

STATE OF NEW YORK

S. 8306

A. 8806

SENATE - ASSEMBLY

January 17, 2024

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

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

AN ACT to amend the education law, in relation to contracts for excellence; to amend the education law, in relation to foundation aid; to amend the education law, in relation to allowable transportation expenses; to amend the education law, in relation to transportation aid and the Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022; to amend the education law, in relation to academic enhancement aid; to amend the education law, in relation to high tax aid; to amend the education law, in relation to universal prekindergarten and the Statewide universal full-day pre-kindergarten program; to amend the education law, in relation to implementation of the smart schools bond act of 2014; to amend the education law, in relation to special apportionments and grants-in-aid to school districts; to amend chapter 91 of the laws of 2002 amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, in relation to extending the effectiveness thereof; to amend chapter 345 of the laws of 2009, amending the education law and other laws relating to the New York city board of education, chancellor, community councils, and community superintendents, in relation to the effectiveness thereof; to amend the education law, in relation to state aid adjustments; to amend the education law, in relation to extending certain provisions of the teachers of tomorrow teacher recruitment and retention program; to amend the education law, in relation to maximum class sizes for special classes for certain students with disabilities; to amend chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend chapter 756 of the laws of 1992 relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to

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

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reimbursement for the 2023-2024 school year withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the education law, in relation to the financing of charter schools; to amend part A of chapter 56 of the laws of 2023 directing the education department to conduct a comprehensive study of alternative tuition rate-setting methodologies for approved providers operating school-age and preschool programs receiving state funding, in relation to extending the date for the submission of such recommendations; to amend chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, in relation to the effectiveness thereof; to amend chapter 97 of the laws of 2011, amending the education law relating to census reporting, in relation to the effectiveness thereof; providing for special apportionment for salary expenses; providing for special apportionment for public pension accruals; providing for set-asides from the state funds which certain districts are receiving from the total foundation aid; and providing for support of public libraries; to repeal certain provisions of the education law relating to phase-in foundation increase; and to repeal certain provisions of the education law relating to foundation aid (Part A); to amend the education law, in relation to establishing evidence-based reading instructional best practices for students attending prekindergarten through grade three (Part B); to amend the education law, in relation to directing the commissioner of education to require the completion of a FAFSA or a waiver of such requirement and requires school districts issue annual reports on students completing the FAFSA and the waiver (Part C); to amend the education law, in relation to eligibility for unrestricted aid to independent colleges and universities (Part D); to amend the education law, in relation to ensuring informational coordination between state educational agencies (Part E); to amend chapter 260 of the laws of 2011 amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part F); to amend part N of chapter 56 of the laws of 2020, amending the social services law relating to restructuring financing for residential school placements, in relation to the effectiveness thereof (Part G); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part H); to amend the family court act and the domestic relations law, in relation to establishment and modification of child support orders (Part I); to amend the labor law, in relation to nursing employees' right to express breast milk (Part J); to amend the labor law, in relation to limiting liquidated damages in certain frequency of pay violations (Part K); to amend the labor law, in relation to civil penalties for violations of certain provisions for the payment of wages (Part L); to amend chapter 25 of the laws of 2020, relating to providing requirements for sick leave and the provision of certain employee benefits when such employee is subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19, in relation to providing for the expiration and repeal of such provisions (Part M); to utilize reserves in the mortgage insurance fund for various housing purposes (Part N); to amend the criminal procedure law and the penal law, in relation to the crime of deed theft; to amend the real property actions and proceedings law, in relation to the partition of heirs' property; and to amend the real

property law, in relation to allowing transfer on death deeds (Part O); relating to the conveyance and use of real property owned and maintained by the State University of New York at Farmingdale (Subpart A); relating to the conveyance and use of real property owned and maintained by the State University of New York at Stony Brook (Subpart B); and relating to the conveyance and use of real property owned and maintained by the New York State Department of Transportation (Subpart C) (Part P); to amend the multiple dwelling law, in relation to authorizing a city of one million or more to remove the cap on the floor area ratio of certain dwellings (Part Q); to amend the labor law and the real property tax law, in relation to the exemption from real property taxation of certain multiple dwellings in a city having a population of one million or more (Part R); to amend the multiple dwelling law, in relation to establishing a program to address the legalization of specified basement and cellar dwelling units and the conversion of other specified basement and cellar dwelling units in a city with a population of one million or more (Part S); to amend the real property tax law, in relation to eligible multiple dwellings under the affordable New York housing program (Part T); and to amend the real property tax law and the labor law, in relation to enacting the affordable neighborhoods for New Yorkers tax incentive (Part U)

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

1 Section 1. This act enacts into law major components of legislation
2 necessary to implement the state education, labor, housing and family
3 assistance budget for the 2024-2025 state fiscal year. Each component is
4 wholly contained within a Part identified as Parts A through U. The
5 effective date for each particular provision contained within such Part
6 is set forth in the last section of such Part. Any provision in any
7 section contained within a Part, including the effective date of the
8 Part, which makes a reference to a section "of this act", when used in
9 connection with that particular component, shall be deemed to mean and
10 refer to the corresponding section of the Part in which it is found.
11 Section three of this act sets forth the general effective date of this
12 act.

13 PART A

14 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
15 tion law, as amended by section 1 of part A of chapter 56 of the laws of
16 2023, is amended to read as follows:

17 e. Notwithstanding paragraphs a and b of this subdivision, a school
18 district that submitted a contract for excellence for the two thousand
19 eight--two thousand nine school year shall submit a contract for excel-
20 lence for the two thousand nine--two thousand ten school year in
21 conformity with the requirements of subparagraph (vi) of paragraph a of
22 subdivision two of this section unless all schools in the district are
23 identified as in good standing and provided further that, a school
24 district that submitted a contract for excellence for the two thousand
25 nine--two thousand ten school year, unless all schools in the district
26 are identified as in good standing, shall submit a contract for excel-
27 lence for the two thousand eleven--two thousand twelve school year which
28 shall, notwithstanding the requirements of subparagraph (vi) of para-

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

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

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

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

40 In addition to any other apportionment pursuant to this chapter, a
41 school district, other than a special act school district as defined in
42 subdivision eight of section four thousand one of this chapter, shall be
43 eligible for total foundation aid equal to the sum of the transition
44 adjustment plus the product of total aidable foundation pupil units
45 multiplied by the district's selected foundation aid, which shall be the
46 greater of five hundred dollars (\$500) or foundation formula aid[
47 ~~provided, however that for the two thousand seven two thousand eight~~
48 ~~through two thousand eight two thousand nine school years, no school~~
49 ~~district shall receive total foundation aid in excess of the sum of the~~
50 ~~total foundation aid base for aid payable in the two thousand seven--two~~
51 ~~thousand eight school year computed pursuant to subparagraph (i) of~~
52 ~~paragraph j of subdivision one of this section, plus the phase in foun-~~
53 ~~ation increase computed pursuant to paragraph b of this subdivision,~~
54 ~~and provided further that for the two thousand twelve--two thousand~~
55 ~~thirteen school year, no school district shall receive total foundation~~
56 ~~aid in excess of the sum of the total foundation aid base for aid paya-~~

~~ble in the two thousand eleven two thousand twelve school year computed pursuant to subparagraph (ii) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand thirteen two thousand fourteen school year and thereafter, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base computed pursuant to subparagraph (ii) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand sixteen two thousand seventeen school year, no eligible school districts shall receive total foundation aid in excess of the sum of the total foundation aid base computed pursuant to subparagraph (ii) of paragraph j of subdivision one of this section plus the sum of (A) the phase-in foundation increase, (B) the executive foundation increase with a minimum increase pursuant to paragraph b-2 of this subdivision, and (C) an amount equal to "COMMUNITY SCHOOLS AID" in the computer listing produced by the commissioner in support of the executive budget request for the two thousand sixteen two thousand seventeen school year and entitled "BT161-7", where (1) "eligible school district" shall be defined as a district with (a) an unrestricted aid increase of less than seven percent (0.07) and (b) a three year average free and reduced price lunch percent greater than fifteen percent (0.15), and (2) "unrestricted aid increase" shall mean the quotient arrived at when dividing (a) the sum of the executive foundation aid increase plus the gap elimination adjustment for the base year, by (b) the difference of foundation aid for the base year less the gap elimination adjustment for the base year, and (3) "executive foundation increase" shall mean the difference of (a) the amounts set forth for each school district as "FOUNDATION AID" under the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand sixteen two thousand seventeen school year and entitled "BT161-7" less (b) the amounts set forth for each school district as "FOUNDATION AID" under the heading "2015-16 BASE YEAR AIDS" in such computer listing and provided further that total foundation aid shall not be less than the product of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section and the due minimum percent which shall be, for the two thousand twelve two thousand thirteen school year, one hundred and six tenths percent (1.006) and for the two thousand thirteen two thousand fourteen school year for city school districts of those cities having populations in excess of one hundred twenty five thousand and less than one million inhabitants one hundred and one and one hundred and seventy six thousandths percent (1.01176), and for all other districts one hundred and three tenths percent (1.003), and for the two thousand fourteen two thousand fifteen school year one hundred and eighty five hundredths percent (1.0085), and for the two thousand fifteen two thousand sixteen school year, one hundred thirty seven hundredths percent (1.0037), subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein, nor more than the product of such total foundation aid base and one hundred fifteen percent for any school year other than the two thousand seventeen two thousand eighteen school year, provided, however, that for the two thousand sixteen two thousand seventeen school year such maximum shall be no more than the sum of (i) the product of such total foundation aid base and one hundred fifteen percent~~

~~plus (ii) the executive foundation increase and plus (iii) "COMMUNITY SCHOOLS AID" in the computer listing produced by the commissioner in support of the executive budget request for the two thousand sixteen two thousand seventeen school year and entitled "BT161-7" and provided further that for the two thousand nine two thousand ten through two thousand eleven two thousand twelve school years, each school district shall receive total foundation aid in an amount equal to the amount apportioned to such school district for the two thousand eight two thousand nine school year pursuant to this subdivision]. Total aidable foundation pupil units shall be calculated pursuant to paragraph g of subdivision two of this section. For the purposes of calculating aid pursuant to this subdivision, aid for the city school district of the city of New York shall be calculated on a citywide basis.~~

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

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

(4) The expected minimum local contribution shall equal the lesser of (i) the product of (A) the quotient arrived at when the selected actual valuation is divided by total wealth foundation pupil units, multiplied by (B) the product of the local tax factor, multiplied by the income wealth index, or (ii) the product of (A) the product of the foundation amount, the regional cost index, and the pupil need index, multiplied by (B) the positive difference, if any, of one minus the state sharing ratio for total foundation aid. The local tax factor shall be established by May first of each year by determining the product, computed to four decimal places without rounding, of ninety percent multiplied by the quotient of the sum of the statewide average tax rate as computed by the commissioner for the current year in accordance with the provisions of paragraph e of subdivision one of section thirty-six hundred nine-e of this part plus the statewide average tax rate computed by the commissioner for the base year in accordance with such provisions plus the statewide average tax rate computed by the commissioner for the year prior to the base year in accordance with such provisions, divided by three[, ~~provided however that for the two thousand seven two thousand eight school year, such local tax factor shall be sixteen thousandths (0.016), and provided further that for the two thousand eight two thousand nine school year, such local tax factor shall be one hundred fifty-four ten thousandths (0.0154)].~~ The income wealth index shall be

1 calculated pursuant to paragraph d of subdivision three of this section,
2 provided, however, that for the purposes of computing the expected mini-
3 mum local contribution the income wealth index shall not be less than
4 sixty-five percent (0.65) and shall not be more than two hundred percent
5 (2.0) [~~and provided however that such income wealth index shall not be~~
6 ~~more than ninety five percent (0.95) for the two thousand eight two~~
7 ~~thousand nine school year, and provided further that such income wealth~~
8 ~~index shall not be less than zero for the two thousand thirteen two~~
9 ~~thousand fourteen school year~~]. The selected actual valuation shall be
10 calculated pursuant to paragraph c of subdivision one of this section.
11 Total wealth foundation pupil units shall be calculated pursuant to
12 paragraph h of subdivision two of this section.

13 § 4. Paragraph b of subdivision 4 of section 3602 of the education law
14 is REPEALED and a new paragraph b is added to read as follows:

15 b. Transition adjustment. The transition adjustment shall equal the
16 product of (1) the state sharing ratio for total foundation aid for the
17 two thousand twenty-four--two thousand twenty-five school year as
18 defined in paragraph g of subdivision three of this section, but not
19 less than five tenths (0.5), multiplied by (2) the positive difference,
20 if any, of (i) the total amount a district was eligible to receive in
21 the two thousand twenty-three--two thousand twenty-four school year
22 pursuant to this subdivision less (ii) the product of total aidable
23 foundation pupil units multiplied by the district's selected foundation
24 aid for the two thousand twenty-four--two thousand twenty-five school
25 year computed pursuant to this subdivision, as set forth on the computer
26 listing produced by the commissioner in support of the executive budget
27 request for the two thousand twenty-four--two thousand twenty-five
28 school year and entitled "BT242-5".

29 § 5. Paragraph d of subdivision 4 of section 3602 of the education
30 law, as amended by section 6 of part YY of chapter 59 of the laws of
31 2019, is amended to read as follows:

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

37 § 6. Paragraphs b-2, b-3, b-4, f, g, h, i and j of subdivision 4 of
38 section 3602 of the education law are REPEALED.

39 § 7. Paragraph k of subdivision 4 of section 3602 of the education law
40 is REPEALED.

41 § 8. The undesignated closing paragraph of subdivision 3 of section
42 3602 of the education law, as added by section 13 of part B of chapter
43 57 of the laws of 2007, is amended to read as follows:

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

50 § 9. Intentionally omitted.

51 § 10. Paragraph j of subdivision 1 of section 3602 of the education
52 law is amended by adding a new subparagraph (iii) to read as follows:

53 (iii) The total foundation aid base for aid payable in the two thou-
54 sand seven--two thousand eight school year and thereafter, and for aid
55 calculations for subsequent school years based on aid payable in such
56 school years, shall be deemed final and not subject to change on or

1 after July first of the school year following the last school year in
2 which the commissioner may last accept and certify for payment any addi-
3 tional claim for such school year pursuant to paragraph a of subdivision
4 five of section thirty-six hundred four of this part.

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

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

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

21 § 12. The opening paragraph of subdivision 2 of section 3623-a of
22 education law, as added by section 86 of chapter 474 of the laws of
23 1996, is amended to read as follows:

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

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

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

40 (2) In the case of allowable expenses for transportation capital, debt
41 service, or leases which are related to costs associated with the
42 purchase of or conversion to zero-emission school buses and supporting
43 infrastructure and which are supported in whole or in part by vouchers,
44 payments, or grants authorized under section 58-0701 of the environ-
45 mental conservation law, such allowable expenses at the time in which
46 the expense is claimed for aid shall not exceed the sum of (i) the prod-
47 uct of the transportation aid ratio calculated pursuant to subdivision
48 seven of section thirty-six hundred two of this article multiplied by
49 allowable expenses, plus (ii) the final value of any such vouchers paid
50 on behalf of a school district, payments, and grants authorized under
51 section 58-0701 of the environmental conservation law.

