application was denied.

4. Burden of proof before a court. a. (i) During a proceeding before a land use judge designated pursuant to this section, the locality which denied the permit for the qualifying project shall initially carry the burden of proof to demonstrate, based upon clear and convincing evidence, that the permits were properly denied pursuant to one or more of the reasons set forth in subdivision three of section one thousand four of this article, that the locality is in safe harbor, or that the project at issue is not a qualifying project.

(ii) Notwithstanding any other provision in this article, a locality that is not in safe harbor may raise as an affirmative defense that the amount of eligible residential dwelling units, as weighted pursuant to subdivision three of section one thousand three of this article, constructed in the three-year cycle during which the appeal was filed, combined with the amount of eligible residential dwelling units constructed in the three-year cycle immediately preceding the cycle in which the appeal was filed, constitute an amount of eligible residential dwelling units needed to qualify the locality for safe harbor for the three-year cycle in which the appeal was filed. Provided, further, that eligible residential dwelling units shall only be credited for one three-year cycle, regardless of when such dwelling units were permitted or built. Such defense must be demonstrated by clear and convincing evidence, and must be substantiated by documentation such as temporary or final certificates of occupancy for the housing. If the locality meets the burden set forth in this paragraph, unless the applicant successfully rebuts the evidence or reasons for rejection provided by the locality pursuant to paragraph b of this subdivision, such locality

shall be deemed to be in safe harbor for the remainder of the three-year cycle in effect at the time the appeal was filed, effective the date such determination is made.

b. If the locality meets the burden set forth in paragraph a of this subdivision, the applicant shall be given an opportunity to rebut the evidence and reasons for rejection provided by the locality.

c. If the division issues a determination as to whether a locality is in safe harbor, such land use judge shall take notice of such determination. If no such determination has been issued by the division, except as provided in paragraph e of subdivision one of section one thousand five of this article, such land use judge may make a determination as to whether a locality is in safe harbor, based on the three-year cycle that was completed immediately prior to the applicable three-year cycle, solely for the purposes of issuing a determination regarding the application that is the subject of the appeal being considered.

5. Any final order issued by a land use judge designated pursuant to this section shall be appealed in a manner consistent with the civil practice law and rules.

6. The chief administrator of the court shall promulgate rules and regulations to carry out the mandate of this section.

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

8. Employees and agents of localities may only be sued in their official capacity for non-compliance with 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, the Transit-Oriented Development Act of 2023, 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

Section 1. Short title. This act shall be known and may be cited as the "transit-oriented development act of 2023".

§ 2. Legislative findings and statement of purpose. The legislature hereby finds, determines and declares:

New York State has a vital interest in reducing harmful greenhouse gas emissions. New York State further recognizes that encouraging and facil-

itating use of rail-based mass transit is a valuable method for reducing greenhouse gas emissions. New York State further recognizes that creating walkable living environments with a variety of housing options near rail-based mass transit not only advances the goal of encouraging the use of rail-based mass transit, but also promotes local and regional economic development.

Housing in the state of New York is among the most expensive in the nation and housing insecurity remains a problem for many low- and moderate-income families. The excessive cost of the state's housing supply is partially caused by a lack of housing near public transit access points. This lack of available housing is especially pronounced in well-resourced municipalities and neighborhoods with access to jobs, educational resources, and health infrastructure that engender social and economic mobility.

Many local governments do not give adequate attention to or planning for 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.

Increasing the supply of housing in close proximity to rail stations is a matter of state concern and critical to promoting housing affordability, reducing housing insecurity, driving economic growth, encouraging social and economic mobility, and actualizing the goals of the Climate Leadership and Community Protection Act.

A public policy purpose would be served and the interests of the people of the state would be advanced by requiring local planning and zoning changes that will facilitate the production of multifamily housing in areas near rail stations.

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

§ 20-h. Density of residential dwellings near transit stations. 1. Definitions. As used in this section, the following terms shall have the following meanings:

(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:

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

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

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

(iv) Within a tier 4 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:

(i) written or other comprehensive plan or plans;

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

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

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

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

(vi) 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:

(i) 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

(ii) 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) "Qualifying 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" is 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:

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

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

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

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

(C) 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 a qualifying project to make such project as proposed economically infeasible.

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.

(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, 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 either within a city with a population of greater than one million people, or 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.

(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 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.

(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 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.

(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 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.

(u) "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.

(v) "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.

(w) "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.

(x) "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.

(y) "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, or a tier 4 transit-oriented development zone, as applicable.

2. Amendment to local land use tools. (a) A city's local land use tools shall be amended to meet or exceed the aggregate density requirement on or before the date that is three years subsequent to the effective date of this section unless such aggregate density requirement is permitted pursuant to a city's local land use tools without requiring any amendment.

(b) Any amendment undertaken pursuant to paragraph (a) of this subdivision shall be exempt from any review required 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 any amendment to the permissible use of non-buildable land shall be subject to such review, as applicable.

(c) No amendment undertaken pursuant to paragraph (a) of this subdivision shall create or otherwise impose any unreasonable laws, rules, regulations, guidelines or restrictions that effectively prevent the construction or occupation of qualifying projects, including, but not limited to, any such laws, rules, regulations, guidelines or restrictions governing lot coverage, open space, height, setbacks, floor area ratios, or parking requirements.

(d) Prior to the finalization of the amendment undertaken pursuant to paragraph (a) of this subdivision, the lead agency equivalent shall set forth in writing and publish:

(i) a description of the land that is part of the applicable transit-oriented development zone;

(ii) a description of the land that is exempt from the aggregate density requirement;

(iii) a description of any exempt land that would otherwise be included in the transit-oriented development zone;

(iv) a specific description of the permissible land uses within the applicable transit-oriented development zone prior to the amendment;

(v) a specific description of the proposed permissible land uses within the applicable transit-oriented development zone following the amendment;

(vi) the allowable aggregate density, meaning the average allowable density within the applicable transit-oriented development zone, of residential dwellings prior to the amendment;

(vii) the allowable aggregate density, meaning the average allowable density within the applicable transit-oriented development zone, of residential dwellings subsequent to the amendment;

(viii) the capacity of the drinking water supply and wastewater treatment services, as applicable, to support the proposed increased residential dwellings density contemplated by the amendment;

(ix) the capacity of local infrastructure to provide adequate utility services to support the proposed increased residential dwellings density contemplated by the amendment;

(x) the existence of sites containing or contaminated by hazardous waste within the area contemplated by the amendment;

(xi) any required stormwater runoff strategies or requirements contemplated by the amendment; and

(xii) a specific description of any land within the applicable transit-oriented development zone located within the one-hundred-year flood plain or where the depth to the water table is less than three feet.

(e) In the event that a city fails to finalize the amendment pursuant to and within the required time set forth in paragraph (a) of this subdivision, and until such time as a city comprehensively updates its local land use tools in compliance with paragraph (a) of this subdivision, and notwithstanding the provisions of any general, special, local, or other law, including the common law, to the contrary:

(i) All cities shall permit the construction and occupation of residential dwellings with a density up to and including the applicable aggregate density requirement in any residential zone;

(ii) No city shall impose restrictions that effectively prevent the construction or occupancy of such residential dwellings, including, but not limited to, any such restrictions related to lot coverage, open space, height, setbacks, floor area ratios, or parking requirements; and

(iii) A project for residential dwellings, which would otherwise be classified as a qualifying project if a city timely adopted an amendment pursuant to paragraph (a) of this subdivision and which is approved by a city or lead agency equivalent pursuant to a transit-oriented development review process prior to the date of the amendment, shall be vested upon the issuance of a building permit in the event a subsequently enacted amendment or any updates to the land use tools are contrary to the rights granted for such project. Such vested rights shall exist without the need for the permit holder to demonstrate substantial expenditure and substantial construction in accordance with the permit prior to the effective date of the amendment or any updates to the land use tools.

3. Transit-oriented development review process. (a) In the event that a city fails to finalize the amendment pursuant to and within the required time set forth in paragraph (a) of subdivision two of this section, and until such time as a city comprehensively updates its local land use tools in compliance with paragraph (a) of subdivision two of this section, any project specific review related to a proposed qualify-

ing project shall be reviewed pursuant to the transit-oriented development review process.

(b) After the finalization of the amendment undertaken pursuant to paragraph (a) of subdivision two of this section, any project specific review related to a proposed qualifying project shall be reviewed pursuant to the transit-oriented development review process.

4. Enforcement. (a) (i) The attorney general of the state of New York may commence an action in a court of appropriate jurisdiction to compel a city to amend its local land use tools in compliance with the requirements set forth in subdivision two of this section if the city fails to do so within the required timeframe set forth therein.

(ii) A party may pursue a cause of action pursuant to paragraph (b) of this subdivision if such party is improperly denied permission by a lead agency equivalent to build a qualifying project pursuant to paragraph (b) of subdivision three of this section.

(b) (i) Upon a failure of a city to comply with the deadlines set forth in subdivision two of this section, or a lead agency equivalent's denial of any application submitted in relation to a qualifying project in violation of paragraph (a) of subdivision three of this section, any party aggrieved by any such failure or denial may commence a special proceeding against the subject city or lead agency equivalent and the officers of such city and lead agency equivalent in the supreme court within the judicial district in which the city or the greater portion of the territory of such city is located to compel compliance with the provisions of this section.

(ii) If, upon commencement of such proceeding, it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence and determine the matter. Alternatively, the court may appoint a hearing officer pursuant to article forty-three of the civil practice law and rules to take such evidence as it may direct and report the same to the court with the hearing officer's findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.

(iii) The city or lead agency equivalent must set forth the reasons for the denial of the application and must demonstrate by clear and convincing evidence that the city or lead agency equivalent denied the application due to bona fide health and safety concerns, or pursuant to the transit-oriented development review process that complies with the requirements of this section. If the city or lead agency equivalent meets such burden, the applicant shall be given the opportunity to demonstrate that the concerns raised by the city or lead agency equivalent are pretextual or that such concerns can be addressed or mitigated by changes to the qualifying project.

(iv) The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. The court may also remand to the city or lead agency equivalent to process or further consider an application consistent with the terms of any order of the court, including on an expedited basis.

(v) Costs shall not be allowed against the city, lead agency equivalent, and the officer whose failure or refusal gave rise to the special proceeding, unless it shall appear to the court that the city, lead agency equivalent, and its officers or employees acted with gross negligence, in bad faith, or with malice.

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

§ 261-d. Density of residential dwellings near transit stations. 1. Definitions. As used in this section, the following terms shall have the following meanings:

(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:

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

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

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

(iv) Within a tier 4 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 town'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 town or common council or other legislative body of the town, 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 town 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 town's:

(i) written or other comprehensive plan or plans;

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

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

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

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

(vi) 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:

(i) 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

(ii) 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) "Qualifying 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" is 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:

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

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

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

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

(C) 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 a qualifying project to make such project as proposed economically infeasible.

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. 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.

(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, 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.

(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 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.

(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 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.

(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 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.

(u) "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 limit-

ed 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.

(v) "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.

(w) "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.

(x) "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.

(y) "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, or a tier 4 transit-oriented development zone, as applicable.

2. Amendment to local land use tools. (a) A town's local land use tools shall be amended to meet or exceed the aggregate density requirement on or before the date that is three years subsequent to the effective date of this section unless such aggregate density requirement is permitted pursuant to a town's local land use tools without requiring any amendment.

(b) Any amendment undertaken pursuant to paragraph (a) of this subdivision shall be exempt from any review required pursuant to article

eight of the environmental conservation law and any rules and regulations promulgated thereto, and any local equivalent law, regulation, or rule, provided further that any amendment to the permissible use of non-buildable land shall be subject to such review, as applicable.

(c) No amendment undertaken pursuant to paragraph (a) of this subdivision shall create or otherwise impose any unreasonable laws, rules, regulations, guidelines or restrictions that effectively prevent the construction or occupation of qualifying projects, including, but not limited to, any such laws, rules, regulations, guidelines or restrictions governing lot coverage, open space, height, setbacks, floor area ratios, or parking requirements.