52 (3) The entity authorized to provide state assistance payments or
53 grants pursuant to subdivision two of section 58-0703 of the environ-
54 mental conservation law shall provide to the commissioner a list of
55 grants awarded and payments to each school district or vouchers paid on
56 behalf of a school district for the purchase of or conversion to zero-

1 emission school buses and supporting infrastructure no later than one
2 month prior to the end of each calendar year and each school year. This
3 list shall include the type and number of zero-emission school buses to
4 be funded by these payments or grants, the supporting infrastructure to
5 be funded by these payments or grants, the award amounts of each payment
6 or grant, the direct recipient of each payment or grant, the district
7 receiving such payment or grant or that benefitted from such voucher,
8 the date on which the payment or grant was received, and any other
9 information necessary for the calculation of aid pursuant to subdivision
10 seven of section thirty-six hundred two of this article.

11 § 14. Paragraph i of subdivision 12 of section 3602 of the education
12 law, as amended by section 10 of part A of chapter 56 of the laws of
13 2023, is amended to read as follows:

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

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

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

1 § 16. Paragraph d of subdivision 10 of section 3602-e of the education
2 law, as amended by section 23-c of part A of chapter 56 of the laws of
3 2021, is amended to read as follows:

4 d. Notwithstanding any other provision of this section, apportionments
5 under this section greater than the amounts provided in the two thousand
6 sixteen--two thousand seventeen school year shall only be used to
7 supplement and not supplant current local expenditures of [~~state-or~~]
8 local funds on prekindergarten programs and the number of eligible full-
9 day four-year-old prekindergarten pupils and eligible full-day three-
10 year-old prekindergarten pupils in such programs from such sources.
11 Current local expenditures shall include any local expenditures of
12 [~~state-or~~] local funds used to supplement or extend services provided
13 directly or via contract to eligible children enrolled in a universal
14 prekindergarten program pursuant to this section.

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

18 13. Apportionments under this section shall only be used to supplement
19 and not supplant current local expenditures of federal[~~,state~~] or local
20 funds on pre-kindergarten programs and the number of slots in such
21 programs from such sources. Current local expenditures shall include any
22 local expenditures of federal[~~,state~~] or local funds used to supplement
23 or extend services provided directly or via contract to eligible chil-
24 dren enrolled in a universal pre-kindergarten program pursuant to
25 section thirty-six hundred two-e of this part.

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

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

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

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

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

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

46 ~~(3)]~~ (2) "Smart schools investment plan" shall mean a document
47 prepared by a school district setting forth the smart schools project or
48 projects to be undertaken with such district's smart schools allocation.

49 [~~(4)]~~ (3) "Smart schools project" shall mean a capital project as set
50 forth and defined in subparagraphs four, five, six[~~7~~] or seven [~~or~~
51 ~~eight~~] of this paragraph.

52 [~~(5)]~~ (4) "Pre-kindergarten or transportable classroom unit (TCU)
53 replacement project" shall mean a capital project which, as a primary
54 purpose, expands the availability of adequate and appropriate instruc-
55 tional space for pre-kindergarten or provides for the expansion or

1 construction of adequate and appropriate instructional space to replace
2 TCUs.

3 ~~[(6)]~~ (5) "Community connectivity project" shall mean a capital
4 project which, as a primary purpose, expands high-speed broadband or
5 wireless internet connectivity in the local community, including school
6 buildings and campuses, for enhanced educational opportunity in the
7 state.

8 ~~[(7)]~~ (6) "Classroom technology project" shall mean a capital project
9 to expand high-speed broadband or wireless internet connectivity solely
10 for school buildings and campuses, or to acquire learning technology
11 hardware for schools, classrooms, and student use, including but not
12 limited to whiteboards, computer servers, desktop computers, laptop
13 computers, and tablet computers.

14 ~~[(8)]~~ (7) "School safety and security technology project" shall mean a
15 capital project to install high-tech security features in school build-
16 ings and on school campuses, including but not limited to video surveil-
17 lance, emergency notification systems and physical access controls, for
18 enhanced educational opportunity in the state.

19 ~~[(9)]~~ (8) "Selected school aid" shall mean the sum of the amounts set
20 forth as "FOUNDATION AID", "FULL DAY K CONVERSION", "BOCES", "SPECIAL
21 SERVICES", "HIGH COST EXCESS COST", "PRIVATE EXCESS COST", "HARDWARE &
22 TECHNOLOGY", "SOFTWARE, LIBRARY, TEXTBOOK", "TRANSPORTATION INCL
23 SUMMER", "OPERATING REORG INCENTIVE", "CHARTER SCHOOL TRANSITIONAL",
24 "ACADEMIC ENHANCEMENT", "HIGH TAX AID", and "SUPPLEMENTAL PUB EXCESS
25 COST" under the heading "2013-14 BASE YEAR AIDS" in the school aid
26 computer listing produced by the commissioner in support of the execu-
27 tive budget proposal for the two thousand fourteen-fifteen school year.

28 ~~[(10)]~~ (9) "Smart schools allocation" shall mean, for each school
29 district, the product of (i) two billion dollars (\$2,000,000,000) multi-
30 plied by (ii) the quotient of such school district's selected school aid
31 divided by the total selected school aid to all school districts.

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

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

50 (3) The ~~[smart schools review board]~~ commissioner shall review all
51 smart schools investment plans for compliance with all eligibility
52 criteria and other requirements set forth in the guidelines. The ~~[smart~~
53 ~~schools review board]~~ commissioner may approve or reject such plans, or
54 may return such plans to the school district for modifications; provided
55 that notwithstanding any inconsistent provision of law, the ~~[smart~~
56 ~~schools review board]~~ commissioner shall approve no such plan first

1 submitted to the department on or after April fifteenth, two thousand
2 seventeen, unless such plan calculates the amount of classroom technolo-
3 gy to be loaned to students attending nonpublic schools pursuant to
4 section seven hundred fifty-five of this chapter in a manner that
5 includes the amount budgeted by the school district for servers, wire-
6 less access points and other portable connectivity devices to be
7 acquired as part of a school connectivity project. Upon approval, the
8 smart schools project or projects described in the investment plan shall
9 be eligible for smart schools grants. A smart schools project included
10 in a school district's smart schools investment plan shall not require
11 separate approval of the commissioner unless it is part of a school
12 construction project required to be submitted for approval of the
13 commissioner pursuant to section four hundred eight of this chapter
14 and/or subdivision six of section thirty-six hundred two of this arti-
15 cle. Any department, agency or public authority shall provide the [~~smart
16 schools review board~~] department with any information it requires to
17 fulfill its duties pursuant to this subdivision.

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

21 § 20. Section 34 of chapter 91 of the laws of 2002 amending the educa-
22 tion law and other laws relating to reorganization of the New York city
23 school construction authority, board of education and community boards,
24 as amended by chapter 364 of the laws of 2022, is amended to read as
25 follows:

26 § 34. This act shall take effect July 1, 2002; provided, that sections
27 one through twenty, twenty-four, and twenty-six through thirty of this
28 act shall expire and be deemed repealed June 30, [~~2024~~] 2028 provided,
29 further, that notwithstanding any provision of article 5 of the general
30 construction law, on June 30, [~~2024~~] 2028 the provisions of subdivisions
31 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs
32 b, d, and e of subdivision 15, and subdivisions 17 and 21 of section
33 2554 of the education law as repealed by section three of this act,
34 subdivision 1 of section 2590-b of the education law as repealed by
35 section six of this act, paragraph (a) of subdivision 2 of section
36 2590-b of the education law as repealed by section seven of this act,
37 section 2590-c of the education law as repealed by section eight of this
38 act, paragraph c of subdivision 2 of section 2590-d of the education law
39 as repealed by section twenty-six of this act, subdivision 1 of section
40 2590-e of the education law as repealed by section twenty-seven of this
41 act, subdivision 28 of section 2590-h of the education law as repealed
42 by section twenty-eight of this act, subdivision 30 of section 2590-h of
43 the education law as repealed by section twenty-nine of this act, subdi-
44 vision 30-a of section 2590-h of the education law as repealed by
45 section thirty of this act shall be revived and be read as such
46 provisions existed in law on the date immediately preceding the effec-
47 tive date of this act; provided, however, that sections seven and eight
48 of this act shall take effect on November 30, 2003; provided further
49 that the amendments to subdivision 25 of section 2554 of the education
50 law made by section two of this act shall be subject to the expiration
51 and reversion of such subdivision pursuant to section 12 of chapter 147
52 of the laws of 2001, as amended, when upon such date the provisions of
53 section four of this act shall take effect.

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

1 intendents, as amended by chapter 364 of the laws of 2022, is amended to
2 read as follows:

3 12. any provision in sections one, two, three, four, five, six, seven,
4 eight, nine, ten and eleven of this act not otherwise set to expire
5 pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or
6 section 17 of chapter 123 of the laws of 2003, as amended, shall expire
7 and be deemed repealed June 30, [~~2024~~] 2028.

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

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

~~1 the commissioner shall certify no payment to a school district based on~~
~~2 a claim submitted later than two years after the close of such school~~
~~3 year.] For claims for which payment is first to be made [in the nineteen~~
~~4 hundred ninety-seven--ninety-eight school year and thereafter] prior to~~
~~5 the two thousand twenty-three--two thousand twenty-four school year, the~~
6 commissioner shall certify no payment to a school district based on a
7 claim submitted later than one year after the close of such school year.
8 For claims for which payment is first to be made in the two thousand
9 twenty-three--two thousand twenty-four school year and thereafter, the
10 commissioner shall certify no payment to a school district based on a
11 claim submitted later than the first of November of such school year.
12 Provided, however, no payments shall be barred or reduced where such
13 payment is required as a result of a final audit of the state. [~~It is~~
14 ~~further provided that, until June thirtieth, nineteen hundred ninety-~~
15 ~~six, the commissioner may grant a waiver from the provisions of this~~
16 ~~section for any school district if it is in the best educational inter-~~
17 ~~ests of the district pursuant to guidelines developed by the commis-~~
18 ~~ioner and approved by the director of the budget.] It is further provided
19 that for any apportionments provided pursuant to sections seven hundred
20 one, seven hundred eleven, seven hundred fifty-one, seven hundred
21 fifty-three, nineteen hundred fifty, thirty-six hundred two, thirty-six
22 hundred two-b, thirty-six hundred two-c, thirty-six hundred two-e and
23 forty-four hundred five of this chapter for the two thousand twenty-
24 three--two thousand twenty-four and two thousand twenty-four--two thou-
25 sand twenty-five school years, the commissioner shall certify no payment
26 to a school district, other than payments pursuant to subdivisions
27 six-a, eleven, thirteen and fifteen of section thirty-six hundred two of
28 this part, in excess of the payment computed based on an electronic data
29 file used to produce the school aid computer listing produced by the
30 commissioner in support of the executive budget request submitted for
31 the two thousand twenty-four--two thousand twenty-five state fiscal year
32 and entitled "BT242-5", and further provided that for any apportionments
33 provided pursuant to sections seven hundred one, seven hundred eleven,
34 seven hundred fifty-one, seven hundred fifty-three, nineteen hundred
35 fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six
36 hundred two-c, thirty-six hundred two-e and forty-four hundred five of
37 this chapter for the two thousand twenty-five--two thousand twenty-six
38 school year and thereafter, the commissioner shall certify no payment to
39 a school district, other than payments pursuant to subdivisions six-a,
40 eleven, thirteen and fifteen of section thirty-six hundred two of this
41 part, in excess of the payment computed based on an electronic data file
42 used to produce the school aid computer listing produced by the commis-
43 sioner in support of the executive budget request submitted for the
44 state fiscal year in which the school year commences.~~

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

48 For aid payable in the two thousand seven--two thousand eight school
49 year through the two thousand twenty-three--two thousand twenty-four
50 school year, "moneys apportioned" shall mean the lesser of (i) the sum
51 of one hundred percent of the respective amount set forth for each
52 school district as payable pursuant to this section in the school aid
53 computer listing for the current year produced by the commissioner in
54 support of the budget which includes the appropriation for the general
55 support for public schools for the prescribed payments and individual-
56 ized payments due prior to April first for the current year plus the

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

1 subdivision nine of section thirty-six hundred two of this part. For aid
2 payable in the two thousand twenty-four--two thousand twenty-five school
3 year, reference to such "school aid computer listing for the current
4 year" shall mean the printouts entitled "BT242-5".

5 § 24. Paragraph b of subdivision 2 of section 3612 of the education
6 law, as amended by section 22 of part YY of chapter 59 of the laws of
7 2019, is amended to read as follows:

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

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

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

1 the rate of attendance of students in such classes to at least the rate
2 for students attending regular education classes in secondary schools of
3 the district. Such corrective action plan shall be submitted for
4 approval by the commissioner by a date during the school year in which
5 such board increases class sizes as provided pursuant to this subdivi-
6 sion to be prescribed by the commissioner. Upon at least thirty days
7 notice to the board of education, after conclusion of the school year in
8 which such board increases class sizes as provided pursuant to this
9 subdivision, the commissioner shall be authorized to terminate such
10 authorization upon a finding that the board has failed to develop or
11 implement an approved corrective action plan.

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

17 (22) sections one hundred twelve, one hundred thirteen, one hundred
18 fourteen, one hundred fifteen and one hundred sixteen of this act shall
19 take effect on July 1, 1995; provided, however, that section one hundred
20 thirteen of this act shall remain in full force and effect until July 1,
21 [~~2024~~] 2029 at which time it shall be deemed repealed;

22 (24) sections one hundred eighteen through one hundred thirty of this
23 act shall be deemed to have been in full force and effect on and after
24 July 1, 1995; provided further, however, that the amendments made pursu-
25 ant to section one hundred twenty-four of this act shall be deemed to be
26 repealed on and after July 1, [~~2024~~] 2029;

27 § 27. Subdivision b of section 2 of chapter 756 of the laws of 1992,
28 relating to funding a program for work force education conducted by the
29 consortium for worker education in New York city, as amended by section
30 20 of part A of chapter 56 of the laws of 2023, is amended to read as
31 follows:

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

1 year such contact hours shall not exceed one million four hundred
2 forty-four thousand four hundred forty-four (1,444,444); for the
3 2020--2021 school year such contact hours shall not exceed one million
4 four hundred six thousand nine hundred twenty-six (1,406,926); for the
5 2021--2022 school year such contact hours shall not exceed one million
6 four hundred sixteen thousand one hundred twenty-two (1,416,122); for
7 the 2022--2023 school year such contact hours shall not exceed one
8 million four hundred six thousand nine hundred twenty-six (1,406,926);
9 [~~and~~] for the 2023--2024 school year such contact hours shall not exceed
10 one million three hundred forty-two thousand nine hundred seventy-five
11 (1,342,975); and for the 2024--2025 school year such contact hours shall
12 not exceed one million sixty-three thousand eight hundred twenty-nine
13 (1,063,829). Notwithstanding any other provision of law to the contrary,
14 the apportionment calculated for the city school district of the city of
15 New York pursuant to subdivision 11 of section 3602 of the education law
16 shall be computed as if such contact hours provided by the consortium
17 for worker education, not to exceed the contact hours set forth herein,
18 were eligible for aid in accordance with the provisions of such subdivi-
19 sion 11 of section 3602 of the education law.

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

24 cc. The provisions of this subdivision shall not apply after the
25 completion of payments for the 2024-25 school year. Notwithstanding any
26 inconsistent provisions of law, the commissioner of education shall
27 withhold a portion of employment preparation education aid due to the
28 city school district of the city of New York to support a portion of the
29 costs of the work force education program. Such moneys shall be credited
30 to the elementary and secondary education fund-local assistance account
31 and shall not exceed eleven million five hundred thousand dollars
32 (\$11,500,000).

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

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

39 § 30. Paragraph (d) of subdivision 1 of section 2856 of the education
40 law, as amended by section 36-c of part A of chapter 56 of the laws of
41 2021, is amended to read as follows:

42 (d) School districts shall be eligible for an annual apportionment
43 equal to the amount of the supplemental basic tuition for the charter
44 school in the base year for the expenses incurred in the two thousand
45 fourteen--two thousand fifteen, two thousand fifteen--two thousand
46 sixteen, two thousand sixteen--two thousand seventeen school years and
47 thereafter. Provided that for expenses incurred in the two thousand
48 twenty--two thousand twenty-one school year, for a city school district
49 in a city having a population of one million or more, the annual appor-
50 tionment shall be reduced by thirty-five million dollars (\$35,000,000)
51 upon certification by the director of the budget of the availability of
52 a grant in the same amount from the elementary and secondary school
53 emergency relief funds provided through the American rescue plan act of
54 2021 (P.L. 117-2). Provided further that for expenses incurred in the
55 two thousand twenty-three--two thousand twenty-four school year, for a
56 city school district in a city having a population of one million or

1 more, the annual apportionment shall be reduced by thirty-five million
2 dollars (\$35,000,000) upon certification by the director of the budget
3 of the availability of a grant in the same amount from the elementary
4 and secondary school emergency relief funds provided through the Ameri-
5 can rescue plan act of 2021 (P.L. 117-2).

6 § 31. Paragraph (c) of subdivision 1 of section 2856 of the education
7 law, as amended by section 36-d of part A of chapter 56 of the laws of
8 2021, is amended to read as follows:

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

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

34 3. The state education department shall present its recommendations
35 and analysis to the governor, the director of the division of the budg-
36 et, the temporary president of the senate, the speaker of the assembly,
37 the chairperson of the senate finance committee, and the chairperson of
38 the assembly ways and means committee no later than July 1, [~~2025~~] 2027.
39 Adoption of any alternative rate-setting methodologies shall be subject
40 to the approval of the director of the division of the budget.

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

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

1 twenty, twenty-two and twenty-three of this act shall expire and be
2 deemed repealed on March 31, [~~2024~~] 2029.

3 § 34. Section 26 of subpart F of part C of chapter 97 of the laws of
4 2011 amending the education law relating to census reporting, as amended
5 by section 46 of part YY of chapter 59 of the laws of 2019, is amended
6 to read as follows:

7 § 26. This act shall take effect immediately provided, however, that
8 the provisions of section three of this act shall expire June 30, [~~2024~~]
9 2029 when upon such date the provisions of such section shall be deemed
10 repealed; provided, further that the provisions of sections eight, elev-
11 en, twelve, thirteen and twenty of this act shall expire July 1, 2014
12 when upon such date the provisions of such sections shall be deemed
13 repealed.

14 § 35. Special apportionment for salary expenses. 1. Notwithstanding
15 any other provision of law, upon application to the commissioner of
16 education, not sooner than the first day of the second full business
17 week of June 2025 and not later than the last day of the third full
18 business week of June 2025, a school district eligible for an apportion-
19 ment pursuant to section 3602 of the education law shall be eligible to
20 receive an apportionment pursuant to this section, for the school year
21 ending June 30, 2025, for salary expenses incurred between April 1 and
22 June 30, 2024 and such apportionment shall not exceed the sum of (a) the
23 deficit reduction assessment of 1990--1991 as determined by the commis-
24 sioner of education, pursuant to paragraph f of subdivision 1 of section
25 3602 of the education law, as in effect through June 30, 1993, plus (b)
26 186 percent of such amount for a city school district in a city with a
27 population in excess of 1,000,000 inhabitants, plus (c) 209 percent of
28 such amount for a city school district in a city with a population of
29 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
30 ing to the latest federal census, plus (d) the net gap elimination
31 adjustment for 2010--2011, as determined by the commissioner of educa-
32 tion pursuant to chapter 53 of the laws of 2010, plus (e) the gap elimi-
33 nation adjustment for 2011--2012 as determined by the commissioner of
34 education pursuant to subdivision 17 of section 3602 of the education
35 law, and provided further that such apportionment shall not exceed such
36 salary expenses. Such application shall be made by a school district,
37 after the board of education or trustees have adopted a resolution to do
38 so and in the case of a city school district in a city with a population
39 in excess of 125,000 inhabitants, with the approval of the mayor of such
40 city.

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

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

16 § 36. Special apportionment for public pension accruals. 1. Notwith-
17 standing any other provision of law, upon application to the commis-
18 sioner of education, not later than June 30, 2025, a school district eligi-
19 ble for an apportionment pursuant to section 3602 of the education law
20 shall be eligible to receive an apportionment pursuant to this section,
21 for the school year ending June 30, 2025 and such apportionment shall
22 not exceed the additional accruals required to be made by school
23 districts in the 2004--2005 and 2005--2006 school years associated with
24 changes for such public pension liabilities. The amount of such addi-
25 tional accrual shall be certified to the commissioner of education by
26 the president of the board of education or the trustees or, in the case
27 of a city school district in a city with a population in excess of
28 125,000 inhabitants, the mayor of such city. Such application shall be
29 made by a school district, after the board of education or trustees have
30 adopted a resolution to do so and in the case of a city school district
31 in a city with a population in excess of 125,000 inhabitants, with the
32 approval of the mayor of such city.

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

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

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

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

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

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

53 3. The commissioner of education shall not be authorized to withhold
54 foundation aid from a school district that used such funds in accordance
55 with this paragraph, notwithstanding any inconsistency with a request
56 for proposals issued by such commissioner for the purpose of attendance

1 improvement and dropout prevention for the 2024--2025 school year, and
2 for any city school district in a city having a population of more than
3 one million, the set-aside for attendance improvement and dropout
4 prevention shall equal the amount set aside in the base year. For the
5 2024--2025 school year, it is further provided that any city school
6 district in a city having a population of more than one million shall
7 allocate at least one-third of any increase from base year levels in
8 funds set aside pursuant to the requirements of this section to communi-
9 ty-based organizations. Any increase required pursuant to this section
10 to community-based organizations must be in addition to allocations
11 provided to community-based organizations in the base year.

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

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

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

1 § 39. Severability. The provisions of this act shall be severable, and
2 if the application of any clause, sentence, paragraph, subdivision,
3 section or part of this act to any person or circumstance shall be
4 adjudged by any court of competent jurisdiction to be invalid, such
5 judgment shall not necessarily affect, impair or invalidate the applica-
6 tion of any such clause, sentence, paragraph, subdivision, section, part
7 of this act or remainder thereof, as the case may be, to any other
8 person or circumstance, but shall be confined in its operation to the
9 clause, sentence, paragraph, subdivision, section or part thereof
10 directly involved in the controversy in which such judgment shall have
11 been rendered.

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

15 1. sections one, two, three, four, five, six, eight, ten, twelve,
16 thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, twenty-three,
17 twenty-four, twenty-five, twenty-nine and thirty-seven of this act shall
18 take effect July 1, 2024;

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

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

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

31 PART B

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

34 § 818. Evidence-based and scientifically based reading instruction. 1.
35 (a) On or before July first, two thousand twenty-four, the commissioner
36 shall provide school districts with the instructional best practices for
37 the teaching of reading to students in prekindergarten through grade
38 three. Instructional best practices for the teaching of reading shall
39 be evidence-based and scientifically based, focusing on reading compe-
40 tency in the areas of phonemic awareness, phonics, vocabulary develop-
41 ment, reading fluency, comprehension, including background knowledge,
42 oral language and writing, oral skill development, and align with the
43 culturally responsive-sustaining (CR-S) framework. Such instructional
44 best practices shall be periodically updated by the commissioner where
45 appropriate.

46 (b) All school districts in the state shall annually review their
47 curriculum and instructional practices in the subject of reading for
48 students in prekindergarten through grade three to ensure that they
49 align with the reading instructional best practices issued by the
50 commissioner, and that all early reading instructional practices and
51 interventions are part of an aligned plan designed to improve student
52 reading outcomes in prekindergarten through grade three.

53 2. For purposes of this section, the following terms shall have the
54 following meanings:

1 (a) "Culturally responsive-sustaining (CR-S) framework" means a frame-
2 work that promotes learning environments that affirm racial, linguistic,
3 and cultural identities; engages students with rigorous, supportive
4 instruction; develops their abilities to connect across lines of differ-
5 ence; elevates historically marginalized voices; and empowers students
6 as agents of social change.

7 (b) "Evidence-based and scientifically based" means an interdiscipli-
8 nary body of research that describes how reading and writing skills and
9 competencies develop from prekindergarten through secondary education
10 and provides evidence-based guidance to inform curriculum and pedagogy.

11 (c) "Phonemic awareness" means the ability to notice, think about and
12 manipulate individual sounds in spoken syllables and words.

13 (d) "Comprehension" means a function of word recognition skills and
14 language comprehension skills and shall include having sufficient back-
15 ground information and vocabulary for the reader to understand the words
16 in front of them. It also includes the active process that requires
17 intentional thinking, during which meaning is constructed through inter-
18 actions between the text and the reader. Comprehension skills are taught
19 explicitly by demonstrating, explaining, modeling and implementing
20 specific cognitive strategies to help beginning readers derive meaning
21 through intentional, problem-solving thinking processes.

22 (e) "Reading fluency" means the ability to read words, phrases, and
23 sentences accurately, at an appropriate speed, and with expression.

24 (f) "Vocabulary development" means the process of acquiring new words
25 and includes improving all areas of communication, including listening,
26 speaking, reading, and writing, which is directly related to school
27 achievement and is a strong predictor for reading success.

28 3. On or before September first, two thousand twenty-five, and on or
29 before September first of each year thereafter, all school districts in
30 the state shall certify to the commissioner that their curriculum and
31 instructional strategies and teacher professional development in the
32 subject of reading in prekindergarten through grade three align with all
33 of the elements of the instructional best practices issued by the
34 commissioner pursuant to this section.

35 4. Compliance with this section shall be subject to review by the
36 commissioner pursuant to section three hundred ten of this title and by
37 article seventy-eight of the civil practice law and rules.

38 § 2. This act shall take effect immediately.

39 PART C

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

42 61. a. Notwithstanding any provision of law to the contrary, the
43 commissioner shall require each school district to obtain documentation
44 reflecting one of the following from the parent or guardian of each
45 student or, if the student is eighteen years of age or older or legally
46 emancipated, such student, during the school year in which the student
47 is a senior enrolled in such school district: (1) certification of
48 completion and submission of either the free application for federal
49 student aid (FAFSA) for such student or, if applicable, the Jose Peralta
50 New York State DREAM Act application; or (2) completion of a waiver form
51 promulgated by the department, to be filed with the student's school
52 district indicating that the parent or guardian or, if the student is
53 eighteen years of age or older or legally emancipated, the student,
54 understands what the FAFSA is and has chosen not to file an application

1 pursuant to the provisions of subparagraph one of this paragraph. For
2 purposes of subparagraph one of this paragraph, the required certifi-
3 cation shall not designate which type of application was submitted by
4 the parent, guardian, or student.

5 b. On and after July first, two thousand twenty-five, each school
6 district shall annually report to the department the following data for
7 all seniors enrolled in such school district, aggregated by high school:
8 (1) the total number of students certified to have submitted either the
9 free application for federal student aid (FAFSA) or, if applicable, the
10 Jose Peralta New York State DREAM Act application; (2) the number of
11 students who completed a waiver pursuant to paragraph a of this subdivi-
12 sion; and (3) the total number of seniors enrolled.

13 c. The commissioner shall promulgate rules and regulations necessary
14 to implement this subdivision, including requiring each school district
15 to give notice, no less than four times during each school year, with an
16 explanation to each high school senior of the state-sponsored scholar-
17 ships, financial aid and assistance available to students attending
18 college or post-secondary education, and to provide access and/or refer-
19 als to support or assistance necessary for completion of the FAFSA.

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

25 PART D

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

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

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

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

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

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

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

52 3. Degree awards. The amount of such annual apportionment to each
53 institution meeting the requirements of subdivision two of this section
54 shall be computed by multiplying by not to exceed six hundred dollars

1 the number of earned associate degrees, by not to exceed one thousand
2 five hundred dollars the number of earned bachelor's degrees, by not to
3 exceed nine hundred fifty dollars the number of earned master's degrees,
4 and by not to exceed four thousand five hundred fifty dollars the number
5 of earned doctorate degrees, conferred by such institution during the
6 twelve-month period next preceding the annual period for which such
7 apportionment is made, provided that there shall be excluded from any
8 such computation the number of degrees earned by students with respect
9 to whom state aid other than that established by this section or section
10 sixty-four hundred one-a of this article is granted directly to the
11 institution, and provided further that, except as otherwise provided in
12 this subdivision, the amount apportioned for an associate degree shall
13 be awarded only to two year institutions qualifying under subdivision
14 two of this section. The regents shall promulgate rules defining and
15 classifying professional degrees for the purposes of this section.
16 Institutions qualifying for state aid pursuant to the provisions of
17 paragraph (b) of subdivision two of this section shall, for purposes of
18 this subdivision, be deemed to be the institutions which confer degrees.
19 For purposes of this subdivision, a two-year institution which has
20 received authority to confer bachelor degrees shall continue to be
21 considered a two-year institution until such time as it has actually
22 begun to confer the bachelor's degree. Thereafter, notwithstanding any
23 other provision of law to the contrary, an institution which was former-
24 ly a two-year institution for the purposes of this section and which was
25 granted authority by the regents to confer bachelor degrees, (a) such
26 authority having been granted after the first day of June, nineteen
27 hundred ninety-three, but before the first day of July, nineteen hundred
28 ninety-three, (b) such authority having been granted after the first day
29 of May, two thousand five, but before the first day of June, two thou-
30 sand five, (c) such authority having been granted after the first day of
31 April, two thousand nine, but before the first day of May, two thousand
32 nine, or (d) such authority having been granted after the first day of
33 December, two thousand nine, but before the first day of January, two
34 thousand ten, may elect to continue to receive awards for earned associ-
35 ate degrees. Should such institution so elect, it shall not be eligible
36 during the time of such election to receive awards for earned bachelor's
37 degrees. Notwithstanding the preceding provisions of this subdivision,
38 in the event that the total amount of such annual apportionments to all
39 institutions meeting the requirements of subdivision two of this section
40 would otherwise exceed the total amount appropriated for unrestricted
41 aid to independent colleges and universities, the annual apportionment
42 to each such institution shall be reduced proportionally.