(d) Prior to the finalization of the amendment undertaken pursuant to paragraph (a) of this subdivision, the lead agency equivalent shall set forth in writing and publish:

(i) a description of the land that is part of the applicable transit-oriented development zone;

(ii) a description of the land that is exempt from the aggregate density requirement;

(iii) a description of any exempt land that would otherwise be included in the transit-oriented development zone;

(iv) a specific description of the permissible land uses within the applicable transit-oriented development zone prior to the amendment;

(v) a specific description of the proposed permissible land uses within the applicable transit-oriented development zone following the amendment;

(vi) the allowable aggregate density, meaning the average allowable density within the applicable transit-oriented development zone, of residential dwellings prior to the amendment;

(vii) the allowable aggregate density, meaning the average allowable density within the applicable transit-oriented development zone, of residential dwellings subsequent to the amendment;

(viii) the capacity of the drinking water supply and wastewater treatment services, as applicable, to support the proposed increased residential dwellings density contemplated by the amendment;

(ix) the capacity of local infrastructure to provide adequate utility services to support the proposed increased residential dwellings density contemplated by the amendment;

(x) the existence of sites containing or contaminated by hazardous waste within the area contemplated by the amendment;

(xi) any required stormwater runoff strategies or requirements contemplated by the amendment; and

(xii) a specific description of any land within the applicable transit-oriented development zone located within the one-hundred-year flood plain or where the depth to the water table is less than three feet.

(e) In the event that a town fails to finalize the amendment pursuant to and within the required time set forth in paragraph (a) of this subdivision, and until such time as a town comprehensively updates its local land use tools in compliance with paragraph (a) of this subdivision, and notwithstanding the provisions of any general, special, local, or other law, including the common law, to the contrary:

(i) All towns shall permit the construction and occupation of residential dwellings with a density up to and including the applicable aggregate density requirement in any residential zone;

(ii) No town shall impose restrictions that effectively prevent the construction or occupancy of such residential dwellings, including, but

not limited to, any such restrictions related to lot coverage, open space, height, setbacks, floor area ratios, or parking requirements; and

(iii) A project for residential dwellings, which would otherwise be classified as a qualifying project if a town timely adopted an amendment pursuant to paragraph (a) of this subdivision and which is approved by a town or lead agency equivalent pursuant to a transit-oriented development review process prior to the date of the amendment, shall be vested upon the issuance of a building permit in the event a subsequently enacted amendment or any updates to the land use tools are contrary to the rights granted for such project. Such vested rights shall exist without the need for the permit holder to demonstrate substantial expenditure and substantial construction in accordance with the permit prior to the effective date of the amendment or any updates to the land use tools.

3. Transit-oriented development review process. (a) In the event that a town fails to finalize the amendment pursuant to and within the required time set forth in paragraph (a) of subdivision two of this section, and until such time as a town comprehensively updates its local land use tools in compliance with paragraph (a) of subdivision two of this section, any project specific review related to a proposed qualifying project shall be reviewed pursuant to the transit-oriented development review process.

(b) After the finalization of the amendment undertaken pursuant to paragraph (a) of subdivision two, any project specific review related to a proposed qualifying project shall be reviewed pursuant to the transit-oriented development review process.

4. Enforcement. (a)(i) The attorney general of the state of New York may commence an action in a court of appropriate jurisdiction to compel a town to amend its local land use tools in compliance with the requirements set forth in subdivision two of this section if the town fails to do so within the required timeframe set forth therein.

(ii) A party may pursue a cause of action pursuant to paragraph (b) of this subdivision if such party is improperly denied permission by a lead agency equivalent to build a qualifying project pursuant to paragraph (b) of subdivision three of this section.

(b) (i) Upon a failure of a town to comply with the deadlines set forth in subdivision two of this section, or a lead agency equivalent's denial of any application submitted in relation to a qualifying project in violation of paragraph (a) of subdivision three of this section, any party aggrieved by any such failure or denial may commence a special proceeding against the subject town or lead agency equivalent and the officers of such town and lead agency equivalent in the supreme court within the judicial district in which the town or the greater portion of the territory of such town is located to compel compliance with the provisions of this section.

(ii) If, upon commencement of such proceeding, it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence and determine the matter. Alternatively, the court may appoint a hearing officer pursuant to article forty-three of the civil practice law and rules to take such evidence as it may direct and report the same to the court with the hearing officer's findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.

(iii) The town or lead agency equivalent must set forth the reasons for the denial of the application and must demonstrate by clear and

convincing evidence that the town or lead agency equivalent denied the application due to bona fide health and safety concerns, or pursuant to the transit-oriented development review process that complies with the requirements of this section. If the town or lead agency equivalent meets such burden, the applicant shall be given the opportunity to demonstrate that the concerns raised by the town or lead agency equivalent are pretextual or that such concerns can be addressed or mitigated by changes to the qualifying project.

(iv) The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. The court may also remand to the town or lead agency equivalent to process or further consider an application consistent with the terms of any order of the court, including on an expedited basis.

(v) Costs shall not be allowed against the town, lead agency equivalent, and the officers whose failure or refusal gave rise to the special proceeding, unless it shall appear to the court that the town, lead agency equivalent, and its officers or employees acted with gross negligence, in bad faith, or with malice.

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

§ 7-700-a Density of residential dwellings near transit stations. 1. Definitions. As used in this section, the following terms shall have the following meanings:

(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:

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

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

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

(iv) Within a tier 4 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 village'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 village or common council or other legislative body of the village, 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

village 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 village's:

(i) written or other comprehensive plan or plans;

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

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

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

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

(vi) 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:

(i) 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

(ii) 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 erosions 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) "Qualifying 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" is 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:

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

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

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

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

(C) 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 a qualifying project to make such project as proposed economically infeasible.

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. 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.

(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, 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.

(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 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.

(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 metro-

politan 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.

(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 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.

(u) "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.

(v) "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.

(w) "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.

(x) "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.

(y) "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, or a tier 4 transit-oriented development zone, as applicable.

2. Amendment to local land use tools. (a) A village's local land use tools shall be amended to meet or exceed the aggregate density requirement on or before the date that is three years subsequent to the effective date of this section unless such aggregate density requirement is permitted pursuant to a village's local land use tools without requiring any amendment.

(b) Any amendment undertaken pursuant to paragraph (a) of this subdivision shall be exempt from any review required pursuant to article eight of the environmental conservation law and any rules and regulations promulgated thereto, and any local equivalent law, regulation, or rule, provided further that any amendment to the permissible use of non-buildable land shall be subject to such review, as applicable.

(c) No amendment undertaken pursuant to paragraph (a) of this subdivision shall create or otherwise impose any unreasonable laws, rules, regulations, guidelines or restrictions that effectively prevent the construction or occupation of qualifying projects, including, but not limited to, any such laws, rules, regulations, guidelines or restrictions governing lot coverage, open space, height, setbacks, floor area ratios, or parking requirements.

(d) Prior to the finalization of the amendment undertaken pursuant to paragraph (a) of this subdivision, the lead agency equivalent shall set forth in writing and publish:

(i) a description of the land that is part of the applicable transit-oriented development zone;

(ii) a description of the land that is exempt from the aggregate density requirement;

(iii) a description of any exempt land that would otherwise be included in the transit-oriented development zone;

(iv) a specific description of the permissible land uses within the applicable transit-oriented development zone prior to the amendment;

(v) a specific description of the proposed permissible land uses within the applicable transit-oriented development zone following the amendment;

(vi) the allowable aggregate density, meaning the average allowable density within the applicable transit-oriented development zone, of residential dwellings prior to the amendment;

(vii) the allowable aggregate density, meaning the average allowable density within the applicable transit-oriented development zone, of residential dwellings subsequent to the amendment;

(viii) the capacity of the drinking water supply and wastewater treatment services, as applicable, to support the proposed increased residential dwellings density contemplated by the amendment;

(ix) the capacity of local infrastructure to provide adequate utility services to support the proposed increased residential dwellings density contemplated by the amendment;

(x) the existence of sites containing or contaminated by hazardous waste within the area contemplated by the amendment;

(xi) any required stormwater runoff strategies or requirements contemplated by the amendment; and

(xii) a specific description of any land within the applicable transit-oriented development zone located within the one-hundred-year flood plain or where the depth to the water table is less than three feet.

(e) In the event that a village fails to finalize the amendment pursuant to and within the required time set forth in paragraph (a) of this subdivision, and until such time as a village comprehensively updates its local land use tools in compliance with paragraph (a) of this subdivision, and notwithstanding the provisions of any general, special, local, or other law, including the common law, to the contrary:

(i) All villages shall permit the construction and occupation of residential dwellings with a density up to and including the applicable aggregate density requirement in any residential zone;

(ii) No village shall impose restrictions that effectively prevent the construction or occupancy of such residential dwellings, including, but not limited to, any such restrictions related to lot coverage, open space, height, setbacks, floor area ratios, or parking requirements; and

(iii) A project for residential dwellings, which would otherwise be classified as a qualifying project if a village timely adopted an amendment pursuant to paragraph (a) of this subdivision and which is approved by a village or lead agency equivalent pursuant to a transit-oriented development review process prior to the date of the amendment, shall be vested upon the issuance of a building permit in the event a subsequently enacted amendment or any updates to the land use tools are contrary to the rights granted for such project. Such vested rights shall exist without the need for the permit holder to demonstrate substantial expenditure and substantial construction in accordance with the permit prior to the effective date of the amendment or any updates to the land use tools.

3. Transit-oriented development review process. (a) In the event that a village fails to finalize the amendment pursuant to and within the required time set forth in paragraph (a) of subdivision two of this section, and until such time as a village comprehensively updates its local land use tools in compliance with paragraph (a) of subdivision two of this section, any project specific review related to a proposed qualifying project shall be reviewed pursuant to the transit-oriented development review process.

(b) After the finalization of the amendment undertaken pursuant to paragraph (a) of subdivision two of this section, any project specific review related to a proposed qualifying project shall be reviewed pursuant to the transit-oriented development review process.

4. Enforcement. (a)(i) The attorney general of the state of New York may commence an action in a court of appropriate jurisdiction to compel a village to amend its local land use tools in compliance with the requirements set forth in subdivision two of this section if the village fails to do so within the required timeframe set forth therein.

(ii) A party may pursue a cause of action pursuant to paragraph (b) of this subdivision if such party is improperly denied permission by a lead agency equivalent to build a qualifying project pursuant to paragraph (b) of subdivision three of this section.

(b)(i) Upon a failure of a village to comply with the deadlines set forth in subdivision two of this section, or a lead agency equivalent's denial of any application submitted in relation to a qualifying project

in violation of paragraph (a) of subdivision three of this section, any party aggrieved by any such failure or denial may commence a special proceeding against the subject village or lead agency equivalent and the officers of such village and lead agency equivalent in the supreme court within the judicial district in which the village or the greater portion of the territory of such village is located to compel compliance with the provisions of this section.

(ii) If, upon commencement of such proceeding, it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence and determine the matter. Alternatively, the court may appoint a hearing officer pursuant to article forty-three of the civil practice law and rules to take such evidence as it may direct and report the same to the court with the hearing officer's findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.

(iii) The village or lead agency equivalent must set forth the reasons for the denial of the application and must demonstrate by clear and convincing evidence that the village or lead agency equivalent denied the application due to bona fide health and safety concerns, or pursuant to the transit-oriented development review process that complies with the requirements of this section. If the village or lead agency equivalent meets such burden, the applicant shall be given the opportunity to demonstrate that the concerns raised by the village or lead agency equivalent are pretextual or that such concerns can be addressed or mitigated by changes to the qualifying project.

(iv) The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. The court may also remand to the village or lead agency equivalent to process or further consider an application consistent with the terms of any order of the court, including on an expedited basis.

(v) Costs shall not be allowed against the village, lead agency equivalent, and the officer whose failure or refusal gave rise to the special proceeding, unless it shall appear to the court that the village, lead agency equivalent, and its officers or employees acted with gross negligence, in bad faith, or with malice.

§ 6. This act shall take effect immediately.

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. The commissioner shall require each local board to 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, the commissioner shall require each local board to 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.

§ 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

Section 1. Paragraph (b) of subdivision 1 of section 1971 of the real property actions and proceedings law, as amended by chapter 529 of the laws of 2008, is amended to read as follows:

(b) In the case of a vacant dwelling, it is not sealed or continuously guarded**, in that admittance to the property may be gained without damaging any portion of the property,** as required by law or it was sealed or is continuously guarded by a person other than the owner, a mortgagee, lienor or agent thereof, and [~~either~~] **any** of the following facts exists:

(i) A vacate order of the department or other governmental agency currently prohibits occupancy of the dwelling; or

(ii) The tax on such premises has been due and unpaid for a period of at least one year; or

(iii) The property has had a zoning, building or property maintenance code violation which has the potential to injure, endanger or unreasonably annoy the health and safety of others that has been continuously outstanding and not remedied for a period of at least one year from the date the original notice of violation was served upon the property owner pursuant to subdivision four of section three hundred eight of the civil practice law and rules if the owner is a natural person, or pursuant to section three hundred ten, three hundred ten-a, three hundred eleven or three hundred eleven-a of the civil practice law and rules if the owner is a partnership, limited partnership, corporation or limited liability company, respectively; or

§ 2. This act shall take effect immediately.

PART J

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 capable, 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.

PART K

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

ARTICLE 7-D

LEGALIZATION AND CONVERSION OF BASEMENT DWELLING UNITS

Section 288. Definitions.
289. Basement local laws and regulations.
290. Tenant protections in inhabited basement dwelling units.

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

1. The term "inhabited basement dwelling unit" means a basement unlawfully occupied as a residence by one or more tenants on or prior to the effective date of this article;

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

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

§ 289. Basement local laws and regulations. 1. Notwithstanding any other provision of state or local law to the contrary, in a city with a population of one million or more, the local legislative body may, by local law, establish a program to address, provided that health and safety are protected, (a) the legalization of specified inhabited basement dwelling units in existence prior to the effective date of this article through conversion to legal dwelling units, or (b) the conversion of other specified basement dwelling units in existence prior to the effective date of this article to legal dwelling units. The local law authorized by this section, and any rules or regulations promulgated thereunder, shall not be subject to environmental review, including environmental review conducted pursuant to article eight of the environmental conservation law and any state and local regulations promulgated thereunder.

2. The program established by such local law may provide to an owner who converts an inhabited basement dwelling unit in accordance with a local law authorized by this article or who otherwise abates the illegal occupancy of a basement dwelling unit, (a) freedom from any civil or administrative liability, citations, fines, penalties, judgments or any other determinations of or prosecution for civil violations of this chapter, other state law or local law or rules, and the zoning resolution of such city, and (b) relief from any outstanding civil judgments issued in connection with any such violation of such laws, rules or zoning resolution issued before the effective date of this article. Provided that such local law shall require that all applications for conversions be filed by a date certain subsequent to the effective date of this article, provided further that such date shall not exceed five years after the effective date of this article.

3. Such local law may provide that any provision of this chapter or local law, rule or regulation, shall not be applicable to provide for the alterations necessary for the conversion of a specified inhabited

basement dwelling unit or other specified basement dwelling unit in existence prior to the effective date into a lawful dwelling unit. Any amendment of the zoning resolution necessary to enact such program shall be subject to a public hearing at the planning commission of such locality, and approval by such commission and the legislative body of such local government, provided, however, that it shall not require environmental review, including environmental review conducted pursuant to article eight of the environmental conservation law and any state and local regulations promulgated thereunder, or any additional land use review.

§ 290. Tenant protections in inhabited basement dwelling units. 1. The program authorized by this article shall require an application to make alterations to legalize an inhabited basement dwelling unit be accompanied by a certification indicating whether such unit was rented to a tenant on the effective date of this article, notwithstanding whether the occupancy of such unit was authorized by law. A city may not use such certification as the basis for an enforcement action for illegal occupancy of such unit, provided that nothing contained in this article shall be construed to limit such city from issuing a vacate order for hazardous or unsafe conditions.

2. The local law authorized by this article shall provide that a tenant in occupancy at the time of the effective date of this article, who is evicted or otherwise removed from such unit as a result of an alteration necessary to bring an inhabited basement dwelling unit into compliance with the standards established by the local law authorized by this article, shall have a right of first refusal to return to such unit as a tenant upon its first lawful occupancy as a legal dwelling unit, notwithstanding whether the occupancy at the time of the effective date of this article was authorized by law. Such local law shall specify how to determine priority when multiple tenants may claim such right.

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

§ 2. Subdivision 1 of section 472 of the private housing finance law, as amended by chapter 479 of the laws of 2005, is amended to read as follows:

1. Notwithstanding the provisions of any general, special or local law, a municipality, acting through an agency, is authorized: (a) to make, or contract to make, loans to low and moderate income owner-occupants of one to four unit existing private or multiple dwellings within its territorial limits, subject to the limitation of subdivisions two through seven of this section, in such amounts as shall be required for the rehabilitation of such dwellings, provided, however, that such loans shall not exceed sixty thousand dollars per dwelling unit, except that the limitation on the maximum amount of a loan, as described in this paragraph, shall not apply to any such loan for, in whole or in part, rehabilitation of a specified inhabited basement dwelling unit or other specified basement dwelling unit for which such owner has sought a permit pursuant to the local law authorized pursuant to section two hundred eighty-nine of the multiple dwelling law. Such loans may also include the refinancing of the outstanding indebtedness of such dwellings, and the municipality may make temporary loans or advances to such

owner-occupants in anticipation of permanent loans for such purposes; and

(b) to make or contract to make grants to any owner described in paragraph (a) of this subdivision, on the same terms as permitted under such paragraph for a loan.

§ 3. Section 472 of the private housing finance law is amended by adding a new subdivision 1-a to read as follows:

1-a. As used in this article, the term "loan" shall include any grant made by a municipality pursuant to this article, provided, however, that provisions of this article concerning the repayment or forgiveness of, or security for, a loan shall not apply to any grant made pursuant to this article.

§ 4. Subdivision 2 of section 473 of the private housing finance law, as added by chapter 786 of the laws of 1987, is amended to read as follows:

2. A municipality shall neither make nor participate in a loan to an owner-occupant of an existing private or multiple dwelling pursuant to this article unless the agency finds that the area in which such dwelling is situated is a blighted, deteriorated or deteriorating area or has a blighting influence on the surrounding area, or is in danger of becoming a slum or a blighted area because of the existence of substandard, unsanitary, deteriorating or deteriorated conditions, an aged housing stock, or other factors indicating an inability of the private sector to cause such rehabilitation to be made, except that any such finding shall not be required for any such loan for, in whole or in part, rehabilitation of a specified inhabited basement dwelling unit or other specified basement dwelling unit for which such owner has sought a permit pursuant to the local law authorized pursuant to section two hundred eighty-nine of the multiple dwelling law.

§ 5. This act shall take effect immediately.

PART L

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

3. Floor area ratio (FAR). [~~The~~] Except as otherwise provided in and determined under a zoning law, ordinance, or resolution of a city with a population of one million or more, or after consultation with local officials, as provided in a general project plan of the New York state urban development corporation, the floor area ratio (FAR) of any dwelling or dwellings on a lot shall not exceed 12.0, except that a fireproof class B dwelling in which six or more passenger elevators are maintained and operated in any city having a local zoning law, ordinance or resolution restricting districts in such city to residential use, may be erected in accordance with the provisions of such zoning law, ordinance or resolution, if such class B dwelling is erected in a district no part of which is restricted by such zoning law, ordinance or resolution to residential uses.

§ 2. This act shall take effect immediately.

PART M

Section 1. Section 489 of the real property tax law is amended by adding a new subdivision 21 to read as follows:

21. (a) Definitions. For purposes of this subdivision:

(1) "Affordable rent" shall mean the maximum rent within the marketing band that is allowed for an affordable rental unit as such rent is established by the local housing agency.

(2) "Affordable rental unit" shall mean a dwelling unit in an eligible rental building that, as of the filing of an application for a certificate of eligibility and reasonable cost, has a rent at or below the applicable affordable rent.

(3) "Certificate of eligibility and reasonable cost" shall mean a document issued by the local housing agency that establishes that a property is eligible for rehabilitation program benefits and sets forth the certified reasonable cost of the eligible construction for which such benefits shall be received.

(4) "Certified reasonable cost schedule" shall mean a table providing maximum dollar limits for specified alterations and improvements, established, and updated as necessary, by the local housing agency.

(5) "Checklist" shall mean a document that the local housing agency issues requesting additional information or documentation that is necessary for further assessment of an application for a certificate of eligibility and reasonable cost where such application contained all information and documentation required at the initial filing.

(6) "Commencement date" shall mean, with respect to eligible construction, the date on which any physical operation undertaken for the purpose of performing such eligible construction lawfully begins.

(7) "Completion date" shall mean, with respect to eligible construction, the date on which:

(A) every physical operation undertaken for the purpose of all eligible construction has concluded; and

(B) all such eligible construction has been completed to a reasonable and customary standard that renders such eligible construction capable of use for the purpose for which such eligible construction was intended.

(8) "Dwelling unit" shall mean any residential accommodation in a class A multiple dwelling that:

(A) is arranged, designed, used or intended for use by one or more persons living together and maintaining a common household;

(B) contains at least one room; and

(C) contains within such accommodation lawful sanitary and kitchen facilities reserved for its occupants.

(9) "Eligible building" shall mean an eligible rental building, an eligible homeownership building, or an eligible regulated homeownership building, provided that such building contains three or more dwelling units.

(10) "Eligible construction" shall mean alterations or improvements to an eligible building that:

(A) are specifically identified on the certified reasonable cost schedule;

(B) meet the minimum scope of work threshold;

(C) have a completion date that is after June twenty-ninth, two thousand twenty-two and prior to June thirtieth, two thousand twenty-six and that is not more than thirty months after their commencement date; and

(D) are not attributable to any increased cubic content in such eligible building.

(11) "Eligible homeownership building" shall mean an existing building that:

(A) is a class A multiple dwelling operated as condominium or cooperative housing;

(B) is not operating in whole or in part as a hotel; and

(C) has an average assessed valuation, including the valuation of the land, that as of the commencement date does not exceed the homeownership average assessed valuation limitation.

(12) "Eligible regulated homeownership building" shall mean an existing building that is a class A multiple dwelling owned and operated by either:

(A) a mutual company that continues to be organized and operated as a mutual company and that has entered into and recorded a mutual company regulatory agreement; or

(B) a mutual redevelopment company that continues to be organized and operated as a mutual redevelopment company and that has entered into and recorded a mutual redevelopment company regulatory agreement.

(13) "Eligible rental building" shall mean an existing building that:

(A) is a class A multiple dwelling in which all of the dwelling units are operated as rental housing;

(B) is not operating in whole or in part as a hotel; and

(C) satisfies one of the following conditions:

(i) not less than fifty percent of the dwelling units in such building are affordable rental units;

(ii) such building is owned and operated by a limited-profit housing company; or

(iii) such building is the recipient of substantial governmental assistance.

(14) "Existing building" shall mean an enclosed structure which:

(A) is permanently affixed to the land;

(B) has one or more floors and a roof;

(C) is bounded by walls;

(D) has at least one principal entrance utilized for day-to-day pedestrian ingress and egress;

(E) has a certificate of occupancy or equivalent document that is in effect prior to the commencement date; and

(F) exclusive of the land, has an assessed valuation of more than one thousand dollars for the fiscal year immediately preceding the commencement date.

(15) "Homeownership average assessed valuation limitation" shall mean an average assessed valuation of forty-five thousand dollars per dwelling unit.

(16) "Limited-profit housing company" shall have the same meaning as "company" set forth in section twelve of the private housing finance law.

(17) "Market rental unit" shall mean a dwelling unit in an eligible rental building other than an affordable rental unit.

(18) "Marketing band" shall mean maximum rent amounts ranging from twenty percent of eighty percent of the area median income, adjusted for family size, to thirty percent of eighty percent of the area median income, adjusted for family size.

(19) "Minimum scope of work threshold" shall mean a total amount of certified reasonable cost established by rules and regulations of the local housing agency, provided that such amount shall be no less than one thousand five hundred dollars for each dwelling unit in existence on the completion date.

(20) "Multiple dwelling" shall have the meaning as set forth in section four of the multiple dwelling law.

(21) "Mutual company" shall have the meaning as set forth in section twelve of the private housing finance law.

(22) "Mutual company regulatory agreement" shall mean a binding and irrevocable agreement between a mutual company and the commissioner of housing, the mutual company supervising agency, the New York city housing development corporation, or the New York state housing finance agency prohibiting the dissolution or reconstitution of such mutual company pursuant to section thirty-five of the private housing finance law for not less than fifteen years from the commencement of rehabilitation program benefits for the existing building owned and operated by such mutual company.

(23) "Mutual company supervising agency" shall have the same meaning, with respect to any mutual company, as "supervising agency" set forth in section two of the private housing finance law.

(24) "Mutual redevelopment company" shall have the same meaning as "mutual" when applied to a redevelopment company, as set forth in section one hundred two of the private housing finance law.

(25) "Mutual redevelopment company regulatory agreement" shall mean a binding and irrevocable agreement between a mutual redevelopment company and the commissioner of housing, the redevelopment company supervising agency, the New York city housing development corporation, or the New York state housing finance agency prohibiting the dissolution or reconstitution of such mutual redevelopment company pursuant to section one hundred twenty-three of the private housing finance law until the earlier of:

(A) fifteen years from the commencement of rehabilitation program benefits for the existing building owned and operated by such mutual redevelopment company; or

(B) the expiration of any tax exemption granted to such mutual redevelopment company pursuant to section one hundred twenty-five of the private housing finance law.

(26) "Redevelopment company" shall have the same meaning as set forth in section one hundred two of the private housing finance law.

(27) "Redevelopment company supervising agency" shall have the same meaning, with respect to any redevelopment company, as "supervising agency" set forth in section one hundred two of the private housing finance law.