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

44

PART E

45 Section 1. Paragraph d of subdivision 7 of section 2-d of the educa-
46 tion law, as added by section 1 of subpart L of part AA of chapter 56 of
47 the laws of 2014, is amended to read as follows:

48 d. Nothing in this section shall limit the administrative use of
49 student data or teacher or principal data by a person acting exclusively
50 in the person's capacity as an employee of an educational agency or of
51 the state or any of its political subdivisions, any court or the federal
52 government that is otherwise required by law. Nothing in this section
53 shall limit the sharing of student data with the New York state higher
54 education services corporation, the state university of New York, or the

1 city university of New York for educational purposes pursuant to the
2 provisions of the family educational rights and privacy act, 20 U.S.C.
3 section 1232g.

4 § 2. Section 655 of the education law is amended by adding a new
5 subdivision 9-a to read as follows:

6 9-a. To provide to any state educational authority such assistance and
7 data as the president deems necessary for purposes of financial aid
8 program evaluation.

9 § 3. This act shall take effect immediately.

10 PART F

11 Section 1. Section 16 of chapter 260 of the laws of 2011 amending the
12 education law and the New York state urban development corporation act
13 relating to establishing components of the NY-SUNY 2020 challenge grant
14 program, as amended by section 4 of part DD of chapter 56 of the laws of
15 2021, is amended to read as follows:

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

23 § 2. This act shall take effect immediately.

24 PART G

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

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

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

36 PART H

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

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

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

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

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

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

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

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

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

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

22 (c) On and after January first, two thousand [~~twenty-three~~] twenty-
23 four, (i) for an eligible individual receiving family care, [~~\$1,180.48~~]
24 \$1,209.48 if he or she is receiving such care in the city of New York or
25 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
26 eligible couple receiving family care in the city of New York or the
27 county of Nassau, Suffolk, Westchester or Rockland, two times the amount
28 set forth in subparagraph (i) of this paragraph; or (iii) for an eligi-
29 ble individual receiving such care in any other county in the state,
30 [~~\$1,142.48~~] \$1,171.48; and (iv) for an eligible couple receiving such
31 care in any other county in the state, two times the amount set forth in
32 subparagraph (iii) of this paragraph.

33 (d) On and after January first, two thousand [~~twenty-three~~] twenty-
34 four, (i) for an eligible individual receiving residential care,
35 [~~\$1,349.00~~] \$1,378.00 if he or she is receiving such care in the city of
36 New York or the county of Nassau, Suffolk, Westchester or Rockland; and
37 (ii) for an eligible couple receiving residential care in the city of
38 New York or the county of Nassau, Suffolk, Westchester or Rockland, two
39 times the amount set forth in subparagraph (i) of this paragraph; or
40 (iii) for an eligible individual receiving such care in any other county
41 in the state, [~~\$1,319.00~~] \$1,348.00; and (iv) for an eligible couple
42 receiving such care in any other county in the state, two times the
43 amount set forth in subparagraph (iii) of this paragraph.

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

49 (f) The amounts set forth in paragraphs (a) through (e) of this subdi-
50 vision shall be increased to reflect any increases in federal supple-
51 mental security income benefits for individuals or couples which become
52 effective on or after January first, two thousand [~~twenty-four~~] twenty-
53 five but prior to June thirtieth, two thousand [~~twenty-four~~]
54 twenty-five.

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

1

PART I

2 Section 1. Clause (iv) of subparagraph 5 of paragraph (b) of subdivi-
3 sion 1 of section 413 of the family court act, as amended by chapter 567
4 of the laws of 1989, is amended to read as follows:

5 (iv) at the discretion of the court, the court may attribute or impute
6 income from[7] such other resources as may be available to the parent,
7 including, but not limited to:

8 (A) non-income producing assets,

9 (B) meals, lodging, memberships, automobiles or other perquisites that
10 are provided as part of compensation for employment to the extent that
11 such perquisites constitute expenditures for personal use, or which
12 expenditures directly or [~~indireely~~] indirectly confer personal economic
13 benefits,

14 (C) fringe benefits provided as part of compensation for employment,
15 and

16 (D) money, goods, or services provided by relatives and friends;

17 In determining the amount of income that may be attributed or imputed,
18 the court shall consider the specific circumstances of the parent, to
19 the extent known, including such factors as the parent's assets, resi-
20 dence, employment and earning history, job skills, educational attain-
21 ment, literacy, age, health, criminal record and other employment barri-
22 ers, record of seeking work, the local job market, the availability of
23 employers willing to hire the parent, prevailing earnings level in the
24 local community, and other relevant background factors such as the age,
25 number, needs, and care of the children covered by the child support
26 order. Attribution or imputation of income shall be accompanied by
27 specific written findings identifying the basis or bases for such deter-
28 mination utilizing factors required or permitted to be considered pursu-
29 ant to this clause;

30 § 2. Clause (iv) of subparagraph 5 of paragraph (b) of subdivision 1-b
31 of section 240 of the domestic relations law, as added by chapter 567 of
32 the laws of 1989, is amended to read as follows:

33 (iv) at the discretion of the court, the court may attribute or impute
34 income from[7] such other resources as may be available to the parent,
35 including, but not limited to:

36 (A) non-income producing assets,

37 (B) meals, lodging, memberships, automobiles or other perquisites that
38 are provided as part of compensation for employment to the extent that
39 such perquisites constitute expenditures for personal use, or which
40 expenditures directly or [~~indireely~~] indirectly confer personal economic
41 benefits,

42 (C) fringe benefits provided as part of compensation for employment,
43 and

44 (D) money, goods, or services provided by relatives and friends;

45 In determining the amount of income that may be attributed or imputed,
46 the court shall consider the specific circumstances of the parent, to
47 the extent known, including such factors as the parent's assets, resi-
48 dence, employment and earning history, job skills, educational attain-
49 ment, literacy, age, health, criminal record and other employment barri-
50 ers, record of seeking work, the local job market, the availability of
51 employers willing to hire the parent, prevailing earnings level in the
52 local community, and other relevant background factors such as the age,
53 number, needs, and care of the children covered by the child support
54 order. Attribution or imputation of income shall be accompanied by
55 specific written findings identifying the basis or bases for such deter-

1 mination utilizing factors required or permitted to be considered pursu-
2 ant to this clause;

3 § 3. Paragraph (k) of subdivision 1 of section 413 of the family court
4 act, as amended by chapter 567 of the laws of 1989, is amended to read
5 as follows:

6 (k) When a party has defaulted and/or the court is otherwise presented
7 with insufficient evidence to determine gross income, [~~the court shall~~
8 ~~order child support based upon the needs or standard of living of the~~
9 ~~child, whichever is greater~~] the support obligation shall be based on
10 available information about the specific circumstances of the parent, in
11 accordance with clause (iv) of subparagraph five of paragraph (b) of
12 this subdivision. Such order may be retroactively modified upward, with-
13 out a showing of change in circumstances.

14 § 4. Paragraph (k) of subdivision 1-b of section 240 of the domestic
15 relations law, as added by chapter 567 of the laws of 1989, is amended
16 to read as follows:

17 (k) When a party has defaulted and/or the court is otherwise presented
18 with insufficient evidence to determine gross income, [~~the court shall~~
19 ~~order child support based upon the needs or standard of living of the~~
20 ~~child, whichever is greater~~] the support obligation shall be based on
21 available information about the specific circumstances of the parent, in
22 accordance with clause (iv) of subparagraph five of paragraph (b) of
23 this subdivision. Such order may be retroactively modified upward, with-
24 out a showing of change in circumstances.

25 § 5. Clause (v) of subparagraph 5 of paragraph (b) of subdivision 1 of
26 section 413 of the family court act, as amended by chapter 313 of the
27 laws of 2019, is amended to read as follows:

28 (v) an amount imputed as income based upon the parent's former
29 resources or income, if the court determines that a parent has reduced
30 resources or income in order to reduce or avoid the parent's obligation
31 for child support; provided that incarceration shall not be considered
32 voluntary unemployment[, ~~unless such incarceration is the result of~~
33 ~~non-payment of a child support order, or an offense against the custo-~~
34 ~~dial parent or child who is the subject of the order or judgment~~];

35 § 6. Clause (v) of subparagraph 5 of paragraph (b) of subdivision 1-b
36 of section 240 of the domestic relations law, as amended by chapter 313
37 of the laws of 2019, is amended to read as follows:

38 (v) an amount imputed as income based upon the parent's former
39 resources or income, if the court determines that a parent has reduced
40 resources or income in order to reduce or avoid the parent's obligation
41 for child support; provided that incarceration shall not be considered
42 voluntary unemployment[, ~~unless such incarceration is the result of~~
43 ~~non-payment of a child support order, or an offense against the custo-~~
44 ~~dial parent or child who is the subject of the order or judgment~~];

45 § 7. Paragraph (a) of subdivision 3 of section 451 of the family court
46 act, as amended by chapter 313 of the laws of 2019, is amended to read
47 as follows:

48 (a) The court may modify an order of child support, including an order
49 incorporating without merging an agreement or stipulation of the
50 parties, upon a showing of a substantial change in circumstances.
51 Incarceration shall not be considered voluntary unemployment and shall
52 not be a bar to finding a substantial change in circumstances [~~provided~~
53 ~~such incarceration is not the result of non-payment of a child support~~
54 ~~order, or an offense against the custodial parent or child who is the~~
55 ~~subject of the order or judgment~~].

1 § 8. Clause (i) of subparagraph 2 of paragraph b of subdivision 9 of
2 part B of section 236 of the domestic relations law, as amended by chap-
3 ter 313 of the laws of 2019, is amended to read as follows:

4 (i) The court may modify an order of child support, including an order
5 incorporating without merging an agreement or stipulation of the
6 parties, upon a showing of a substantial change in circumstances.
7 Incarceration shall not be considered voluntary unemployment and shall
8 not be a bar to finding a substantial change in circumstances [~~provided~~
9 ~~such incarceration is not the result of non-payment of a child support~~
10 ~~order, or an offense against the custodial parent or child who is the~~
11 ~~subject of the order or judgment~~].

12 § 9. This act shall take effect immediately, and shall apply to any
13 action or proceeding pending upon or commenced on or after such effec-
14 tive date.

15 PART J

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

18 1. An employer shall provide [~~reasonable unpaid~~] paid break time [~~or~~
19 for up to twenty minutes, and permit an employee to use existing paid
20 break time or meal time for time in excess of twenty minutes, to allow
21 an employee to express breast milk for her nursing child each time such
22 employee has reasonable need to express breast milk for up to three
23 years following child birth. No employer shall discriminate in any way
24 against an employee who chooses to express breast milk in the work
25 place.

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

28 PART K

29 Section 1. Subdivision 1-a of section 198 of the labor law, as amended
30 by chapter 362 of the laws of 2015, is amended to read as follows:

31 1-a. On behalf of any employee paid less than the wage to which he or
32 she is entitled under the provisions of this article, the commissioner
33 may bring any legal action necessary, including administrative action,
34 to collect such claim and as part of such legal action, in addition to
35 any other remedies and penalties otherwise available under this article,
36 the commissioner shall assess against the employer the full amount of
37 any such underpayment, and an additional amount as liquidated damages,
38 unless the employer proves a good faith basis for believing that its
39 underpayment of wages was in compliance with the law. Liquidated damages
40 shall be calculated by the commissioner as no more than one hundred
41 percent of the total amount of wages found to be due, except such liqui-
42 dated damages may be up to three hundred percent of the total amount of
43 the wages found to be due for a willful violation of section one hundred
44 ninety-four of this article. In any action instituted in the courts upon
45 a wage claim by an employee or the commissioner in which the employee
46 prevails, the court shall allow such employee to recover the full amount
47 of any underpayment, all reasonable attorney's fees, prejudgment inter-
48 est as required under the civil practice law and rules, and, unless the
49 employer proves a good faith basis to believe that its underpayment of
50 wages was in compliance with the law, an additional amount as liquidated
51 damages equal to one hundred percent of the total amount of the wages
52 found to be due, except such liquidated damages may be up to three

1 hundred percent of the total amount of the wages found to be due for a
2 willful violation of section one hundred ninety-four of this article.
3 Notwithstanding the provisions of this subdivision, liquidated damages
4 shall not be applicable to violations of paragraph a of subdivision one
5 of section one hundred ninety-one of this article where the employee was
6 paid in accordance with the agreed terms of employment, but not less
7 frequently than semi-monthly.

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

10 PART L

11 Section 1. Subdivision 3 of section 218 of the labor law, as amended
12 by chapter 2 of the laws of 2015, is amended to read as follows:

13 3. (a) Provided that no proceeding for administrative or judicial
14 review as provided in this chapter shall then be pending and the time
15 for initiation of such proceeding shall have expired, the commissioner
16 may file with the county clerk of the county where the employer resides
17 or has a place of business the order of the commissioner, or the deci-
18 sion of the industrial board of appeals containing the amount found to
19 be due including the civil penalty, if any, and at the commissioner's
20 discretion, an additional fifteen percent damages upon any outstanding
21 monies owed. [~~A~~] Notwithstanding any provision to the contrary, in
22 execution of any order or decision filed by the commissioner pursuant to
23 this section, the commissioner shall have all the powers conferred upon
24 sheriffs by article twenty-five of the civil practice law and rules, but
25 they shall be entitled to no fee or compensation in excess of the actual
26 expenses paid in the performance of such duty. Additionally, at the
27 request of an employee, the commissioner shall assign, without consider-
28 ation or liability, that portion of the filed order that constitutes
29 wages, wage supplements, interest on wages or wage supplements, or
30 liquidated damages due that employee, to that employee and may file an
31 assignment or order in that amount in the name of that employee with the
32 county clerk of the county where the employer resides or has a place of
33 business. The filing of such assignment, order or decision shall have
34 the full force and effect of a judgment duly docketed in the office of
35 such clerk. The assignment[~~, order or decision~~] may be enforced [~~by and~~
36 ~~in the name of the commissioner, or~~] by the employee[~~7~~] in the same
37 manner, and with like effect, as that prescribed by the civil practice
38 law and rules for the enforcement of a money judgment.

39 (b) In addition and as an alternative to any other remedy provided by
40 this section and provided that no proceeding for administrative or judi-
41 cial review as provided in this chapter shall then be pending and the
42 time for initiation of such proceeding shall have expired, the commis-
43 sioner may issue a warrant under their official seal, directed to the
44 sheriff of any county, commanding them to levy upon and sell the real
45 and personal property which may be found within their county of an
46 employer who has defaulted in the payment of any sum determined to be
47 due from such employer for the payment of such sum together with inter-
48 est, penalties, and the cost of executing the warrant, and to return
49 such warrant to the commissioner and to pay into the fund the money
50 collected by virtue thereof within sixty days after the receipt of such
51 warrant. The sheriff shall, within five days after the receipt of the
52 warrant, file with the clerk of the county a copy thereof, and thereupon
53 such clerk shall enter in the judgment docket the name of the employer
54 mentioned in the warrant and the amount of the contribution, interest,

1 and penalties for which the warrant is issued and the date when such
2 copy is filed. Thereupon the amount of such warrant so docketed shall
3 become a lien upon the title to and interest in real property and chat-
4 tels of the employer against whom the warrant is issued in the same
5 manner as a judgment duly docketed in the office of such clerk. The
6 sheriff shall then proceed upon the warrant in the same manner, and with
7 like effect, as that provided by law in respect to executions issued
8 against property upon judgments of a court of record, and for their
9 services in executing the warrant they shall be entitled to the same
10 fees, which they may collect in the same manner.