(28) "Rehabilitation program benefits" shall mean abatement of real property taxes pursuant to this subdivision.

(29) "Rent regulation" shall mean, collectively, the emergency housing rent control law, any local law enacted pursuant to the local emergency housing rent control act, 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 the chapter of the laws of two thousand twenty-three that added this subdivision, or as any such statute is amended thereafter, together with any successor statutes or regulations addressing substantially the same subject matter.

(30) "Restriction period" shall mean, notwithstanding any termination or revocation of rehabilitation program benefits prior to such period, fifteen years from the initial receipt of rehabilitation program benefits, or such additional period of time as may be imposed pursuant to clause (A) of subparagraph five of paragraph (e) of this subdivision.

(31) "Substantial governmental assistance" shall mean grants, loans, or subsidies from any federal, state or local governmental agency or instrumentality in furtherance of a program for the development of affordable housing approved by the local housing agency, provided that such grants, loans, or subsidies are provided in accordance with a regu-

latory agreement entered into with such agency or instrumentality that is in effect as of the filing date of the application for a certificate of eligibility and reasonable cost.

(32) "Substantial interest" shall mean an ownership interest of ten percent or more.

(b) Abatement. Notwithstanding the provisions of any other subdivision of this section or of any general, special or local law to the contrary, any city to which the multiple dwelling law is applicable, acting through its local legislative body or other governing agency, is hereby authorized and empowered, until and including June thirtieth, two thousand twenty-five, to adopt and amend local laws or ordinances providing an abatement of real property taxes on an eligible building in which eligible construction has been completed, provided that:

(1) such abatement shall not exceed seventy percent of the certified reasonable cost of the eligible construction, as determined under rules and regulations of the local housing agency;

(2) such abatement shall not be effective for more than twenty years;

(3) the annual abatement of real property taxes on such eligible building shall not exceed eight and one-third percent of the total certified reasonable cost of such eligible construction;

(4) the annual abatement of real property taxes on such eligible building in any consecutive twelve-month period shall in no event exceed the amount of real property taxes payable in such twelve-month period for such building, provided, however, that such abatement shall not exceed fifty percent of the amount of real property taxes payable in such twelve-month period for any of the following:

(A) an eligible rental building owned by a limited-profit housing company or a redevelopment company; (B) an eligible homeownership building; and

(C) an eligible regulated homeownership building; and

(5) such abatement shall become effective beginning with the first quarterly tax bill immediately following the date of issuance of the certificate of eligibility and reasonable cost.

(c) Authority of city to adopt rules and regulations. Any such local law or ordinance shall authorize the adoption of rules and regulations, not inconsistent with this subdivision, by the local housing agency and any other local agency necessary for the implementation of this subdivision.

(d) Applications. (1) Any such local law or ordinance shall require that an application for a certificate of eligibility and reasonable cost pursuant to this subdivision be made after the completion date and on or before the later of (A) four months from the effective date of such local law or ordinance; or (B) four months from such completion date.

(2) Such application shall include evidence of eligibility for rehabilitation program benefits and evidence of reasonable cost as shall be satisfactory to the local housing agency including, but not limited to, evidence showing the cost of eligible construction.

(3) The local housing agency shall require a non-refundable filing fee that shall be paid by a certified check or cashier's check upon the filing of an application for a certificate of eligibility and reasonable cost. Such fee shall be (A) one thousand dollars, plus (B) seventy-five dollars for each dwelling unit in excess of six dwelling units in the eligible building that is the subject of such application.

(4) Any application that is filed pursuant to this paragraph that is missing any of the information and documentation required at initial filing by such local law or ordinance and any rules and regulations of

the local housing agency shall be denied, provided that a new application for the same eligible construction, together with a new non-refundable filing fee, may be filed within fifteen days of the date of issuance of such denial. If such second application is also missing any such required information and documentation, it shall be denied and no further applications for the same eligible construction shall be permitted.

(5) The failure of an applicant to respond to any checklist within thirty days of the date of its issuance by the local housing agency shall result in denial of such application, and no further applications for the same eligible construction shall be permitted. The local housing agency shall issue not more than three checklists per application. An application for a certificate of eligibility and reasonable cost shall be denied when the local housing agency does not have a sufficient basis to issue a certificate of eligibility and reasonable cost after the timely response of an applicant to the third checklist concerning such application. After the local housing agency has denied an application for the reason described in the preceding sentence, such agency shall permit no further applications for the same eligible construction.

(6) An application for a certificate of eligibility and reasonable cost shall also include an affidavit of no harassment.

(A) Such affidavit shall set forth the following information:

(i) the name of every owner of record and owner of a substantial interest in the eligible building or entity owning the eligible building or sponsoring the eligible construction; and

(ii) a statement that none of such persons had, within the five years prior to the completion date, been found to have harassed or unlawfully evicted tenants by judgment or determination of a court or agency, including a non-governmental agency having appropriate legal jurisdiction, under the penal law, any state or local law regulating rents or any state or local law relating to harassment of tenants or unlawful eviction.

(B) No eligible building shall be eligible for an abatement pursuant to paragraph (b) of this subdivision where:

(i) any affidavit required under this subparagraph has not been filed;

(ii) any such affidavit contains a willful misrepresentation or omission of any material fact; or

(iii) any owner of record or owner of a substantial interest in the eligible building or entity owning the eligible building or sponsoring the eligible construction has been found, by judgment or determination of a court or agency, including a non-governmental agency having appropriate legal jurisdiction, under the penal law, any state or local law regulating rents or any state or local law relating to harassment of tenants or unlawful eviction, to have, within the five years prior to the completion date, harassed or unlawfully evicted tenants, until and unless the finding is reversed on appeal.

(C) Notwithstanding the provisions of any general, special or local law to the contrary, the corporation counsel or other legal representative of a city having a population of one million or more or the district attorney of any county, may institute an action or proceeding in any court of competent jurisdiction that may be appropriate or necessary to determine whether any owner of record or owner of a substantial interest in the eligible building or entity owning the eligible building or sponsoring the eligible construction has harassed or unlawfully evicted tenants as described in this subparagraph.

(7) Notwithstanding the provisions of any general, special or local law to the contrary, the local housing agency may require by rules and regulations that an application for a certificate of eligibility and reasonable cost be filed electronically.

(e) Additional requirements for an eligible rental building other than one owned and operated by a limited-profit housing company. Any such local law or ordinance shall, in addition to all other conditions of eligibility for rehabilitation program benefits set forth in this subdivision, require that an eligible rental building, other than one owned and operated by a limited-profit housing company, also comply with all provisions of this paragraph. Notwithstanding the foregoing, an eligible rental building that is the recipient of substantial governmental assistance shall not be required to comply with the provisions of subparagraph three of this paragraph.

(1) Notwithstanding any provision of rent regulation to the contrary, any market rental unit within such eligible rental building subject to rent regulation as of the filing date of the application for a certificate of eligibility and reasonable cost and any affordable rental unit within such eligible rental building shall be subject to rent regulation until such unit first becomes vacant after the expiration of the restriction period at which time such unit, unless it would be subject to rent regulation for reasons other than the provisions of this subdivision, shall be deregulated, provided, however, that during the restriction period, no exemption or exclusion from any requirement of rent regulation shall apply to such dwelling units.

(2) Additional requirements for an eligible rental building that is not a recipient of substantial governmental assistance.

(A) Not less than fifty percent of the dwelling units in such eligible rental building shall be designated as affordable rental units.

(B) The owner of such eligible rental building shall ensure that no affordable rental unit is held off the market for a period that is longer than reasonably necessary.

(C) The owner of such eligible rental building shall waive the collection of any major capital improvement rent increase granted by the New York state division of housing and community renewal pursuant to rent regulation that is attributable to eligible construction for which such eligible rental building receives rehabilitation program benefits, and shall file a declaration with the New York state division of housing and community renewal providing such waiver.

(D) An affordable rental unit shall not be rented on a temporary, transient or short-term basis. Every lease and renewal thereof for an affordable rental unit shall be for a term of one or two years, at the option of the tenant, and shall include a notice in at least twelve-point type informing such tenant of their rights pursuant to this subdivision, including an explanation of the restrictions on rent increases that may be imposed on such affordable rental unit.

(E) The local housing agency may establish by rules and regulations such requirements as the local housing agency deems necessary or appropriate for designating affordable rental units, including, but not limited to, designating the unit mix and distribution requirements of such affordable rental units in an eligible building.

(3) The owner of such eligible rental building shall not engage in or cause any harassment of the tenants of such eligible rental building or unlawfully evict any such tenants during the restriction period.

(4) No dwelling units within such eligible rental building shall be converted to cooperative or condominium ownership during the restriction period.

(5) Any non-compliance of an eligible rental building with the provisions of this paragraph shall permit the local housing agency to take the following action:

(A) extend the restriction period;

(B) increase the number of affordable rental units in such eligible rental building;

(C) impose a penalty of not more than the product of one thousand dollars per instance of non-compliance and the number of dwelling units contained in such eligible rental building; and

(D) terminate or revoke any rehabilitation program benefits in accordance with paragraph (m) of this subdivision.

(f) Compliance with applicable law. Any such local law or ordinance may also provide that rehabilitation program benefits shall not be allowed for any eligible building unless and until such eligible building complies with all applicable provisions of law.

(g) Implementation of rehabilitation program benefits. Upon issuance of a certificate of eligibility and reasonable cost and payment of outstanding fees, the local housing agency shall be authorized to transmit such certificate of eligibility and reasonable cost to the local agency responsible for real property tax assessment. Upon receipt of a certificate of eligibility and reasonable cost, the local agency responsible for real property tax assessment shall certify the amount of taxes to be abated pursuant to paragraph (b) of this subdivision and pursuant to such certificate of eligibility and reasonable cost provided by the local housing agency.

(h) Outstanding taxes and charges. Any such local law or ordinance shall also provide that rehabilitation program benefits shall not be allowed for an eligible building in either of the following cases:

(1) there are outstanding real estate taxes or water and sewer charges or payments in lieu of taxes that are due and owing as of the last day of the tax period preceding the date of the receipt of the certificate of eligibility and reasonable cost by the local agency responsible for real property tax assessment; or

(2) real estate taxes or water and sewer charges due at any time during the authorized term of such benefits remain unpaid for one year after the same are due and payable.

(i) Additional limitations on eligibility. Any such local law or ordinance shall also provide that:

(1) rehabilitation program benefits shall not be allowed for any eligible building receiving tax exemption or abatement concurrently for rehabilitation or new construction under any other provision of state or local law or ordinance with the exception of any eligible construction to an eligible building receiving a tax exemption or abatement under the provisions of the private housing finance law;

(2) rehabilitation program benefits shall not be allowed for any item of eligible construction in an eligible building if such eligible building is receiving tax exemption or abatement for the same or a similar item of eligible construction as of the December thirty-first preceding the date of application for a certificate of eligibility and reasonable cost for such rehabilitation program benefits;

(3) where the eligible construction includes or benefits a portion of an eligible building that is not occupied for dwelling purposes, the assessed valuation of such eligible building and the cost of the eligi-

ble construction shall be apportioned so that rehabilitation program benefits shall not be provided for eligible construction made for other than dwelling purposes; and

(4) rehabilitation program benefits shall not be applied to abate or reduce the taxes upon the land portion of real property, which shall continue to be taxed based upon the assessed valuation of the land and the applicable tax rate at the time such taxes are levied.

(j) Re-inspection penalty. Any such local law or ordinance shall also provide that if the local housing agency cannot verify the eligible construction claimed by an applicant upon the first inspection by the local housing agency of the eligible building, such applicant shall be required to pay ten times the actual cost of any additional inspection needed to verify such eligible construction.

(k) Strict liability for inaccurate applications. Any such local law or ordinance shall also provide that if the local housing agency determines that an application for a certificate of eligibility and reasonable cost contains a material misstatement of fact, the local housing agency may reject such application and bar the submission of any other application pursuant to this subdivision with respect to such eligible building for a period not to exceed three years. An applicant shall not be relieved from liability under this paragraph because it submitted its application under a mistaken belief of fact. Furthermore, any person or entity that files more than six applications containing such a material misstatement of fact within any twelve-month period shall be barred from submitting any new application for rehabilitation program benefits on behalf of any eligible building for a period not to exceed five years.

(l) Investigatory authority. Any such local law or ordinance shall also allow the local housing agency to require such certifications and consents necessary to access records, including other tax records, as may be deemed appropriate to enforce the eligibility requirements of this subdivision. Any such local law or ordinance shall further provide that, for purposes of determining and certifying eligibility for rehabilitation program benefits and the reasonable cost of any eligible construction, the local housing agency shall be authorized to:

(1) administer oaths to and take the testimony of any person, including, but not limited to, the owner of such eligible building;

(2) issue subpoenas requiring the attendance of such persons and the production of any bills, books, papers or other documents as it may deem necessary;

(3) make preliminary estimates of the maximum reasonable cost of such eligible construction;

(4) establish maximum allowable costs of specified units, fixtures or work in such eligible construction;

(5) require the submission of plans and specifications of such eligible construction before the commencement thereof;

(6) require physical access to inspect the eligible building; and

(7) on an annual basis, require the submission of leases for any dwelling unit in a building granted a certificate of eligibility and reasonable cost.

(m) Termination or revocation. Any such local law or ordinance shall provide that failure to comply with the provisions of this subdivision, any such local law or ordinance, any rules and regulations promulgated thereunder, or any mutual company regulatory agreement or mutual redevelopment company regulatory agreement entered into thereunder, may result in revocation of any rehabilitation program benefits retroactive to the commencement thereof. Such termination or revocation shall not

exempt such eligible building from continued compliance with the requirements of this subdivision, such local law or ordinance, such rules and regulations, and such mutual company regulatory agreement or mutual redevelopment company regulatory agreement.

(n) Criminal liability for unauthorized uses. Any such local law or ordinance shall also provide that in the event that any recipient of rehabilitation program benefits uses any dwelling unit in such eligible building in violation of the requirements of such local law or ordinance as adopted pursuant to this subdivision and any rules and regulations promulgated pursuant thereto, such recipient shall be guilty of an unclassified misdemeanor punishable by a fine in an amount equivalent to double the value of the gain of such recipient from such unlawful use or imprisonment for not more than ninety days, or both.

(o) Private right of action. Any prospective, present, or former tenant of an eligible rental building may sue to enforce the requirements and prohibitions of this subdivision, any such local law or ordinance, or any rules and regulations promulgated thereunder, in the supreme court of New York. Any such individual harmed by reason of a violation of such requirements and prohibitions may sue therefor in the supreme court of New York on behalf of himself or herself, and shall recover threefold the damages sustained and the cost of the suit, including a reasonable attorney's fee. The local housing agency may use any court decision under this paragraph that is adverse to the owner of an eligible building as the basis for further enforcement action. Notwithstanding any other provision of law, an action by a tenant of an eligible rental building under this paragraph must be commenced within six years from the date of the latest violation.

(p) Appointment of receiver. In addition to the remedies for non-compliance provided for in subparagraph five of paragraph (e) of this subdivision, any such local law or ordinance may also provide that the local housing agency may make application for the appointment of a receiver in accordance with the procedures contained in such local law or ordinance. Any receiver appointed pursuant to this paragraph shall be authorized, in addition to any other powers conferred by law, to effect compliance with the provisions of this subdivision, such local law or ordinance, and rules and regulations of the local housing agency. Any expenditures incurred by the receiver to effect such compliance shall constitute a debt of the owner and a lien upon the property, and upon the rents and income thereof, in accordance with the procedures contained in such local law or ordinance. The local housing agency in its discretion may provide funds to be expended by the receiver, and such funds shall constitute a debt recoverable from the owner in accordance with applicable local laws or ordinances.

(r) Authority of city to limit local law. Where a city enacts or amends a local law or ordinance under this subdivision, such local law or ordinance may restrict, limit or condition the eligibility, scope or amount of rehabilitation program benefits under the local law or ordinance in any manner, provided that the local law or ordinance may not grant rehabilitation program benefits beyond those provided in this subdivision.

§ 2. This act shall take effect immediately.

PART N

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

§ 421-p. Exemption of newly-constructed rental multiple dwellings. 1. (a) A city, town or village may, by local law, provide for the exemption of rental multiple dwellings constructed 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 restriction 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 restriction 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.

2. Eligible newly-constructed 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 an additional period of twenty-five years, provided, that the exemption percentage during such additional period of twenty-five years shall begin at ninety-six percent and shall decrease by four percent each year thereafter. 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. To be eligible for exemption under this section, such construction shall take place on vacant, predominantly vacant or underutilized land, or on land improved with a non-conforming use or on land containing one or more substandard or structurally unsound dwellings, or a dwelling that has been certified as unsanitary by the local health agency.

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

5. In the case of newly constructed property which is used partially as a rental multiple dwelling and partially for commercial or other purposes, the portion of the newly constructed property that is used as

a rental multiple dwelling shall be eligible for the exemption authorized by this section if:

(a) The square footage of the portion used as a rental multiple dwelling represents at least fifty percent of the square footage of the entire property;

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

(c) The requirements of this section are otherwise satisfied with respect to the portion of the property used as a rental multiple dwelling.

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

7. 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.

§ 2. This act shall take effect immediately.

PART O

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

§ 421-p. Exemption of capital improvements to residential new construction involving the creation of accessory dwelling units. 1. Residential buildings reconstructed, altered, improved, or newly constructed in order to create one or more additional residential dwelling units on the same parcel as a pre-existing residential building to provide independent living facilities for one or more persons subsequent to the effective date of a local law or resolution enacted pursuant to this section shall be exempt from taxation and special ad valorem levies to the extent provided hereinafter. After a public hearing, the governing board of a county, city, town or village may adopt a local law and a school district, other than a school district subject to article fifty-two of the education law, may adopt a resolution to grant the exemption authorized pursuant to this section. A copy of such local law or resolution shall be filed with the commissioner and the assessor of such county, city, town or village who prepares the assessment roll on which the taxes of such county, city, town, village or school district are levied.

2. (a) Such buildings shall be exempt for a period of five years to the extent of one hundred per centum of the increase in assessed value thereof attributable to such reconstruction, alteration, improvement, or new construction for such additional residential unit or units that provide independent living facilities for one or more persons, and for an additional period of five years subject to the following:

(i) The extent of such exemption shall be decreased by twenty-five per centum of the "exemption base" for each of the first three years during such additional period and shall be decreased by a further ten per centum of the "exemption base" during each of the final two years of such additional period. The exemption shall expire at the end of the extended period. The "exemption base" shall be the increase in assessed

value as determined in the initial year of the term of the exemption, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) Such exemption shall be limited to two hundred thousand dollars in increased market value of the property attributable to such reconstruction, alteration, improvement, or new construction and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. For the purposes of this section, the market value of the reconstruction, alteration, improvement, or new construction as authorized by subdivision one of this section shall be equal to the increased assessed value attributable to such reconstruction, alteration, improvement or new construction divided by the class one ratio in a special assessing unit or the most recently established state equalization rate or special equalization rate in the remainder of the state, except where the state equalization rate or special equalization rate equals or exceeds ninety-five percent, in which case the increase in assessed value attributable to such reconstruction, alteration, improvement or new construction shall be deemed to equal the market value of such reconstruction, alteration, improvement, or new construction.

(b) No such exemption shall be granted for reconstruction, alterations, improvements, or new construction unless:

(i) such reconstruction, alteration, improvement, or new construction was commenced subsequent to the effective date of the local law or resolution adopted pursuant to subdivision one of this section; and

(ii) the value of such reconstruction, alteration, improvement, or new construction exceeds three thousand dollars; and

(iii) such reconstruction, alteration, improvement, or new construction created one or more additional residential dwelling units on the same parcel as the preexisting residential building to provide independent living facilities for one or more persons.

(c) For purposes of this section the terms reconstruction, alteration, improvement, and new construction shall not include ordinary maintenance and repairs.

3. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the commissioner. The application shall be filed with the assessor of the city, town, village or county having the power to assess property for taxation on or before the appropriate taxable status date of such city, town, village or county.

4. If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. For the purposes of this section, a residential building shall mean any building or structure designed and occupied exclusively for residential purposes by not more than two families.

6. In the event that a building granted an exemption pursuant to this section ceases to be used primarily for residential purposes, or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall cease.

7. (a) A county, city, town or village may, by its local law, or school district, by its resolution:

(i) reduce the per centum of exemption otherwise allowed pursuant to this section;

(ii) limit eligibility for the exemption to those forms of reconstruction, alterations, improvements, or new construction as are prescribed in such local law or resolution.

(b) No such local law or resolution shall repeal an exemption granted pursuant to this section until the expiration of the period for which such exemption was granted.

§ 2. This act shall take effect immediately and shall apply to assessment rolls based on taxable status dates occurring on or after such effective date.

PART P

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

a. Benefits under section four hundred twenty-one-a or 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.

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 struc-

tures 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. 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.

8. 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.

9. 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.

10. Termination or revocation. The agency may terminate or revoke AHCC program benefits for noncompliance with this section. 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.

11. 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.

12. 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.

13. 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.

14. 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 govern-

mental 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.

15. Rules. Except as provided in subdivision seven 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.

16. 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 fifteen 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.

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 $12,830,000 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 neighborhood preservation program contracts authorized by this section, a total sum not to exceed $12,830,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 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 $5,360,000 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 preservation program contracts authorized by this section, a total sum not to exceed $5,360,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 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

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

(xxviii) "Eligible multiple dwelling" shall mean a multiple dwelling or homeownership project containing six or more dwelling units created through new construction or eligible conversion for which the commencement date is after December thirty-first, two thousand fifteen and on or before June fifteenth, two thousand twenty-two, and for which the completion date is on or before June fifteenth, two thousand [~~twenty-six~~] thirty.

§ 2. This act shall take effect immediately.

PART S

Section 1. Section 652 of the labor law is amended by adding a new subdivision 1-a to read as follows:

1-a. Annual minimum wage increase. (a) New York city. On and after December thirty-first, two thousand twenty-three, every employer regardless of size shall pay to each of its employees for each hour worked in the city of New York, a wage of not less than the adjusted minimum wage rate established annually by the commissioner. Such adjusted minimum wage rate shall be determined by increasing the current year's minimum wage rate by the lesser of three percent and the rate of change in the average of the most recent period between the first of August and the thirty-first of July over the preceding twelve months published by the United States department of labor non-seasonally adjusted consumer price index for northeast region urban wage earners and clerical workers (CPI-W) or any successor index as calculated by the United States department of labor.

(b) Remainder of downstate. On and after December thirty-first, two thousand twenty-three, every employer shall pay to each of its employees for each hour worked in the counties of Nassau, Suffolk, and Westchester, a wage of not less than the adjusted minimum wage rate established annually by the commissioner. Such adjusted minimum wage rate shall be determined by increasing the current year's minimum wage rate by the

lesser of three percent and the rate of change in the average of the most recent period between the first of August and the thirty-first of July over the preceding twelve months for the northeast region CPI-W or any successor index as calculated by the United States department of labor.

(c) Remainder of state. On and after December thirty-first, two thousand twenty-three, in the year following the year the minimum wage rate equals fifteen dollars for each hour worked outside of the city of New York and the counties of Nassau, Suffolk, and Westchester pursuant to subdivision one of this section, every employer shall pay to each of its employees for each hour worked outside of the city of New York and the counties of Nassau, Suffolk, and Westchester a wage of not less than the adjusted minimum wage rate established annually by the commissioner. Such adjusted minimum wage rate shall be determined by increasing the current year's minimum wage rate by the lesser of three percent and the rate of change in the average of the most recent period between the first of August and the thirty-first of July over the preceding twelve months for the northeast region CPI-W or any successor index as calculated by the United States department of labor.

(d) Notwithstanding paragraphs (a), (b), and (c) of this subdivision, the minimum wage for a home care aide as defined in section thirty-six hundred fourteen-c of the public health law shall be set by subdivisions two and three of section thirty-six hundred fourteen-f of the public health law.

(e) Exceptions. Notwithstanding paragraphs (a), (b) and (c) of this subdivision, there shall be no increase in the minimum wage in the state for the following year if:

(i) the rate of change in the average of the most recent period of the first of August to the thirty-first of July over the preceding period of the first of August to the thirty-first of July for the northeast region CPI-W is negative;

(ii) the three-month moving average of the seasonally adjusted New York state unemployment rate as determined by the U-3 measure of labor underutilization for the most recent period ending the thirty-first of July as calculated by the United States department of labor rises by one-half percentage point or more relative to its low during the previous twelve months; or

(iii) seasonally adjusted, total non-farm employment for New York state in July, calculated by the United States department of labor, decreased from the seasonally adjusted, total non-farm employment for New York state in April, and seasonally adjusted, total non-farm employment for New York state in July, calculated by the United States department of labor, decreased from the seasonally adjusted, total non-farm employment for New York state in January.

(f) The commissioner shall publish the adjusted minimum wage rates no later than the first of October of each year to take effect on the thirty-first day of December. The commissioner shall publish the adjusted minimum wage rates that will go into effect on December thirty-first, two thousand twenty-three no later than October first, two thousand twenty-three.