11 (c) In the discretion of the commissioner, a warrant of like terms,
12 force, and effect may be issued and directed to any officer or employee
13 of the department of labor who may file a copy of such warrant with the
14 clerk of any county in the state, and thereupon each such clerk shall
15 docket it and it shall become a lien in the same manner and with the
16 same force and effect as hereinbefore provided with respect to a warrant
17 issued and directed to and filed by a sheriff; and in the execution
18 thereof such officer or employee shall have all the powers conferred by
19 law upon sheriffs, but they shall be entitled to no fee or compensation
20 in excess of the actual expenses paid in the performance of such duty.
21 If a warrant is returned not satisfied in full, the commissioner shall
22 have the same remedies to enforce the amount thereof as if the commis-
23 sioner had recovered judgment for the same.

24 § 2. Subdivision 3 of section 219 of the labor law, as amended by
25 chapter 2 of the laws of 2015, is amended to read as follows:

26 3. (a) Provided that no proceeding for administrative or judicial
27 review as provided in this chapter shall then be pending and the time
28 for initiation of such proceeding shall have expired, the commissioner
29 may file with the county clerk of the county where the employer resides
30 or has a place of business the order of the commissioner or the decision
31 of the industrial board of appeals containing the amount found to be
32 due, including, at the commissioner's discretion, an additional fifteen
33 percent damages upon any outstanding monies owed. [~~A~~] Notwithstanding
34 any provision to the contrary, in execution of any order or decision
35 filed by the commissioner pursuant to this section, the commissioner
36 shall have all the powers conferred upon sheriffs by article twenty-five
37 of the civil practice law and rules, but they shall be entitled to no
38 fee or compensation in excess of the actual expenses paid in the
39 performance of such duty. Additionally, at the request of an employee,
40 the commissioner shall assign, without consideration or liability, that
41 portion of the filed order that constitutes wages, wage supplements,
42 interest on wages or wage supplements, or liquidated damages due the
43 employee, to that employee and may file an assignment or order in that
44 amount in the name of such employee with the county clerk of the county
45 where the employer resides or has a place of business. The filing of
46 such assignment, order or decision shall have the full force and effect
47 of a judgment duly docketed in the office of such clerk. The assign-
48 ment[~~, order or decision~~] may be enforced [~~by and in the name of the~~
49 ~~commissioner, or~~] by the employee[~~,~~] in the same manner, and with like
50 effect, as that prescribed by the civil practice law and rules for the
51 enforcement of a money judgment.

52 (b) In addition and as an alternative to any other remedy provided by
53 this section and provided that no proceeding for administrative or judi-
54 cial review as provided in this chapter shall then be pending and the
55 time for initiation of such proceeding shall have expired, the commis-
56 sioner may issue a warrant under their official seal, directed to the

1 sheriff of any county, commanding them to levy upon and sell the real
2 and personal property which may be found within their county of an
3 employer who has defaulted in the payment of any sum determined to be
4 due from such employer for the payment of such sum together with inter-
5 est, penalties, and the cost of executing the warrant, and to return
6 such warrant to the commissioner and to pay into the fund the money
7 collected by virtue thereof within sixty days after the receipt of such
8 warrant. The sheriff shall, within five days after the receipt of the
9 warrant, file with the clerk of the county a copy thereof, and thereupon
10 such clerk shall enter in the judgment docket the name of the employer
11 mentioned in the warrant and the amount of the contribution, interest,
12 and penalties for which the warrant is issued and the date when such
13 copy is filed. Thereupon the amount of such warrant so docketed shall
14 become a lien upon the title to and interest in real property and chat-
15 tels real of the employer against whom the warrant is issued in the same
16 manner as a judgment duly docketed in the office of such clerk. The
17 sheriff shall then proceed upon the warrant in the same manner, and with
18 like effect, as that provided by law in respect to executions issued
19 against property upon judgments of a court of record, and for their
20 services in executing the warrant they shall be entitled to the same
21 fees, which they may collect in the same manner.

22 (c) In the discretion of the commissioner, a warrant of like terms,
23 force, and effect may be issued and directed to any officer or employee
24 of the department of labor who may file a copy of such warrant with the
25 clerk of any county in the state, and thereupon each such clerk shall
26 docket it and it shall become a lien in the same manner and with the
27 same force and effect as hereinbefore provided with respect to a warrant
28 issued and directed to and filed by a sheriff; and in the execution
29 thereof such officer or employee shall have all the powers conferred by
30 law upon sheriffs, but they shall be entitled to no fee or compensation
31 in excess of the actual expenses paid in the performance of such duty.
32 If a warrant is returned not satisfied in full, the commissioner shall
33 have the same remedies to enforce the amount thereof as if the commis-
34 sioner had recovered judgment for the same.

35 § 3. This act shall take effect immediately.

36 PART M

37 Section 1. Section 2 of chapter 25 of the laws of 2020, relating to
38 providing requirements for sick leave and the provision of certain
39 employee benefits when such employee is subject to a mandatory or
40 precautionary order of quarantine or isolation due to COVID-19, is
41 amended to read as follows:

42 § 2. This act shall take effect immediately and shall expire and be
43 deemed repealed July 31, 2024.

44 § 2. This act shall take effect immediately.

45 PART N

46 Section 1. Notwithstanding any other provision of law, the housing
47 trust fund corporation may provide, for purposes of the neighborhood
48 preservation program, a sum not to exceed \$12,830,000 for the fiscal
49 year ending March 31, 2025. Notwithstanding any other provision of law,
50 and subject to the approval of the New York state director of the budg-
51 et, the board of directors of the state of New York mortgage agency
52 shall authorize the transfer to the housing trust fund corporation, for

1 the purposes of reimbursing any costs associated with neighborhood pres-
2 ervation program contracts authorized by this section, a total sum not
3 to exceed \$12,830,000, such transfer to be made from (i) the special
4 account of the mortgage insurance fund created pursuant to section
5 2429-b of the public authorities law, in an amount not to exceed the
6 actual excess balance in the special account of the mortgage insurance
7 fund, as determined and certified by the state of New York mortgage
8 agency for the fiscal year 2023-2024 in accordance with section 2429-b
9 of the public authorities law, if any, and/or (ii) provided that the
10 reserves in the project pool insurance account of the mortgage insurance
11 fund created pursuant to section 2429-b of the public authorities law
12 are sufficient to attain and maintain the credit rating (as determined
13 by the state of New York mortgage agency) required to accomplish the
14 purposes of such account, the project pool insurance account of the
15 mortgage insurance fund, such transfer to be made as soon as practicable
16 but no later than June 30, 2024.

17 § 2. Notwithstanding any other provision of law, the housing trust
18 fund corporation may provide, for purposes of the rural preservation
19 program, a sum not to exceed \$5,360,000 for the fiscal year ending March
20 31, 2025. Notwithstanding any other provision of law, and subject to the
21 approval of the New York state director of the budget, the board of
22 directors of the state of New York mortgage agency shall authorize the
23 transfer to the housing trust fund corporation, for the purposes of
24 reimbursing any costs associated with rural preservation program
25 contracts authorized by this section, a total sum not to exceed
26 \$5,360,000, such transfer to be made from (i) the special account of the
27 mortgage insurance fund created pursuant to section 2429-b of the public
28 authorities law, in an amount not to exceed the actual excess balance in
29 the special account of the mortgage insurance fund, as determined and
30 certified by the state of New York mortgage agency for the fiscal year
31 2023-2024 in accordance with section 2429-b of the public authorities
32 law, if any, and/or (ii) provided that the reserves in the project pool
33 insurance account of the mortgage insurance fund created pursuant to
34 section 2429-b of the public authorities law are sufficient to attain
35 and maintain the credit rating (as determined by the state of New York
36 mortgage agency) required to accomplish the purposes of such account,
37 the project pool insurance account of the mortgage insurance fund, such
38 transfer to be made as soon as practicable but no later than June 30,
39 2024.

40 § 3. Notwithstanding any other provision of law, the housing trust
41 fund corporation may provide, for purposes of the rural rental assist-
42 ance program pursuant to article 17-A of the private housing finance
43 law, a sum not to exceed \$23,180,000 for the fiscal year ending March
44 31, 2025. Notwithstanding any other provision of law, and subject to
45 the approval of the New York state director of the budget, the board of
46 directors of the state of New York mortgage agency shall authorize the
47 transfer to the housing trust fund corporation, for the purposes of
48 reimbursing any costs associated with rural rental assistance program
49 contracts authorized by this section, a total sum not to exceed
50 \$23,180,000, such transfer to be made from (i) the special account of
51 the mortgage insurance fund created pursuant to section 2429-b of the
52 public authorities law, in an amount not to exceed the actual excess
53 balance in the special account of the mortgage insurance fund, as deter-
54 mined and certified by the state of New York mortgage agency for the
55 fiscal year 2023-2024 in accordance with section 2429-b of the public
56 authorities law, if any, and/or (ii) provided that the reserves in the

1 project pool insurance account of the mortgage insurance fund created
 2 pursuant to section 2429-b of the public authorities law are sufficient
 3 to attain and maintain the credit rating, as determined by the state of
 4 New York mortgage agency, required to accomplish the purposes of such
 5 account, the project pool insurance account of the mortgage insurance
 6 fund, such transfer shall be made as soon as practicable but no later
 7 than June 30, 2024.

8 § 4. Notwithstanding any other provision of law, the homeless housing
 9 and assistance corporation may provide, for purposes of the New York
 10 state supportive housing program, the solutions to end homelessness
 11 program or the operational support for AIDS housing program, or to qual-
 12 ified grantees under such programs, in accordance with the requirements
 13 of such programs, a sum not to exceed \$53,580,000 for the fiscal year
 14 ending March 31, 2025. The homeless housing and assistance corporation
 15 may enter into an agreement with the office of temporary and disability
 16 assistance to administer such sum in accordance with the requirements of
 17 such programs. Notwithstanding any other provision of law, and subject
 18 to the approval of the New York state director of the budget, the board
 19 of directors of the state of New York mortgage agency shall authorize
 20 the transfer to the homeless housing and assistance corporation, a total
 21 sum not to exceed \$53,580,000, such transfer to be made from (i) the
 22 special account of the mortgage insurance fund created pursuant to
 23 section 2429-b of the public authorities law, in an amount not to exceed
 24 the actual excess balance in the special account of the mortgage insur-
 25 ance fund, as determined and certified by the state of New York mortgage
 26 agency for the fiscal year 2023-2024 in accordance with section 2429-b
 27 of the public authorities law, if any, and/or (ii) provided that the
 28 reserves in the project pool insurance account of the mortgage insurance
 29 fund created pursuant to section 2429-b of the public authorities law
 30 are sufficient to attain and maintain the credit rating as determined by
 31 the state of New York mortgage agency, required to accomplish the
 32 purposes of such account, the project pool insurance account of the
 33 mortgage insurance fund, such transfer shall be made as soon as practi-
 34 cable but no later than March 31, 2025.

35 § 5. This act shall take effect immediately.

36 PART O

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

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

41 (h) A prosecution for any felony related to a deed theft or where
 42 there is fraud in connection with a transaction involving real property
 43 must be commenced within eight years after the commission of the crime.

44 § 3. The penal law is amended by adding a new article 162 to read as
 45 follows:

46 ARTICLE 162

47 RESIDENTIAL AND COMMERCIAL DEED THEFT

48 Section 162.00 Definitions.

49 162.05 Deed theft in the third degree.

50 162.10 Deed theft in the second degree.

51 162.15 Deed theft in the first degree.

52 162.20 Aggravated deed theft.

53 § 162.00 Definitions.

1 For the purposes of this article, the following terms shall have the
2 following meanings:

3 (1) "Deed theft" is committed by a person who:

4 (a) intentionally alters, falsifies, forges, or misrepresents property
5 documents such as a residential or commercial deed or title, with the
6 intent to deceive, defraud or unlawfully transfer or encumber the owner-
7 ship rights of a residential or commercial property; or

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

12 (c) with intent to defraud, takes, obtains, steals, or transfers title
13 or ownership of real property by fraud, forgery, larceny, or any other
14 fraudulent or deceptive practice.

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

18 (3) "Commercial real property" or any derivative word thereof shall
19 have the same meaning as defined in paragraph (a) of subdivision six of
20 section four hundred eighty-nine-aaaa of the real property tax law.

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

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

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

33 § 162.05 Deed theft in the third degree.

34 A person is guilty of deed theft in the third degree when such person
35 commits deed theft of one commercial real property.

36 Deed theft in the third degree is a class D felony.

37 § 162.10 Deed theft in the second degree.

38 A person is guilty of deed theft in the second degree when such person
39 commits deed theft of: (1) one residential real property; or (2) one
40 commercial mixed-use property with at least one residential unit; or (3)
41 three or more commercial properties.

42 Deed theft in the second degree is a class C felony.

43 § 162.15 Deed theft in the first degree.

44 A person is guilty of deed theft in the first degree when such person:

45 (1) commits deed theft of a residential property that is occupied as a
46 home by at least one person; or (2) commits deed theft of a residential
47 property that involves a home that is owned or occupied by an elderly
48 person or an incompetent, or an incapacitated person, or physically
49 disabled person.

50 Deed theft in the first degree is a class B felony.

51 § 162.20 Aggravated deed theft.

52 A person is guilty of aggravated deed theft when such person commits
53 deed theft of three or more residential properties.

54 Aggravated deed theft is a class B felony.

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

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

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

12 12. Prohibition on initiation of a partition action. No partition
13 action related to an heirs property may be initiated by a co-tenant who
14 did not inherit their share or shares from a relative or by a co-tenant
15 who is not a relative of a co-tenant who inherited their share or shares
16 of the heirs property from a relative.

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

19 13. Right of first refusal. (a) When a co-tenant receives a bona fide
20 offer to purchase a share or shares of an heirs property and the co-ten-
21 ant intends to accept or respond with a counteroffer, the co-tenants who
22 inherited their share or shares of the property, or the co-tenants who
23 are relatives to those co-tenants who inherited their share or shares of
24 the property shall have the right to purchase such shares for the iden-
25 tical price, terms, and conditions of the offer or counteroffer.

26 (b) It shall be the duty of the non-co-tenant who made the initial
27 offer for the share or shares of the property as well as the co-tenant
28 who received the offer to exercise all due diligence to identify all of
29 the other co-tenants to the property and notify such co-tenants of the
30 pending offer. Notice shall be made in the same manner as set forth in
31 section three hundred eight of the civil practice law and rules. The
32 other co-tenants shall have ninety days from the date they are notified
33 of the offer to match such offer.