§ 2. Subdivisions 2, 4 and 5 of section 652 of the labor law, subdivision 2 as amended by chapter 38 of the laws of 1990, the opening paragraph of subdivision 2 as amended by section 6 of part II of chapter 58 of the laws of 2020, and subdivisions 4 and 5 as amended by section 2 of part K of chapter 54 of the laws of 2016, are amended to read as follows:

2. Existing wage orders. The minimum wage orders in effect on the effective date of this act shall remain in full force and effect, except as modified in accordance with the provisions of this article; provided, however, that the minimum wage order for farm workers codified at part one hundred ninety of title twelve of the New York code of rules and regulations in effect on January first, two thousand twenty shall be deemed to be a wage order established and adopted under this article and shall remain in full force and effect except as modified in accordance with the provisions of this article or article nineteen-A of this chapter.

Such minimum wage orders shall be modified by the commissioner to increase all monetary amounts specified therein in the same proportion as the increase in the hourly minimum wage as provided in [~~subdivision~~] **subdivisions** one **and one-a** of this section, including the amounts specified in such minimum wage orders as allowances for gratuities, and when furnished by the employer to its employees, for meals, lodging, apparel and other such items, services and facilities. All amounts so modified shall be rounded off to the nearest five cents. The modified orders shall be promulgated by the commissioner without a public hearing, and without reference to a wage board, and shall become effective on the effective date of such increases in the minimum wage except as otherwise provided in this subdivision, notwithstanding any other provision of this article.

4. Notwithstanding subdivisions one**, one-a** and two of this section, the wage for an employee who is a food service worker receiving tips shall be a cash wage of at least two-thirds of the minimum wage rates set forth in subdivision one of this section, rounded to the nearest five cents or seven dollars and fifty cents, whichever is higher, provided that the tips of such an employee, when added to such cash wage, are equal to or exceed the minimum wage in effect pursuant to [~~subdivision~~] **subdivisions** one **and one-a** of this section and provided further that no other cash wage is established pursuant to section six hundred fifty-three of this article.

5. Notwithstanding subdivisions one**, one-a** and two of this section, meal and lodging allowances for a food service worker receiving a cash wage pursuant to subdivision four of this section shall not increase more than two-thirds of the increase required by subdivision two of this section as applied to state wage orders in effect pursuant to [~~subdivision~~] **subdivisions** one **and one-a** of this section.

§ 3. Section 3614-f of the public health law, as added by section 1 of part XX of chapter 56 of the laws of 2022, is amended to read as follows:

§ 3614-f. Home care minimum wage increase. 1. For the purpose of this section, "home care aide" shall have the same meaning as defined in section thirty-six hundred fourteen-c of this article.

2. [~~In addition to the otherwise applicable minimum wage under section six hundred fifty-two of the labor law, or any otherwise applicable wage rule or order under article nineteen of the labor law~~] **Notwithstanding any increase to the minimum wage under paragraph (a), (b), or (c) of subdivision one-a of section six hundred fifty-two of the labor law**, the minimum wage for a home care aide shall be increased by an amount of three dollars and zero cents **from the minimum wage established under subdivision one of section six hundred fifty-two of the labor law for each region of the state** in accordance with the following schedule:

(a) beginning October first, two thousand twenty-two, the minimum wage for a home care aide shall be increased by an amount of two dollars and zero cents, and

(b) beginning October first, two thousand twenty-three, the minimum wage for a home care aide shall be increased by an additional amount of one dollar and zero cents.

3. **On and after December thirty-first, two thousand twenty-three, the minimum wage for a home care aide shall be the greater of either:**

(a) the rate established in accordance with subdivision two of this section; or

(b) the rate established in accordance with section six hundred fifty-two of the labor law.

4. At no time shall the minimum wage for a home care aide be higher than eighteen dollars until such time as the minimum wage rate pursuant to subdivision one-a of section six hundred fifty-two of the labor law in the locality of the state in which such home care aide works is higher than eighteen dollars.

5. Where any home care aide is paid less than **what is** required [~~**by subdivision**~~] **under subdivisions** two **and three** of this section, the home care aide, or the commissioner of labor acting on behalf of the home care aide, may bring a civil action under article six or nineteen of the labor law; provided that this shall not preclude the commissioner of labor from taking direct administrative enforcement action under article six of the labor law.

§ 4. This act shall take effect immediately.

PART T

Section 1. Legislative findings. The legislature finds that both within the city of New York and across the United States, over the past several decades, income inequality has expanded and that poverty is frequently concentrated in economically disadvantaged regions. The legislature also finds that economic disparities among individuals and across communities have further expanded due to the economic and health effects of the virus known as COVID-19. The purpose of this legislation is to remediate these economic disparities by authorizing the city of New York, the city school district of the city of New York, the New York city school construction authority, the New York city health and hospitals corporation, the New York city industrial development agency, and other city-affiliated not-for-profit corporations to use the economic power of their transactions to implement programs by administrative rule requiring contractors and subcontractors benefitting from such transactions to make best efforts to employ qualified economically disadvantaged candidates and qualified candidates from economically disadvantaged regions.

§ 2. The New York city charter is amended by adding a new chapter 79 to read as follows:

CHAPTER 79

COMMUNITY HIRING AND WORKFORCE DEVELOPMENT

§ 3501. Absorption hire. The term "absorption hire" means an individual who fills a building service opportunity and who:

(1) was employed to perform building service work within the preceding six months at the same facility to which such individual is assigned; or

(2) fills such building service opportunity as a result of a reassignment by a contractor or subcontractor, as applicable, due to a displace-

ment caused by the closure of another facility, a staffing reduction at another facility, or any other similar event.

Apprentice. The term "apprentice" means an individual who is receiving training and performing labor pursuant to an apprenticeship agreement.

Apprenticeship agreement. The term "apprenticeship agreement" means an agreement, as such term is defined by section eight hundred sixteen of the labor law, that has been registered with, and approved by, the commissioner of labor of the state of New York pursuant to article twenty-three of the labor law.

Building service opportunity. The term "building service opportunity" means an employment opportunity to perform building service work.

Building service opportunity labor hour. The term "building service opportunity labor hour" means a labor hour performed by an individual employed to fill a building service opportunity.

Building service work. The term "building service work" means the classifications of labor that the applicable fiscal officer has identified as consistent with section two hundred thirty of the labor law, regardless of whether such labor constitutes building service work for which workers are entitled to prevailing wage pursuant to article nine of the labor law.

City-affiliated not-for-profit corporation. The term "city-affiliated not-for-profit corporation" means a local development corporation or other not-for-profit corporation, a majority of whose members are appointed by the mayor.

Construction. The term "construction" means:

(1) any labor of a type that the applicable fiscal officer, as defined in paragraph e of subdivision five of section two hundred twenty of the labor law, has identified in a published schedule as a classification of work performed by laborers, workmen or mechanics, regardless of whether such labor constitutes public work pursuant to such section; and

(2) any additional types of labor identified by the director by rule, provided that such labor shall not include building service work.

Contractor. The term "contractor" means an individual, company, corporation, partnership, or other entity that has entered into a transaction with the city, except that the term "contractor" does not include:

(1) any governmental entity;

(2) any microbusiness, other than a microbusiness performing construction work under a transaction; or

(3) any labor organization.

Director. The term "director" means the director of the office of community hiring and workforce development or his or her designee.

Economically disadvantaged candidate. The term "economically disadvantaged candidate" means an individual:

(1) whose income or household income falls below an applicable quantitative threshold determined by the director, provided that such income shall not include any types of public benefits provided by the federal government or a state or local government and identified by the director; and

(2) who is certified as meeting all applicable requirements.

Economically disadvantaged region. The term "economically disadvantaged region" means an area, represented by its ZIP code, in which at least fifteen percent of residents have household incomes below the federal poverty threshold.

Economically disadvantaged region candidate. The term "economically disadvantaged region candidate" means an individual who is certified as meeting all applicable requirements and who is a:

(1) resident of an address within an economically disadvantaged region;

(2) resident of a building that is:

(i) owned or operated by the New York city housing authority; and

(ii) subject to section nine of the United States Housing Act of nineteen hundred thirty-seven, as amended; or

(3) resident of a dwelling unit that is:

(i) subject to a regulatory agreement with a federal, state or local government agency requiring that occupancy of such unit be restricted based on the income of the occupants; and

(ii) located in a building that was previously operated by the New York city housing authority, was previously subject to section nine of the United States Housing Act of nineteen hundred thirty-seven, as amended, and is subject to section eight of such act.

Employment opportunity. The term "employment opportunity" means a vacancy in a position to perform services under a transaction.

Exempt transaction. The term "exempt transaction" includes any:

(1) contract procured pursuant to section one hundred sixty-two of the state finance law;

(2) contract for the performance of services by a city-affiliated not-for-profit corporation;

(3) contract the principal purpose of which is the supply of goods;

(4) contract in an amount below the small purchase threshold set pursuant to the authority and procedure set forth in subdivision a of section three hundred fourteen of this charter;

(5) contract for confidential or investigative services or any other type of contract excluded by a rule adopted by the director based on a determination that the application of goals under this program would substantially undermine the primary objective of that type of contract;

(6) contract subject to federal or state funding requirements that preclude or substantially conflict with the application of goals under this program;

(7) contract for emergency demolition services procured by the department of housing preservation and development pursuant to the procedure set forth in section three hundred fifteen of this charter; or

(8) a contract for which contractor selection is made by an elected official other than the mayor or an agency other than a mayoral agency, except as otherwise provided by rule by the director.

Labor organization. The term "labor organization" has the meaning provided in section one hundred fifty-two of title twenty-nine of the United States code, or any successor provision.

Mayoral agency. The term "mayoral agency" includes:

(1) any agency the head of which is appointed by the mayor;

(2) any agency headed by a board, commission, or other multi-member body, the majority of the membership of which is appointed by the mayor; and

(3) the office of the mayor.

Microbusiness. The term "microbusiness" means an individual, company, corporation, partnership, or other entity that employs no less than one employee and no more than nine employees.

MWBE. The term "MWBE" means a business certified as a minority or women-owned business enterprise pursuant to article fifteen-A of the executive law or section thirteen hundred four of this charter.

Project labor agreement. The term "project labor agreement" means a pre-hire collective bargaining agreement entered into between the city and a bona fide building and construction trade labor organization

establishing the labor organization or its affiliates as the collective bargaining representative for all persons who will perform construction work on a transaction, provided such agreement:

(1) provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform such work on such transaction; and

(2) includes goals for the employment of qualified economically disadvantaged region candidates to perform such work.

Referral source. The term "referral source" means an individual, company, corporation, partnership, agency, union referral system, or other entity selected pursuant to paragraph three of subdivision a of section thirty-five hundred two of this chapter to make referrals of candidates to contractors, prospective contractors, subcontractors, and prospective subcontractors for the purposes of meeting the applicable employment goals set forth in such section; provided that union referral systems that have affiliated registered apprentice programs with direct entry access from pre-apprentice programs that are compliant with United States department of labor or New York state department of labor regulations, as well as union referral systems with community recruitment programs, shall be deemed an approved referral source for the purposes of paragraph three of subdivision a of section thirty-five hundred two of this chapter.

Small business. The term "small business" means an entity that:

(1) is independently owned and operated; and

(2) has annual gross revenues not exceeding five million dollars or a lesser amount established by the director by rule.

Subcontractor. The term "subcontractor" means an individual, company, corporation, partnership or other entity that has entered into an agreement with a contractor or another subcontractor in order to perform services or any other obligation under a transaction, provided that such agreement involves the performance of construction work of any value, or the total dollar value of such agreement exceeds twenty thousand dollars, and further provided that the term "subcontractor" does not include:

(1) employees;

(2) governmental entities;

(3) microbusinesses, other than microbusinesses performing construction work under a transaction; or

(4) labor organizations.

Transaction. The term "transaction" means, a procurement contract except that the term "transaction" shall not include any exempt transaction.