34 (c) In the event that the other co-tenants are not notified of the
35 offer and the sale is completed, and the offeror did not exercise the
36 required due diligence to notify the other co-tenants of the heirs prop-
37 erty, the other co-tenants shall have the right to purchase the shares
38 from the non-relative co-tenant for the price paid by such non-relative
39 co-tenant, plus any applicable interest at a rate of two percent per
40 annum. Such right shall expire ninety days after the other co-tenants to
41 the heirs property are made aware of the sale.

42 § 7. The real property law is amended by adding a new section 424 to
43 read as follows:

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

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

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

50 (c) "Joint owner" means an individual who owns property concurrently
51 with one or more other individuals with a right of survivorship. The
52 term includes a joint tenant, owner of community property with a right
53 of survivorship and tenant by the entirety. The term does not include a
54 tenant in common or owner of community property without a right of
55 survivorship.

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

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

7 (f) "Transfer on death deed" means a deed authorized under this
8 section.

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

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

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

16 4. Transfer on death deed revocable. A transfer on death deed is revo-
17 cable even if the deed or another instrument contains a contrary
18 provision.

19 5. Transfer on death deed nontestamentary. A transfer on death deed is
20 nontestamentary.

21 6. Capacity of transferor. The capacity required to make or revoke a
22 transfer on death deed is the same as the capacity required to make a
23 will.

24 7. Requirements. A transfer on death deed:

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

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

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

32 (d) shall be acknowledged before a notary public; and

33 (e) shall be recorded before the transferor's death in the public
34 records in the county clerk's office of the county where the property is
35 located in the same manner as any other type of deed.

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

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

40 (b) consideration.

41 9. Revocation by instrument authorized; revocation by act not permit-
42 ted.

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

46 (1) is one of the following:

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

49 (B) an instrument of revocation that expressly revokes the deed or
50 part of the deed; or

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

53 (2) is acknowledged by the transferor after the acknowledgment of the
54 deed being revoked and recorded before the transferor's death in the
55 public records in the county clerk's office of the county where the deed
56 is recorded.

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

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

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

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

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

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

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

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

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

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

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

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

25 11. Effect of transfer on death deed at transferor's death. (a) Except
26 as otherwise provided in the transfer on death deed, in this section or
27 in any other section of law which effects nonprobate transfers, on the
28 death of the transferor, the following rules apply to property that is
29 the subject of a transfer on death deed and owned by the transferor at
30 death:

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

34 (2) The interest of a designated beneficiary is contingent on the
35 designated beneficiary surviving the transferor. The interest of a
36 designated beneficiary that fails to survive the transferor lapses.

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

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

45 (b) Subject to this chapter, a beneficiary takes the property subject
46 to all conveyances, encumbrances, assignments, contracts, mortgages,
47 liens, and other interests to which the property is subject at the
48 transferor's death. For purposes of this paragraph and this chapter, the
49 recording of the transfer on death deed shall be deemed to have occurred
50 at the transferor's death.

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

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

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

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

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

10 13. Renunciation. A beneficiary may renounce all or part of the bene-
11 ficiary's interest in the same manner as if the interest was transferred
12 in a will.

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

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

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

24 15. Form of transfer on death deed. The following form may be used to
25 create a transfer on death deed. The other subdivisions of this section
26 shall govern the effect of this, or any other instrument used to create
27 a transfer on death deed:

28 (front of form)

29 REVOCABLE TRANSFER ON DEATH DEED

30 NOTICE TO OWNER

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

35 IDENTIFYING INFORMATION

36 Owner or Owners Making This Deed:

37 _____
38 Printed name Mailing address

39 _____
40 Printed name Mailing address

41 Legal description of the property:

1 _____

2 PRIMARY BENEFICIARY

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

4 _____

5 Printed name _____ Mailing address, if available

6 ALTERNATE BENEFICIARY - Optional

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

9 _____

10 Printed name _____ Mailing address, if available

11 TRANSFER ON DEATH

12 At my death, I transfer my interest in the described property to the
13 beneficiaries as designated above. Before my death, I have the right to
14 revoke this deed.

15 SIGNATURE OF OWNER OR OWNERS MAKING THIS DEED

16 _____

17 Signature _____ Date

18 _____

19 Signature _____ Date

20 SIGNATURE OF WITNESSES

21 _____

22 Signature _____ Date

23 _____

24 Signature _____ Date

1

NOTARY ACKNOWLEDGMENT2 (insert notary acknowledgment for deed here)3 (back of form)4 COMMON QUESTIONS ABOUT THE USE OF THIS FORM5 What does the Transfer on Death (TOD) deed do?

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

12 How do I make a TOD deed?

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

17 Is the "legal description" of the property necessary?18 Yes.19 How do I find the "legal description" of the property?

20 This information may be on the deed you received when you became an
21 owner of the property. This information may also be available in the
22 county clerk's office of the county where the property is located. If
23 you are not absolutely sure, consult a lawyer.

24 Can I change my mind before I record the TOD deed?

25 Yes. If you have not yet recorded the deed and want to change your mind,
26 simply tear up or otherwise destroy the deed.

27 How do I "record" the TOD deed?

28 Take the completed and acknowledged form to the county clerk's office of
29 the county where the property is located. Follow the instructions given
30 by the county clerk to make the form part of the official property
31 records. If the property is in more than one county, you should record
32 the deed in each county.

33 Can I later revoke the TOD deed if I change my mind?

34 Yes. You can revoke the TOD deed. No one, including the beneficiaries,
35 can prevent you from revoking the deed.

36 How do I revoke the TOD deed after it is recorded?37 There are three ways to revoke a recorded TOD deed:

1 (1) Complete and acknowledge a revocation form and record it in each
2 county where the property is located.

3 (2) Complete and acknowledge a new TOD deed that disposes of the same
4 property and record it in each county where the property is located.

5 (3) Transfer the property to someone else during your lifetime by a
6 recorded deed that expressly revokes the TOD deed. You may not revoke
7 the TOD deed by will.

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

9 Do not complete this form under pressure. Seek help from a trusted
10 family member, friend, or lawyer.

11 Do I need to tell the beneficiaries about the TOD deed?

12 No, but it is recommended. Secrecy can cause later complications and
13 might make it easier for others to commit fraud.

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

15 This form is designed to fit some but not all situations. If you have
16 other questions, you are encouraged to consult a lawyer.

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

21 (front of form)

22 REVOCATION OF TRANSFER ON DEATH DEED

23 NOTICE TO OWNER

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

27 IDENTIFYING INFORMATION

28 Owner or Owners of Property Making This Revocation:

29 _____
30 Printed name Mailing address

31 _____
32 Printed name Mailing address

33 Legal description of the property:

1 _____

2 REVOCATION

3 I revoke all my previous transfers of this property by transfer on death
4 deed.

5 SIGNATURE OF OWNER OR OWNERS MAKING THIS REVOCATION

6 _____

7 Signature _____ Date

8 _____

9 Signature _____ Date

10 SIGNATURE OF WITNESSES

11 _____

12 Signature _____ Date

13 _____

14 Signature _____ Date

15 NOTARY ACKNOWLEDGMENT

16 (insert notary acknowledgment here)

17 (back of form)

18 COMMON QUESTIONS ABOUT THE USE OF THIS FORM

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

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

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

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

28 How do I "record" the form?

1 Take the completed and acknowledged form to the county clerk's office of
2 the county where the property is located. Follow the instructions given
3 by the county clerk to make the form part of the official property
4 records. If the property is located in more than one county, you should
5 record the form in each of those counties.

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

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

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

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

12 § 8. This act shall take effect on the ninetieth day after it shall
13 have become a law, provided that section 424 of the real property law,
14 as added by section seven of this act, shall apply to any transfer on
15 death deed made before, on, or after the effective date of this act by a
16 transferor dying on or after the effective date of this act.

17 PART P

18 Section 1. This Part enacts into law components of legislation relat-
19 ing to the conveyance and use of real property owned and maintained by
20 the state university of New York and the New York state department of
21 transportation. Each component is wholly contained within a Subpart
22 identified as Subparts A through C. The effective date for each partic-
23 ular provision contained within such Subpart is set forth in the last
24 section of such Subpart. Any provision in any section contained within a
25 Subpart, including the effective date of the Subpart, which makes refer-
26 ence to a section "of this act", when used in connection with that
27 particular component, shall be deemed to mean and refer to the corre-
28 sponding section of the Subpart in which it is found. Section three of
29 this Part sets forth the general effective date of this Part.

30 SUBPART A

31 Section 1. Legislative findings. The legislature finds that the state
32 university of New York at Farmingdale ("Farmingdale") seeks to use
33 approximately 8.7 acres of vacant land on Farmingdale's campus to build
34 multi-purpose facilities to support housing needs and supporting amen-
35 ities, fulfilling a necessary and vital public purpose. The legislature
36 further finds that granting the trustees of the State University of New
37 York ("Trustees") the authority and power to lease and otherwise
38 contract to make available grounds and facilities of the Farmingdale
39 campus will ensure such land is utilized for the benefit of Farmingdale,
40 the surrounding community, and the general public.

41 § 2. Notwithstanding any other law to the contrary, the Trustees are
42 authorized and empowered, without any public bidding, to lease and
43 otherwise contract to make available to Farmingdale state development
44 corporation, a not-for-profit corporation (the "ground lessee"), a
45 portion of the lands of Farmingdale generally described in this act for
46 the purpose of developing, constructing, maintaining and operating
47 multi-purpose facilities to support housing needs and supporting amen-
48 ities. Such lease or contract shall be for a period not exceeding nine-
49 ty-nine years without any fee simple conveyance and otherwise upon terms

1 and conditions determined by such trustees, subject to the approval of
2 the director of the division of the budget, the attorney general and the
3 state comptroller. In the event that the real property that is the
4 subject of such lease or contract shall cease to be used for the purpose
5 described in this act, such lease or contract shall immediately termi-
6 nate and the real property and any improvements thereon shall revert to
7 the state university of New York. Any lease or contract entered into
8 pursuant to this act shall provide that the real property that is the
9 subject of such lease or contract and any improvements thereon shall
10 revert to the state university of New York on the expiration of such
11 contract or lease. Any and all proceeds related to the leases author-
12 ized by this act shall be used for the benefit of the Farmingdale campus
13 and the allocation of such proceeds shall be subject to approval by the
14 Trustees.

15 § 3. Any contract or lease entered into pursuant to this act shall be
16 deemed to be a state contract for purposes of article 15-A of the execu-
17 tive law, and any contractor, subcontractor, lessee or sublessee enter-
18 ing into such contract or lease for the construction, demolition, recon-
19 struction, excavation, rehabilitation, repair, renovation, alteration or
20 improvement authorized pursuant to this act shall be deemed a state
21 agency for the purposes of article 15-A of the executive law and subject
22 to the provisions of such article.

23 § 4. Notwithstanding any general, special or local law or judicial
24 decision to the contrary, all work performed on a project authorized by
25 this act where all or any portion thereof involves a lease or agreement
26 for construction, demolition, reconstruction, excavation, rehabili-
27 tation, repair, renovation, alteration or improvement shall be subject
28 to and performed in accordance with the provisions of article 8 of the
29 labor law to the same extent and in the same manner as a contract of the
30 state.

31 § 5. Without limiting the determination of the terms and conditions of
32 such contracts or leases, such terms and conditions may provide for
33 leasing, subleasing, construction, reconstruction, rehabilitation,
34 improvement, operation and management of and provision of services and
35 assistance and the granting of licenses, easements and other arrange-
36 ments with regard to such grounds and facilities by Farmingdale state
37 development corporation, and parties contracting with Farmingdale state
38 development corporation, and in connection with such activities, the
39 obtaining of funding or financing, whether public or private, unsecured
40 or secured, including, but not limited to, secured by leasehold mort-
41 gages and assignments of rents and leases, by Farmingdale state develop-
42 ment corporation and parties contracting with Farmingdale state develop-
43 ment corporation for the purposes of completing the project described in
44 this act.

45 § 6. Such lease shall include an indemnity provision whereby the
46 lessee or sublessee promises to indemnify, hold harmless and defend the
47 lessor against all claims, suits, actions, and liability to all persons
48 on the leased premises, including tenant, tenant's agents, contractors,
49 subcontractors, employees, customers, guests, licensees, invitees and
50 members of the public, for damage to any such person's property, whether
51 real or personal, or for personal injuries arising out of tenant's use
52 or occupation of the demised premises.

53 § 7. Any contracts entered into pursuant to this act between the
54 ground lessee and parties contracting with the ground lessee shall be
55 awarded by a competitive process.

1 § 8. The property authorized by this act to be leased to Farmingdale
2 state development corporation is generally described as that parcel of
3 real property with improvements thereon consisting of a total of 8.7
4 acres situated on the campus of the State University of New York at
5 Farmingdale, subject to all existing easements and restrictions of
6 record. The description in this section of the parcel to be made avail-
7 able pursuant to this act is not meant to be a legal description, but is
8 intended only to identify the parcel:

9 The property is situated at the southwest corner of NYS Route 110 and
10 Melville Road. The eastern boundary runs north/south along the western
11 side of NYS Route 110 with approximately 450 feet of frontage. The
12 northern boundary runs along Melville Road for just over 1,000 feet.

13 § 9. The state university of New York shall not lease lands described
14 in this act unless any such lease shall be executed within 5 years of
15 the effective date of this act.

16 § 10. Insofar as the provisions of this act are inconsistent with the
17 provisions of any law, general, special or local, the provisions of this
18 act shall be controlling.

19 § 11. This act shall take effect immediately.

20

SUBPART B

21 Section 1. Legislative findings. The legislature finds that the state
22 university of New York at Stony Brook ("Stony Brook") seeks to use
23 approximately 10 acres of underutilized land on Stony Brook's Southamp-
24 ton campus to build multi-purpose facilities to support housing needs
25 and supporting amenities, fulfilling a necessary and vital public
26 purpose. The legislature further finds that granting the trustees of
27 the State University of New York ("Trustees") the authority and power to
28 lease and otherwise contract to make available grounds and facilities of
29 Stony Brook's campus will ensure such land is utilized for the benefit
30 of Stony Brook, the surrounding community, and the general public.

31 § 2. Notwithstanding any other law to the contrary, the Trustees are
32 authorized and empowered, without any public bidding, to lease and
33 otherwise contract to make available to a ground lessee a portion of the
34 lands of Stony Brook generally described in this act for the purpose of
35 developing, constructing, maintaining and operating multi-purpose facil-
36 ities to support housing needs and supporting amenities. Such lease or
37 contract shall be for a period not exceeding ninety-nine years without
38 any fee simple conveyance and otherwise upon terms and conditions deter-
39 mined by such trustees, subject to the approval of the director of the
40 division of the budget, the attorney general and the state comptroller.
41 In the event that the real property that is the subject of such lease or
42 contract shall cease to be used for the purpose described in this act,
43 such lease or contract shall immediately terminate and the real property
44 and any improvements thereon shall revert to the state university of New
45 York. Any lease or contract entered into pursuant to this act shall
46 provide that the real property that is the subject of such lease or
47 contract and any improvements thereon shall revert to the state univer-
48 sity of New York on the expiration of such contract or lease. Any and
49 all proceeds related to the leases authorized by this act shall be used
50 for the benefit of the Stony Brook campus and the allocation of such
51 proceeds shall be subject to approval by the Trustees.