§ 3502. Office of community hiring and workforce development. a. Office established. The mayor shall establish an office of community hiring and workforce development. Such office may be established as a separate office or within any department the head of which is appointed by the mayor. The office of community hiring and workforce development shall be headed by a director who shall be appointed by the mayor or head of such department. The director shall, as the director deems appropriate, adopt rules consistent with the purpose of this chapter relating to employment goals on transactions, including rules:

(1) requiring contractors and subcontractors to agree to publicly disclose employment opportunities;

(2) establishing a procedure for the certification of individuals as economically disadvantaged candidates, economically disadvantaged region candidates, or both, provided that such certification procedure shall,

to the extent the director deems feasible, use data sources and administrative processes established or maintained by the city for other programs or operations in order to minimize administrative burdens on contractors, subcontractors, and individuals;

(3) establishing a procedure by which the director may approve referral sources for the purposes of this section, whereby the director shall:

(i) publicly release a referral source solicitation that includes a description of functions of a referral source, the manner in which responses must be submitted, and the criteria by which responding entities will be approved, and authorize one or more entities, as appropriate, to function as referral sources, based on the criteria included in the solicitation;

(ii) authorize an agency in writing to function as a referral source;

(iii) authorize, in writing, an entity engaged pursuant to an agreement with an agency for employment recruitment services or other workforce development services to function as a referral source; or

(iv) identify and deem union referral systems that have affiliated registered apprentice programs with direct entry access from pre-apprentice programs and that are compliant with United States department of labor or New York state department of labor regulations, as well as union referral systems with community recruitment programs, as approved referral systems;

(4) establishing a procedure through which the director may provide information regarding referral sources to contractors, subcontractors, prospective contractors, and prospective subcontractors;

(5) establishing a procedure by which the director shall monitor and criteria by which the director shall evaluate the performance of each referral source on an annual basis, and where the director determines that a referral source has performed inadequately, terminate or suspend the referral source;

(6) requiring contractors to agree to make best efforts to interview, as appropriate, and to employ qualified economically disadvantaged region candidates in order to meet employment goals relating to building service work based on:

(i) the percentage of building service opportunities filled by economically disadvantaged region candidates, provided that in calculating such goals, absorption hires shall not be considered; or

(ii) the percentage of building service opportunity labor hours performed by economically disadvantaged region candidates, provided that in calculating such goals, building service opportunity labor hours performed by absorption hires shall not be considered;

(7) requiring contractors and subcontractors to agree to make best efforts to employ qualified economically disadvantaged region candidates to perform no less than thirty percent of the cumulative hours of construction labor on transactions involving construction work, and additionally requiring, to the extent feasible consistent with the maximum ratios of apprentices to journey-level workers established by the New York state department of labor, that such contractors and subcontractors agree to make best efforts to employ apprentices who are qualified economically disadvantaged region candidates to perform no less than nine percent of such cumulative hours of construction labor, provided that labor performed by apprentices who are qualified economically disadvantaged region candidates shall be credited towards the achievement of both employment goals set forth in this paragraph, and further provided that prior to releasing a solicitation for a trans-

action or otherwise initiating a process for entering into a transaction, as applicable, the director may waive such requirements where the director determines in writing that such waiver is in the best interest of the city;

(8) requiring contractors to agree to make best efforts to interview and to employ qualified economically disadvantaged candidates in order to meet employment goals relating to work that neither involves construction work nor building service work, and establishing such goals based on:

(i) the percentage of the cumulative hours of labor performed by such candidates;

(ii) the percentage of employment opportunities filled by such candidates; or

(iii) the total value of the transaction;

(9) requiring subcontractors to agree to make best efforts to interview, as appropriate, and to extend offers of employment to qualified candidates in order to meet any employment goals described in paragraph six or eight of this subdivision and established pursuant to rules adopted by the director;

(10) establishing a schedule of civil penalties, based on factors including but not limited to a contractor's industry or any relevant occupations employed by a contractor or subcontractor, that the director or an applicable agency may impose on a contractor due to the contractor's or subcontractor's non-compliance with an obligation created pursuant to this section and a procedure for the imposition of such penalties, which will not exclude other remedies established in this charter or any other law, provided that any civil penalties imposed pursuant to this paragraph shall not exceed two thousand five hundred dollars for each non-compliance with such an obligation or each failure to correct such non-compliance, and further provided that when promulgating rules establishing or amending such a schedule of civil penalties, the director shall consider the potential impact of such penalties on contractors and subcontractors that are MWBEs, not-for-profit corporations, or small businesses;

(11) designating paper or electronic formats for the submission of documents related to the selection and operation of referral sources and contractors and subcontractors subject to goals pursuant to paragraphs six through nine of this subdivision, as applicable, including but not limited to, documents containing information required pursuant to paragraphs one and three of this subdivision and subdivision c and subparagraphs (E) and (F) of paragraph one of subdivision d of this section; solicitation documents and responses, including bids and proposals; and data related to labor performed pursuant to transactions, including payroll reports, as applicable; and

(12) (A) authorizing the director to establish factors by which goals described in paragraphs six, eight, and nine of this subdivision will be established for individual transactions, including:

(i) the scope of the transaction;

(ii) the availability of qualified economically disadvantaged candidates and economically disadvantaged region candidates;

(iii) the nature of any employment opportunities that the director expects will result from the transaction;

(iv) the potential impact of such goal on contractors and subcontractors, as applicable, that are MWBEs, not-for-profit corporations, or small businesses; and

(v) any other similar factors.

(B) prior to setting a goal pursuant to this subdivision for an individual transaction, the agency entering into the transaction shall consider the goals set for previous, similar transactions and whether such goals were appropriate for such transactions.

b. Lists of economically disadvantaged regions. No later than ninety days after the effective date of this section, and at least once during each twelve-month period thereafter, the director shall publish a report including an updated list of all economically disadvantaged regions within a radius of one hundred miles of the city or all such economically disadvantaged regions within the metropolitan area. Nothing shall preclude an individual whose residence is within an economically disadvantaged region that is not included in such list from qualifying as an economically disadvantaged region candidate for the purposes of goals set forth under this section.

c. Reporting. No later than one hundred eighty days after the effective date of this section and each quarter thereafter, the office of community hiring and workforce development shall publish a report on a website maintained or controlled by the city, pursuant to rules adopted by the director, that shall include, for each transaction subject to a goal established pursuant to paragraph six, seven, or eight of subdivision a of this section, information demonstrating the corresponding contractor's progress towards meeting such goal and, if applicable, any subcontractors' progress towards meeting any goal established pursuant to paragraph seven or nine of subdivision a of this section, and aggregate information regarding the demographics and compensation of economically disadvantaged region candidates, economically disadvantaged candidates, and apprentices who are economically disadvantaged region candidates, as applicable, relative to all individuals employed by such contractor and, if applicable, subcontractors on such transaction. In compiling this report, the director shall, to the extent he or she deems feasible, use data sources established or maintained by the city for other programs or operations in order to minimize administrative burdens on contractors and subcontractors, provided that where the director determines that such data sources cannot be used to complete such report, the director may adopt rules requiring contractors and subcontractors to provide such additional data necessary to complete this report, and to certify the accuracy of such additional information. Nothing in this subdivision shall be interpreted to authorize the director to promulgate rules requiring labor organizations to provide information on a regular basis to complete such reports.

d. Best efforts. (1) In determining whether a contractor or subcontractor has exercised best efforts to meet the employment goals established pursuant to subdivision a of this section, the director shall consider the degree to which the contractor or subcontractor has endeavored:

(A) to review economically disadvantaged region candidates' and economically disadvantaged candidates' qualifications, as applicable, in good faith;

(B) to advertise employment opportunities, as applicable, in a manner reasonably intended to attract qualified economically disadvantaged candidates or economically disadvantaged region candidates, except that contractors and subcontractors performing construction work pursuant to a project labor agreement shall not be required to advertise employment opportunities for construction work;

(C) to coordinate with referral sources or apprenticeship programs, as applicable, in order to interview, if applicable, and employ such candi-

dates identified by such referral sources or apprenticeship programs, provided that for contractors and subcontractors performing construction work pursuant to a project labor agreement, the director shall only consider the degree to which the contractor or subcontractor has endeavored to meet such goals by complying with the referral provisions of such project labor agreement;

(D) to review and organize the work under the transaction in order to eliminate obstacles to meeting such employment goals;

(E) to monitor and to document the contractor's or subcontractor's efforts to meet the employment goals;

(F) to contact the office of community hiring and workforce development at routine intervals, or as otherwise required by rule, to inform the director of the contractor's or subcontractor's efforts to meet the employment goals; and

(G) to take all other commercially reasonable actions to meet the employment goals.

(2) In order to exercise best efforts, neither contractors nor subcontractors are required:

(A) to undertake an undue financial burden;

(B) to terminate or substantially reduce the work levels of any of a contractor's or subcontractor's existing employees;

(C) to extend an offer of employment to an individual whose labor would not be commercially useful; or

(D) to forgo filling building service opportunities with absorption hires.

e. Discretionary application of goals. Notwithstanding any other provision of this section, employment goals authorized under paragraphs six, seven, eight and nine of subdivision a of this section may, but are not required to be, established for transactions that are emergency procurement contracts procured pursuant to the procedure set forth in section three hundred fifteen of this charter.

f. Adjustment of construction goals. On a biannual basis, the director shall review and thereafter may promulgate rules increasing or decreasing the value of the employment goals established under paragraph seven of subdivision a of this section.

g. Wage payment assurances. The director may promulgate rules setting forth standards and a procedure by which contractors and subcontractors that the director has determined have a record of failing to pay wages, including but not limited to prevailing wages and benefits required pursuant to article eight of the labor law, to individuals performing construction labor under a transaction shall be required to provide additional assurances acceptable to the director in order to receive credit towards the achievement of employment goals set forth in paragraph seven of subdivision a of this section.

§ 3. Paragraph 1 of subdivision b of section 311 of the New York city charter, as amended by local law number 20 of the city of New York for the year 2004, is amended to read as follows:

1. the methods for soliciting bids or proposals and awarding contracts, consistent with the provisions of this chapter, provided that the director of the office of community hiring and workforce development may promulgate rules authorizing agencies to incorporate into the award methodology for any contract a quantitative factor based on a bidder or proposer's capacity to meet or exceed goals established pursuant to subdivision a of section thirty-five hundred two of this charter, and further provided that agencies incorporating such a quantitative factor into the award methodology for a contract pursuant to such a rule shall

consider the potential impact of such a quantitative factor on businesses certified as minority or women-owned business enterprises pursuant to article fifteen-A of the executive law or section thirteen hundred four of this charter, not-for-profit corporations, and small businesses, as such term is defined in section thirty-five hundred one of this charter;

§ 4. Subparagraphs (x) and (xi) of paragraph a of subdivision 36 of section 2590-h of the education law, as amended by chapter 98 of the laws of 2019, are amended and two new subparagraphs (xii) and (xiii) are added to read as follows:

(x) a process for emergency procurement in the case of an unforeseen danger to life, safety, property or a necessary service provided that such procurement shall be made with such competition as is practicable under the circumstances and that a written determination of the basis for the emergency procurement shall be required and filed with the comptroller of the city of New York when such emergency contract is filed with such comptroller; [~~and~~]

(xi) procedures for the fair and equitable resolution of contract disputes[~~.~~]~~;~~

(xii) employment goals established in accordance with the program established pursuant to section thirty-five hundred two of the New York city charter, including but not limited to employment goals established pursuant to paragraph seven of subdivision a and the corresponding best efforts provisions set forth in subdivision d of such section; provided, however, that where a provision of such section requires action by the director of the office of community hiring and workforce development, such action shall not be taken by the director of the office of community hiring and workforce development but shall be taken by the chancellor or his or her designee; and

(xiii) a quantitative factor to be used in the evaluation of bids, proposals or other offers for the purposes of awarding of contracts based on a bidder, proposer or other offerer's capacity to meet or exceed goals established pursuant to subparagraph (xii) of this paragraph, provided that, when incorporating such a quantitative factor into the award process for a contract, the chancellor, superintendent, or school, as applicable, shall consider the potential impact of such a quantitative factor on businesses certified as minority or women-owned business enterprises pursuant to article fifteen-A of the executive law or section thirteen hundred four of the New York city charter, not-for-profit corporations, and small businesses, as such term is defined in section thirty-five hundred one of such charter.

§ 5. Subdivision (c) of section 917 of the general municipal law, as separately amended by chapter 1082 of the laws of 1974 and chapter 239 of the laws of 2001, is amended to read as follows:

(c) For the benefit of the city and the inhabitants thereof an industrial development agency, to be known as the New York City Industrial Development Agency, is hereby established for the accomplishment of any or all of the purposes specified in title one of article eighteen-A of this chapter, except that it shall not have the power to construct or rehabilitate any residential facility or housing of any nature and kind whatsoever, nor shall it use any of its funds to further the construction or rehabilitation of any residential facility or housing of any nature and kind whatsoever. It shall constitute a body corporate and politic, and be perpetual in duration. It shall only have the powers and duties conferred by title one of article eighteen-A of this chapter upon industrial development agencies as of January 1, 1973 except that it

shall have the power to finance a rail freight facility **and the power to establish employment goals in accordance with the program established pursuant to section thirty-five hundred two of the New York city charter, including but not limited to employment goals established pursuant to paragraph seven of subdivision a and the corresponding best efforts provisions set forth in subdivision d of such section; provided, however, that where a provision of such section requires action by the director of the office of community hiring and workforce development, such action shall not be taken by the director of the office of community hiring and workforce development but shall be taken by the chief executive officer of the agency or his or her designee,** and it shall not have the power of condemnation. In the exercise of the powers conferred upon such agency with respect to the acquisition of real property by article eighteen-A of this chapter such agency shall be limited to the geographical jurisdictional limits of the city.