52 § 3. Any contract or lease entered into pursuant to this act shall be
53 deemed to be a state contract for purposes of article 15-A of the execu-
54 tive law, and any contractor, subcontractor, lessee or sublessee enter-

1 ing into such contract or lease for the construction, demolition, recon-
2 struction, excavation, rehabilitation, repair, renovation, alteration or
3 improvement authorized pursuant to this act shall be deemed a state
4 agency for the purposes of article 15-A of the executive law and subject
5 to the provisions of such article.

6 § 4. Notwithstanding any general, special or local law or judicial
7 decision to the contrary, all work performed on a project authorized by
8 this act where all or any portion thereof involves a lease or agreement
9 for construction, demolition, reconstruction, excavation, rehabili-
10 tation, repair, renovation, alteration or improvement shall be subject
11 to and performed in accordance with the provisions of article 8 of the
12 labor law to the same extent and in the same manner as a contract of the
13 state.

14 § 5. Without limiting the determination of the terms and conditions of
15 such contracts or leases, such terms and conditions may provide for
16 leasing, subleasing, construction, reconstruction, rehabilitation,
17 improvement, operation and management of and provision of services and
18 assistance and the granting of licenses, easements and other arrange-
19 ments with regard to such grounds and facilities by the ground lessee,
20 and parties contracting with the ground lessee, and in connection with
21 such activities, the obtaining of funding or financing, whether public
22 or private, unsecured or secured, including, but not limited to, secured
23 by leasehold mortgages and assignments of rents and leases, by the
24 ground lessee and parties contracting with the ground lessee for the
25 purposes of completing the project described in this act.

26 § 6. Such lease shall include an indemnity provision whereby the
27 lessee or sublessee promises to indemnify, hold harmless and defend the
28 lessor against all claims, suits, actions, and liability to all persons
29 on the leased premises, including tenant, tenant's agents, contractors,
30 subcontractors, employees, customers, guests, licensees, invitees and
31 members of the public, for damage to any such person's property, whether
32 real or personal, or for personal injuries arising out of tenant's use
33 or occupation of the demised premises.

34 § 7. Any contracts entered into pursuant to this act between the
35 ground lessee and parties contracting with the ground lessee shall be
36 awarded by a competitive process.

37 § 8. The property authorized by this act to be leased to the ground
38 lessee is generally described as approximately 10 acres of land situated
39 on the Southampton campus of the state university of New York at Stony
40 Brook, subject to all existing easements and restrictions of record.

41 § 9. The state university of New York shall not lease lands described
42 in this act unless any such lease shall be executed within 5 years of
43 the effective date of this act.

44 § 10. Insofar as the provisions of this act are inconsistent with the
45 provisions of any law, general, special or local, the provisions of this
46 act shall be controlling.

47 § 11. This act shall take effect immediately.

48

SUBPART C

49 Section 1. Notwithstanding the provisions of section 400 of the trans-
50 portation law, or any other provision of law to the contrary, the
51 commissioner of transportation is hereby authorized and empowered to
52 transfer and convey certain state-owned real property, as described in
53 section two of this act, upon such terms and conditions as the commis-
54 sioner may deem appropriate.

1 § 2. The lands authorized by this act to be conveyed consist of two
2 parcels of land in the town of Babylon, Suffolk county, constituting tax
3 map numbers 0100-050.00-01.00-003.000 and 0100-050.00-01.00-002.000, and
4 generally described as approximately twelve and one-half acres of land
5 located north of Conklin Street and east of Route 110.

6 § 3. The description in section two of this act of the lands to be
7 conveyed is not intended to be a legal description and is intended only
8 to identify the premises to be conveyed.

9 § 4. This act shall take effect immediately.

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

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

23 PART Q

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

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

40 § 2. This act shall take effect immediately.

41 PART R

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

45 c. Money loaned by the public entity that is to be repaid on a contin-
46 gent basis; ~~[ex]~~

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

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

51 § 2. The real property tax law is amended by adding a new section
52 467-m to read as follows:

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

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

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

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

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

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

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

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

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

46 i. "Completion date" shall mean the date upon which the local depart-
47 ment of buildings issues the first temporary or permanent certificate of
48 occupancy covering all residential areas of an eligible multiple dwell-
49 ing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 x. "Residential tax lot" shall mean a tax lot that contains dwelling
48 units.

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

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

1 in the amounts and for the periods which shall be set forth in regu-
2 lations promulgated by the division of housing and community renewal, in
3 consultation with the agency, provided that such eligible multiple
4 dwelling is used or held out for use for dwelling purposes.

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

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

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

28 6. Affordability requirements. An eligible multiple dwelling shall
29 comply with the affordability requirement defined in paragraph b of
30 subdivision one of this section during the restriction period. An eligi-
31 ble multiple dwelling shall also comply with the following requirements
32 during the restriction period:

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

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

47 c. Notwithstanding any provision of rent stabilization to the contra-
48 ry: (i) all affordable housing units shall remain fully subject to rent
49 stabilization during the restriction period; and (ii) any affordable
50 housing unit occupied by a tenant that has been approved by the agency
51 prior to the agency's denial of an eligible multiple dwelling's applica-
52 tion for AHCC program benefits shall remain subject to rent stabiliza-
53 tion until such tenant vacates such affordable housing unit.

54 d. All rent stabilization registrations required to be filed shall
55 contain a designation that specifically identifies affordable housing
56 units created pursuant to this section as "AHCC program affordable hous-

1 ing units" and shall contain an explanation of the requirements that
2 apply to all such affordable housing units.

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

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

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

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

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

32 j. The agency may establish by rule such requirements as the agency
33 deems necessary or appropriate for: (i) the marketing of affordable
34 housing units, both upon initial occupancy and upon any vacancy; (ii)
35 monitoring compliance with the provisions of this subdivision; (iii) the
36 establishment of marketing bands for affordable housing units; and (iv)
37 specifying the legal instrument by which the marketing, affordability,
38 rent stabilization, permitted rent, and any other requirement associated
39 with this benefit will be recorded and enforced. Such requirements may
40 include, but need not be limited to, retaining a monitor approved by the
41 agency and paid for by the owner of the eligible multiple dwelling.

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

46 7. Building service employees. a. For the purposes of this subdivi-
47 sion, "applicant" shall mean an applicant for AHCC program benefits, any
48 successor to such applicant, or any employer of building service employ-
49 ees for such applicant including, but not limited to, a property manage-
50 ment company or contractor.

51 b. All building service employees employed by the applicant at the
52 eligible multiple dwelling shall receive the applicable prevailing wage
53 for the duration of the benefit period, regardless of whether such bene-
54 fits provided pursuant to this section are revoked or terminated.

55 c. The fiscal officer shall have the power to enforce the provisions
56 of this subdivision. In enforcing such provisions, the fiscal officer

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

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

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

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

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

1 10. Termination or revocation. The agency may terminate or revoke AHCC
2 program benefits for noncompliance with this section. All of the afford-
3 able housing units shall remain subject to rent stabilization and all
4 other requirements of this section for the duration of the restriction
5 period, regardless of whether such benefits have been terminated or
6 revoked.

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

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

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

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

24 c. The agency may rely on certification by an architect or engineer
25 submitted by an applicant in connection with the filing of an applica-
26 tion. A false certification by such architect or engineer shall be
27 deemed to be professional misconduct pursuant to section sixty-five
28 hundred nine of the education law. Any architect or engineer found
29 guilty of such misconduct under the procedures prescribed in section
30 sixty-five hundred ten of the education law shall be subject to the
31 penalties prescribed in section sixty-five hundred eleven of the educa-
32 tion law and shall thereafter be ineligible to submit a certification
33 pursuant to this section.

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

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

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

47 b. requiring a portion of the filing fee to be paid upon the
48 submission of the information the agency requires in advance of approv-
49 ing the commencement of the marketing process for such eligible conver-
50 sion.

51 15. Rules. Except as provided in subdivision seven of this section,
52 the agency shall have the sole authority to enforce the provisions of
53 this section and may promulgate rules to carry out the provisions of
54 this section.

55 16. Penalties for violations of affordability requirements. a. On or
56 after the expiration date of the benefit provided pursuant to this

1 section, the agency may impose, after notice and an opportunity to be
2 heard, a penalty for any violation by an eligible multiple dwelling of
3 the affordability requirements of subdivision six of this section.

4 b. A penalty imposed under this subdivision shall be computed as a
5 percentage of the capitalized value of all AHCC program benefits on the
6 eligible multiple dwelling, calculated as of the first year that bene-
7 fits were granted, not to exceed one thousand percent. The agency shall
8 establish a schedule and method of calculation of such penalties pursu-
9 ant to subdivision fifteen of this section.

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

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

17 § 3. This act shall take effect immediately.

18 PART S

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

21 ARTICLE 7-D

22 LEGALIZATION AND CONVERSION OF BASEMENT AND CELLAR DWELLING UNITS

23 Section 288. Definitions.

24 289. Basement and cellar local laws and regulations.

25 290. Tenant protections in inhabited basement dwelling units and
26 inhabited cellar dwelling units.

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

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

32 2. The term "inhabited cellar dwelling unit" means a cellar unlawfully
33 occupied as a residence by one or more tenants on or prior to the effec-
34 tive date of this article;

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

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

39 § 289. Basement and cellar local laws and regulations. 1. Notwith-
40 standing any other provision of state or local law to the contrary, in a
41 city with a population of one million or more, the local legislative
42 body may, by local law, establish a program to address, provided that
43 health and safety are protected, (a) the legalization of specified
44 inhabited basement dwelling units and inhabited cellar dwelling units in
45 existence prior to the effective date of this article through conversion
46 to legal dwelling units, or (b) the conversion of other specified base-
47 ment and cellar dwelling units in existence prior to the effective date
48 of this article to legal dwelling units. The local law authorized by
49 this section, and any rules or regulations promulgated thereunder, shall
50 not be subject to environmental review, including environmental review
51 conducted pursuant to article eight of the environmental conservation
52 law and any state and local regulations promulgated thereunder.

53 2. The program established by such local law may provide to an owner
54 who converts an inhabited basement dwelling unit or inhabited cellar

1 dwelling unit in accordance with a local law authorized by this article
2 or who otherwise abates the illegal occupancy of an inhabited basement
3 dwelling unit or inhabited cellar dwelling unit, (a) freedom from any
4 civil or administrative liability, citations, fines, penalties, judg-
5 ments or any other determinations of or prosecution for civil
6 violations of this chapter, other state law or local law or rules, and
7 the zoning resolution of such city, and (b) relief from any outstanding
8 civil judgments issued in connection with any such violation of such
9 laws, rules or zoning resolution issued before the effective date of
10 this article. Provided that such local law shall require that all
11 applications for conversions be filed by a date certain subsequent to
12 the effective date of this article, provided further that such date
13 shall not exceed five years after the effective date of this article.

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

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

38 2. The local law authorized by this article shall provide that a
39 tenant in occupancy at the time of the effective date of this article,
40 who is evicted or otherwise removed from such unit as a result of an
41 alteration necessary to bring an inhabited basement dwelling unit or
42 inhabited cellar dwelling unit into compliance with the standards estab-
43 lished by the local law authorized by this article, shall have a right
44 of first refusal to return to such unit as a tenant upon its first
45 lawful occupancy as a legal dwelling unit, notwithstanding whether the
46 occupancy at the time of the effective date of this article was author-
47 ized by law. Such local law shall specify how to determine priority when
48 multiple tenants may claim such right.

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

56 § 2. This act shall take effect immediately.

1

PART T

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

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

13 § 2. This act shall take effect immediately.

14

PART U

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

17 § 485-x. Affordable neighborhoods for New Yorkers tax incentive. 1.
18 Definitions. For purposes of this section:

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

22 (b) "Affordable homeownership program" shall only apply to a homeown-
23 ership project, of which a prescribed percent of the units shall, upon
24 initial sale immediately subsequent to the completion date and upon each
25 subsequent sale for forty years immediately subsequent to the completion
26 date, be affordable to individuals or families whose household income
27 does not exceed a prescribed percent of the area median income, adjusted
28 for family size, and where each owner of any such unit shall agree, in
29 writing, to maintain such unit as their primary residence for no less
30 than five years from the acquisition of such unit, and such project is
31 subject to a regulatory agreement with a city or state agency. The
32 prescribed percentage of the units and the prescribed percentage of the
33 area median income shall be set forth in regulations promulgated by the
34 agency in accordance with the goals and factors set forth in subdivision
35 eight of this section.

36 (c) "Affordability percentage" shall mean a fraction, the numerator of
37 which is the number of affordable housing units in an eligible site and
38 the denominator of which is the total number of dwelling units in such
39 eligible site.

40 (d) "Affordable housing unit" shall mean a dwelling unit that: (i) is
41 situated within the eligible site for which ANNY Program benefits are
42 granted; and (ii) upon initial rental and upon each subsequent rental
43 following a vacancy during the applicable restriction period, is afford-
44 able to and restricted to occupancy by a household whose income does not
45 exceed a prescribed percentage of the area median income, adjusted for
46 family size, at the time that such household initially occupies such
47 dwelling unit. The prescribed area median income percentages shall be
48 set forth in regulations promulgated by the agency in accordance with
49 the goals and factors set forth in subdivision eight of this section.

50 (e) "Agency" shall mean the department of housing preservation and
51 development.

52 (f) "Application" shall mean an application for ANNY Program benefits.

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

5 (h) "Brooklyn prime development area" shall mean any tax lots now
6 existing or hereafter created which are located entirely within the
7 borough of Brooklyn and as set forth pursuant to a memorandum of under-
8 standing entered into pursuant to subdivision twenty-two of this
9 section.

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

17 (j) "Commencement date" shall mean, with respect to any eligible
18 multiple dwelling, the date upon which excavation and construction of
19 initial footings and foundations lawfully begins in good faith or, for
20 an eligible conversion, the date upon which the actual construction of
21 the conversion, alteration or improvement of the pre-existing building
22 or structure lawfully begins in good faith.

23 (k) "Completion date" shall mean, with respect to any eligible multi-
24 ple dwelling, the date upon which the local department of buildings
25 issues the first temporary or permanent certificate of occupancy cover-
26 ing all residential areas of an eligible multiple dwelling.

27 (l) "Construction period" shall mean, with respect to any eligible
28 multiple dwelling, a period: (i) beginning on the later of the commence-
29 ment date of such eligible multiple dwelling or three years before the
30 completion date of such eligible multiple dwelling; and (ii) ending on
31 the day preceding the completion date of such eligible multiple dwell-
32 ing.

33 (m) "Construction work" shall mean the provision of labor performed on
34 an eligible site between the commencement date and the completion date,
35 whereby materials and constituent parts are combined to initially form,
36 make or build an eligible multiple dwelling, including without limita-
37 tion, painting, or providing of material, articles, supplies or equip-
38 ment in the eligible multiple dwelling, but excluding security personnel
39 and work related to the fit-out of commercial spaces.

40 (n) "Construction workers" shall mean all persons performing
41 construction work who (i) are paid on an hourly basis and (ii) are not
42 in a management or executive role or position.