§ 6. Section 816-b of the labor law, as added by chapter 571 of the laws of 2001, is amended to read as follows:

§ 816-b. Apprenticeship participation on [~~construction~~] **certain governmental** contracts. 1. For purposes of this section:

(a) "governmental entity" shall mean the state, any state agency, as that term is defined in section two-a of the state finance law, municipal corporation, commission appointed pursuant to law, school district, district corporation, board of education, board of cooperative educational services, soil conservation district, and public benefit corporation; [~~and~~]

(b) "construction contract" shall mean any contract to which a governmental entity may be a direct or indirect party which involves the design, construction, reconstruction, improvement, rehabilitation, maintenance, repair, furnishing, equipping of or otherwise providing for any building, facility or physical structure of any kind**; and**

(c) "city governmental entity" means a governmental entity that is (i) a city with a population of one million or more inhabitants; or (ii) a city school district or public benefit corporation operating primarily within a city with a population of one million or more inhabitants.

2. Notwithstanding any other provision of this article, of section one hundred three of the general municipal law, of section one hundred thirty-five of the state finance law, of section one hundred fifty-one of the public housing law, or of any other general, special or local law or administrative code, in entering into any construction contract, a governmental entity [~~which~~] **that** is to be a direct or indirect party to such contract may require that any contractors and subcontractors have, prior to entering into such contract, apprenticeship agreements appropriate for the type and scope of work to be performed, that have been registered with, and approved by, the commissioner pursuant to the requirements found in this article. **A city governmental entity that is a direct or indirect party to a contract, including but not limited to a construction contract, may establish in its specifications a requirement that, in performing the work, the contractor and its subcontractors utilize a minimum ratio of apprentices to journey-level workers, as established by the governmental entity but subject to any maximum ratio established by the department, for any classification appropriate for the type and scope of work to be performed, provided that no such minimum ratio shall be established for labor performed pursuant to a construction contract subject to a goal for the employment of apprentices who reside in economically disadvantaged regions.** Whenever utilizing [~~this requirement~~] **these requirements**, the governmental entity may,

in addition to whatever considerations are required by law, consider the degree to which career opportunities in apprenticeship training programs approved by the commissioner may be provided.

§ 7. Notwithstanding any provision of law to the contrary, any city-affiliated not-for-profit corporation, as such term is defined in section 3501 of the New York city charter, is authorized to establish employment goals in accordance with the program established pursuant to section 3502 of such charter, including but not limited to employment goals established pursuant to paragraph 7 of subdivision a and the corresponding best efforts provisions set forth in subdivision d of such section; provided, however, that where a provision of such section requires action by the director of the office of community hiring and workforce development of the city of New York, such action shall not be taken by the director of the office of community hiring and workforce development but shall be taken by the chief executive officer of such corporation, or a duly appointed designee.

§ 8. Section 1728 of the public authorities law is amended by adding a new subdivision 15-a to read as follows:

15-a. To establish employment goals in accordance with the program established pursuant to section thirty-five hundred two of the New York city charter, including but not limited to employment goals established pursuant to paragraph seven of subdivision a and the corresponding best efforts provisions set forth in subdivision d of such section; provided, however, that where a provision of such section requires action by the director of the office of community hiring and workforce development, such action shall not be taken by the director of the office of community hiring and workforce development but shall be taken by the president of the authority or his or her designee;

§ 9. The opening paragraph of paragraph d of subdivision 5 of section 1734 of the public authorities law, as added by chapter 738 of the laws of 1988, is amended to read as follows:

the authority determines that it is in the public interest to award contracts pursuant to a process for competitive requests for proposals as hereinafter set forth. For purposes of this section, a process for competitive requests for proposals shall mean a method of soliciting proposals and awarding a contract on the basis of a formal evaluation of the characteristics, such as quality, cost, delivery schedule**, the capacity to meet or exceed the goals set forth in subdivision fifteen-a of section seventeen hundred twenty-eight of this title** and financing of such proposals against stated selection criteria. Public notice of the requests for proposals shall be given in the same manner as provided in subdivision three of this section and shall include the selection criteria. In the event the authority makes a material change in the selection criteria from those previously stated in the notice, it will inform all proposers of such change and permit proposers to modify their proposals. **When the authority includes in the selection criteria for a request for proposals a quantitative factor based on a proposer's capacity to meet or exceed the goals set forth in subdivision fifteen-a of section seventeen hundred twenty-eight of this title, the authority shall consider the potential impact of such a quantitative factor on businesses certified as minority or women-owned business enterprises pursuant to article fifteen-A of the executive law, section thirteen hundred four of the New York city charter, or section seventeen hundred forty-three of this title, not-for-profit corporations, and small businesses, as such term is defined in section thirty-five hundred one of the New York city charter.**

§ 10. Section 5 of section 1 of chapter 1016 of the laws of 1969 constituting the New York city health and hospitals corporation act, is amended by adding a new subdivision 20-a to read as follows:

20-a. To establish employment goals in accordance with the program established pursuant to section thirty-five hundred two of the New York city charter, including but not limited to employment goals established pursuant to paragraph seven of subdivision a and the corresponding best efforts provisions set forth in subdivision d of such section; provided, however, that where a provision of such section requires action by the director of the office of community hiring and workforce development, such action shall not be taken by the director of the office of community hiring and workforce development but shall be taken by a duly appointed designee of the corporation; and

§ 11. Section 8 of section 1 of chapter 1016 of the laws of 1969 constituting the New York city health and hospitals corporation act, is amended by adding a new subdivision 1-a to read as follows:

1-a. Notwithstanding any other provision in this act, the corporation may establish a quantitative factor to be used in the evaluation of bids for the purposes of awarding of contracts based on a bidder's capacity to meet or exceed goals established pursuant to subdivision twenty-a of section five of this act, provided that when establishing such a quantitative factor, the corporation shall consider the potential impact of such a quantitative factor on businesses certified as minority or women-owned business enterprises pursuant to article fifteen-A of the executive law or section thirteen hundred four of the New York city charter, not-for-profit corporations, and small businesses, as such term is defined in section thirty-five hundred one of the New York city charter;

§ 12. Subdivision b of section 2 of chapter 749 of the laws of 2019 constituting the New York city public works investment act, is amended by adding a new paragraph 12-a to read as follows:

(12-a) A quantitative factor to be used in the evaluation of bids or offers for awarding of contracts based on a bidder or offerer's capacity to meet or exceed goals established pursuant to subdivision a of section 3502 of the New York city charter;

§ 13. No provision of this act shall be construed to invalidate any provision of a project labor agreement, as such term is defined in section 3501 of the New York city charter, as added by section two of this act, or otherwise affect the contractual rights of any party to such an agreement.

§ 14. Severability. If any clause, sentence, paragraph, or section of this act is declared invalid or unconstitutional by any court of competent jurisdiction, after exhaustion of all further judicial review, such portion shall be deemed severable, and the court's judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or section of this act directly involved in the controversy in which the judgment was rendered.

§ 15. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided that:

(a) sections one, two, three, five, six, seven, eight, nine, ten, eleven, thirteen, and fourteen of this act shall expire and be deemed repealed seven years after this act takes effect, provided that such expiration and repeal shall not affect any transaction, as such term is defined by section 3501 of the New York city charter, as added by section two of this act, entered into or for which a solicitation was

released prior to such expiration and repeal, or to any renewals, extensions, modifications, or amendments to such transaction;

(b) the amendments to paragraph a of subdivision 36 of section 2590-h of the education law made by section four of this act shall not affect the expiration of such subdivision and section pursuant to section 34 of chapter 91 of the laws of 2002 and subdivision 12 of section 17 of chapter 345 of the laws of 2009, as amended, and shall expire and be deemed repealed therewith, or seven years after this act takes effect, whichever occurs earlier, provided that such expiration and repeal shall not affect any transaction entered into or for which a solicitation was released prior to such expiration and repeal, or to any renewals, extensions, modifications, or amendments to such transaction; and

(c) the amendments to chapter 749 of the laws of 2019 constituting the New York city public works investment act made by section twelve of this act shall not affect the expiration and repeal of such chapter pursuant to section 14 of such chapter, as amended, and shall expire and be deemed repealed therewith, or seven years after this act takes effect, whichever occurs earlier.

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 by the director of the office of community hiring and workforce development of the city of New York, the chancellor and the city board of the city school district of the city of New York, the president of the New York city school construction authority, the duly appointed designee of the New York city health and hospitals corporation, the chief executive officer of the New York city industrial development agency, and the chief executive officer of any city-affiliated not-for-profit corporation, as such term is defined by section 3501 of the New York city charter, as added by section two of this act.

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 percent of the state median income, 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 percent of the state median income, 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 percent of the state median income. 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~~] **eighty-five percent of the state median income** 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~~] **eighty-five percent of the state median income**, 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~~] **eighty-five percent of the state median income**, 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~~] **eighty-five percent of the state median income** 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 percent of the state median income. 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~~]; 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. Subdivision 1 of section 336-a of the social services law, as amended by chapter 275 of the laws of 2017, is amended to read as follows:

1. Social services districts shall make available vocational educational training and educational activities. Such activities may include but need not be limited to, high school education or education designed to prepare a participant for a high school equivalency certificate, basic and remedial education, education in English proficiency, educa-

tion or a course of instruction in financial literacy and personal finance that includes instruction on household cash management techniques, career advice to obtain a well paying and secure job, using checking and savings accounts, obtaining and utilizing short and long term credit, securing a loan or other long term financing arrangement for high cost items, participation in a higher education course of instruction or trade school, and no more than a total of four years of post-secondary education (or the part-time equivalent). Educational activities pursuant to this section may be offered with any of the following providers which meet the performance or assessment standards established in regulations by the commissioner for such providers: a community college, licensed trade school, registered business school, or a two-year or four-year college; provided, however, that such post-secondary education must be necessary to the attainment of the participant's individual employment goal as set forth in the employability plan and such goal must relate directly to obtaining useful employment [~~in a recognized occupation~~]. When making [~~any~~] an assignment to any educational activity pursuant to this subdivision, such assignment shall be permitted only to the extent that such assignment is consistent with the individual's assessment and employment plan goals in accordance with sections three hundred thirty-five and three hundred thirty-five-a of this title and shall require that the individual maintains satisfactory academic progress and hourly participation is documented consistent with federal and state requirements. For purposes of this provision "satisfactory academic progress" shall mean having a cumulative C average, or its equivalent, as determined by the academic institution. The requirement to maintain satisfactory academic progress may be waived if done so by the academic institution and the social services district based on undue hardship caused by an event such as a personal injury or illness of the student, the death of a relative of the student or other extenuating circumstances. [~~Any enrollment in post-secondary education beyond a twelve month period must be combined with no less than twenty hours of participation averaged weekly in paid employment or work activities or community service when paid employment is not available.~~] Participation in an educational and/or vocational training program, that shall include, but not be limited to, a two-year post-secondary degree program, which is necessary for the participant to attain their individual employment goal and is likely to lead to a degree or certification and sustained employment, shall be approved consistent with such individual's assessment and employability plan to the extent that such approval does not jeopardize the state's ability to comply with federal work participation rates, as determined by the office of temporary and disability assistance.

§ 2. Paragraph (a) of subdivision 8 of section 131-a of the social services law is amended by adding two new subparagraphs (xi) and (xii) to read as follows:

(xi) all of the earned income of a recipient of public assistance that is derived from participation in a qualified work activity or training program as determined by the office of temporary and disability assistance, to the extent that such earned income has not already been disregarded pursuant to subparagraph (vii) of this paragraph, provided that the recipient's total income shall not be more than two hundred percent of the federal poverty level.

(xii) once during the lifetime of a recipient of public assistance, all of the earned income of such recipient will be disregarded following job entry, provided that such exemption of income for purposes of public

assistance eligibility shall be for no more than six consecutive months from the initial date of obtaining such employment and that the recipient's total income shall not be more than two hundred percent of the federal poverty level.

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

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 five business days after the social services district has verified the public assistance was stolen in accordance with guidance established by the office of temporary and disability assistance.

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) the lesser of: (i) the amount of public assistance that was stolen; or (ii) the amount of public assistance provided during the two most recent months prior to such assistance being stolen; and

(b)(i) no more than twice in a federal fiscal year to cover public assistance stolen on or after October first, two thousand twenty-two through September thirtieth, two thousand twenty-four; or (ii) no more than once in a federal fiscal year to cover public assistance stolen on or after October first, two thousand twenty-four.

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. 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.

§ 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 Z of this act shall be as specifically set forth in the last section of such Parts.