43 (o) "Contractor certified payroll report" shall mean an original
44 payroll report submitted by a contractor or sub-contractor to the inde-
45 pendent monitor setting forth to the best of the contractor's or sub-
46 contractor's knowledge, the total number of hours of construction work
47 performed by construction workers, and the amount of wages and employee
48 benefits paid to construction workers for construction work.

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

53 (q) "Eligible multiple dwelling" shall mean a multiple dwelling or
54 homeownership project containing six or more dwelling units created
55 through new construction or eligible conversion for which the commence-
56 ment date is within five years subsequent to the date on which the memo-

1 randum of understanding is entered into pursuant to subdivision twenty-
2 two of this section, and for which the completion date is within nine
3 years subsequent to the date on which a memorandum of understanding is
4 entered into pursuant to subdivision twenty-two of this section.

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

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

16 (t) "Fiscal officer" shall mean the comptroller or other analogous
17 officer in a city having a population of one million or more.

18 (u) "Floor area" shall mean the horizontal areas of the several
19 floors, or any portion thereof, of a dwelling or dwellings, and accesso-
20 ry structures on a lot measured from the exterior faces of exterior
21 walls, or from the center line of party walls.

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

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

31 (x) "Homeownership project" shall mean a multiple dwelling operated as
32 condominium or cooperative housing.

33 (y) "Homeownership project restriction period" shall mean a period
34 commencing on the completion date and expiring on the fortieth anniver-
35 sary of the completion date, notwithstanding any earlier termination or
36 revocation of ANNY Program benefits.

37 (z) "Independent monitor" shall mean an accountant licensed and in
38 good standing pursuant to article one hundred forty-nine of the educa-
39 tion law.

40 (aa) "Job action" shall mean any delay, interruption or interference
41 with the construction work caused by the actions of any labor organiza-
42 tion or concerted action of any employees at the eligible site, includ-
43 ing without limitation, strikes, sympathy strikes, work stoppages, walk
44 outs, slowdowns, picketing, bannering, hand billing, demonstrations,
45 sickouts, refusals to cross a picket line, refusals to handle struck
46 business, and use of the rat or other inflatable balloons or similar
47 displays.

48 (bb) "Large rental project" shall mean an eligible site consisting of
49 thirty or more residential dwelling units in which all dwelling units
50 included in any application are operated as rental housing.

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

54 (dd) "Manhattan prime development area" shall mean any tax lots, now
55 existing or hereafter created, located entirely in the borough of

1 Manhattan and as set forth pursuant to the memorandum of understanding
2 entered into pursuant to subdivision twenty-two of this section.

3 (ee) "Market unit" shall mean a dwelling unit in an eligible multiple
4 dwelling other than an affordable housing unit.

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

7 (gg) "Non-residential tax lot" shall mean a tax lot that does not
8 contain any dwelling units.

9 (hh) "Prime development area" shall mean the Manhattan prime develop-
10 ment area, the Brooklyn prime development area and the Queens prime
11 development area.

12 (ii) "Project-wide certified payroll report" shall mean a certified
13 payroll report submitted by the independent monitor to the fiscal offi-
14 cer based on each contractor certified payroll report which sets forth
15 the total number of hours of construction work performed by construction
16 workers, the amount of wages and employee benefits paid to construction
17 workers for construction work and the average hourly wage.

18 (jj) "Queens prime development area" shall mean any tax lots now
19 existing or hereafter created which are located entirely within the
20 borough of Queens and as set forth pursuant to a memorandum of under-
21 standing entered into pursuant to subdivision twenty-two of this
22 section.

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

30 (ll) "Rental project" shall mean, collectively, large rental project
31 and small rental project.

32 (mm) "Residential tax lot" shall mean a tax lot that contains dwelling
33 units.

34 (nn) "Small rental project" shall mean an eligible site consisting of
35 less than thirty residential dwelling units in which all dwelling units
36 included in any application are operated as rental housing.

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

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

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

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

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

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

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

41 3. Rental projects. In addition to all other requirements set forth in
42 this section, rental projects containing more than the number of rental
43 units set forth by the memorandum of understanding entered into pursuant
44 to subdivision twenty-two of this section that are located within the
45 prime development area shall comply with the requirements set forth in
46 this subdivision. For purposes of this subdivision, "contractor" shall
47 mean any entity which by agreement with another party, including sub-
48 contractors, undertakes to perform construction work at an eligible site
49 and "applicant" shall mean an applicant for ANNY Program benefits and
50 any successor thereto.

51 (a) The minimum average hourly wage paid to construction workers on an
52 eligible site within the Manhattan prime development area shall be no
53 less than the amount set by the memorandum of understanding entered into
54 pursuant to subdivision twenty-two of this section, and shall increase
55 pursuant to a schedule set forth by such memorandum.

1 (b) The minimum average hourly wage paid to construction workers on an
2 eligible site within the Brooklyn prime development area or the Queens
3 prime development area shall be no less than the amount set by the memo-
4 randum of understanding entered into pursuant to subdivision twenty-two
5 of this section, and shall increase pursuant to a schedule set forth by
6 such memorandum.

7 (c) The requirements of paragraphs (a) and (b) of this subdivision
8 shall not be applicable to:

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

16 (ii) any eligible dwelling that meets exemption criteria set forth in
17 a memorandum of understanding entered into pursuant to subdivision twen-
18 ty-two of this section.

19 (d) The applicant shall contract with an independent monitor. Such
20 independent monitor shall submit to the fiscal officer within one year
21 of the completion date, a project-wide certified payroll report. In the
22 event such project-wide certified payroll report is not submitted to the
23 fiscal officer within the requisite time, the applicant shall be subject
24 to a fine of one thousand dollars per week, or any portion thereof;
25 provided that the maximum fine shall be seventy-five thousand dollars.
26 In the event that the wage paid is less than the average hourly wage set
27 pursuant to paragraph (a) or (b) of this subdivision as applicable, the
28 project-wide certified payroll report shall also set forth the amount of
29 such deficiency.

30 (e) The contractor certified payroll report shall be submitted by each
31 contractor and sub-contractor no later than ninety days after the
32 completion of construction work by such contractor or sub-contractor. In
33 the event that a contractor or sub-contractor fails or refuses to submit
34 the contractor certified payroll report within the time prescribed in
35 this paragraph, the independent monitor shall notify the fiscal officer
36 and the fiscal officer shall be authorized to fine such contractor or
37 sub-contractor in an amount set forth by the memorandum of understanding
38 entered into pursuant to subdivision twenty-two of this section,
39 provided that the maximum fine shall not exceed an amount set forth in
40 such memorandum.

41 (f) In the event that the project-wide certified payroll report shows
42 that the wage paid as required by paragraph (a) or (b) of this subdivi-
43 sion, as applicable, was not paid, if the wage paid is within fifteen
44 percent of the average hourly wage required pursuant to paragraph (a) or
45 (b) of this subdivision, as applicable, then no later than one hundred
46 twenty days from the date of submission of such project-wide certified
47 payroll report, the applicant shall pay to the third-party fund adminis-
48 trator an amount equal to the amount of the deficiency set forth in the
49 project-wide certified payroll report. The third-party fund administra-
50 tor shall distribute such payment to the construction workers who
51 performed construction work on such eligible site. Prior to making such
52 repayment, the third-party fund administrator shall submit to the fiscal
53 officer a plan subject to the fiscal officer's approval setting forth
54 the manner in which the third-party fund administrator will reach the
55 required average hourly wage within one hundred fifty days of receiving
56 the payment from the applicant and how any remaining funds will be

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

1 this subdivision imposed by the fiscal officer shall be paid to the
2 agency and used by the agency to provide affordable housing.

3 (g) Nothing in this subdivision shall be construed to confer a private
4 right of action to enforce the provisions of this subdivision, provided,
5 however, that this sentence shall not be construed as a waiver of any
6 existing rights of construction workers or their representatives related
7 to wage and benefit collection, wage theft or other labor protections or
8 rights and provided, further, that nothing in this subdivision relieves
9 any obligations pursuant to a collective bargaining agreement.

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

31 4. In addition to all other requirements set forth in this section, an
32 eligible site must, over the course of the design and construction of
33 such eligible site, make all reasonable efforts to spend on contracts
34 with minority and women owned business enterprises at least twenty-five
35 percent of the total applicable costs, as such enterprises and costs are
36 defined in rules of the agency. Such rules shall set forth required
37 measures with respect to contracts for design and construction that are
38 comparable, to the extent practicable, to the measures used by agencies
39 of the city of New York to enhance minority and women owned business
40 enterprise participation in agency contracts pursuant to applicable law,
41 including section 6-129 of the administrative code of the city of New
42 York.

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

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

55 (b) all assessments for local improvements.

1 6. Limitation on benefits for non-residential space. If the aggregate
2 floor area of commercial, community facility and accessory use space in
3 an eligible site, other than parking which is located not more than
4 twenty-three feet above the curb level, exceeds twelve percent of the
5 aggregate floor area in such eligible site, any ANNY Program benefits
6 shall be reduced by a percentage equal to such excess. If an eligible
7 site contains multiple tax lots, the tax arising out of such reduction
8 in ANNY Program benefits shall first be apportioned pro rata among any
9 non-residential tax lots. After any such non-residential tax lots are
10 fully taxable, the remainder of the tax arising out of such reduction in
11 ANNY Program benefits, if any, shall be apportioned pro rata among the
12 remaining residential tax lots.

13 7. Calculation of benefit. Based on the certification of the agency
14 certifying the applicant's eligibility for ANNY Program benefits, the
15 assessors shall certify to the collecting officer the amount of taxes to
16 be exempted.

17 8. Affordability requirements. A rental project shall maintain an
18 affordability percentage at or above the minimum affordability percent-
19 age set forth in regulations promulgated by the agency. The affordable
20 dwelling units within a rental project shall comply with the area median
21 income affordability level or levels set forth pursuant to regulations
22 promulgated by the agency. In setting the affordability percentage and
23 the area median income levels, the agency shall consider the following
24 goals and factors: the production of financially viable, high quality
25 and safe housing, particularly in well-resourced areas with high land
26 acquisition costs, that meet the needs of low and moderate income house-
27 holds and individuals.

28 (a) All rental dwelling units in an eligible multiple dwelling shall
29 share the same common entrances and common areas as market rate units in
30 such eligible multiple dwelling and shall not be isolated to a specific
31 floor or area of an eligible multiple dwelling. Common entrances shall
32 mean any area regularly used by any resident of a rental dwelling unit
33 in the eligible multiple dwelling for ingress and egress from such
34 eligible multiple dwelling.

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

42 (c) Notwithstanding any provision of rent stabilization to the contra-
43 ry, all affordable housing units shall remain fully subject to rent
44 stabilization both during and subsequent to the small building
45 restriction period or the large building restriction period, as applica-
46 ble.

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

52 (e) Failure to comply with the provisions of this subdivision that
53 require the creation, maintenance, rent stabilization compliance and
54 occupancy of affordable housing units or for purposes of a homeownership
55 project the failure to comply with the affordable homeownership project

1 requirements shall result in revocation of any ANNY Program benefits for
2 the period of such non-compliance.

3 (f) Nothing in this section shall (i) prohibit the occupancy of an
4 affordable housing unit by individuals or families whose income at any
5 time is less than the maximum percentage of the area median income,
6 adjusted for family size, specified for such affordable housing unit
7 pursuant to this section, or (ii) prohibit the owner of an eligible site
8 from requiring, upon initial rental or upon any rental following a
9 vacancy, the occupancy of any affordable housing unit by such lower
10 income individuals or families.

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

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

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

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

35 (k) Notwithstanding any provision of this section to the contrary, a
36 market unit shall not be subject to rent stabilization unless, in the
37 absence of ANNY Program benefits, the unit would be subject to rent
38 stabilization.

39 9. Building service employees. (a) For the purposes of this subdivi-
40 sion, "applicant" shall mean an applicant for ANNY Program benefits, any
41 successor to such applicant, or any employer of building service employ-
42 ees for such applicant, including, but not limited to, a property
43 management company or contractor.

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

48 (c) The fiscal officer shall have the power to enforce the provisions
49 of this subdivision. In enforcing such provisions, the fiscal officer
50 shall have the power:

51 (i) to investigate or cause an investigation to be made to determine
52 the prevailing wages for building service employees; in making such
53 investigation, the fiscal officer may utilize wage and fringe benefit
54 data from various sources, including, but not limited to, data and
55 determinations of federal, state or other governmental agencies,

1 provided, however, that the provision of a dwelling unit shall not be
2 considered wages or a fringe benefit;

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

5 (iii) to examine the books, documents and records pertaining to the
6 wages paid to, and the hours of work performed by, building service
7 employees;

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

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

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

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

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

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

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

34 (i) an eligible multiple dwelling containing less than thirty dwelling
35 units; or

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

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

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

49 10. Replacement ratio. If the land on which an eligible site is
50 located contained any dwelling units three years prior to the commence-
51 ment date of the first eligible multiple dwelling thereon, then such
52 eligible multiple dwelling or dwellings built thereon shall contain at
53 least one affordable housing unit for each dwelling unit that existed on
54 such date and was thereafter demolished, removed or reconfigured.

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

4 12. Voluntary renunciation or termination. Notwithstanding the
5 provisions of any general, special or local law to the contrary, an
6 owner shall not be entitled to voluntarily renounce or terminate ANNY
7 Program benefits unless the agency authorizes such renunciation or
8 termination in connection with the commencement of a new tax exemption
9 pursuant to either the private housing finance law or section four
10 hundred twenty-c of this title.

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

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

41 15. Multiple tax lots. If an eligible site contains multiple tax lots,
42 an application may be submitted with respect to one or more of such tax
43 lots. The agency shall determine eligibility for ANNY Program benefits
44 based upon the tax lots included in such application and benefits for
45 each multiple dwelling shall be based upon the completion date of such
46 multiple dwelling.

47 16. Applications. (a) The application with respect to any eligible
48 multiple dwelling shall be filed with the agency not later than one year
49 after the completion date of such eligible multiple dwelling.

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

53 (c) The agency may rely on certification by an architect or engineer
54 submitted by an applicant in connection with the filing of an applica-
55 tion. A false certification by such architect or engineer shall be
56 deemed to be professional misconduct pursuant to section sixty-five

1 hundred nine of the education law. Any licensee found guilty of such
2 misconduct under the procedures prescribed in section sixty-five hundred
3 ten of the education law shall be subject to the penalties prescribed in
4 section sixty-five hundred eleven of the education law and shall there-
5 after be ineligible to submit a certification pursuant to this section.

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

9 17. Filing fee. The agency may require a filing fee of three thousand
10 dollars per dwelling unit in connection with any application. However,
11 the agency may promulgate rules imposing a lesser fee for eligible sites
12 containing eligible multiple dwellings constructed with the substantial
13 assistance of grants, loans or subsidies provided by a federal, state or
14 local governmental agency or instrumentality pursuant to a program for
15 the development of affordable housing.

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

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

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

42 21. Penalties for violations of large rental project affordability
43 requirements. (a) On and after the expiration date of the thirty-five
44 year benefit for a large rental project, the agency may impose, after
45 notice and an opportunity to be heard, a fine for any violation of the
46 affordability requirements established pursuant to subdivision eight of
47 this section by such large rental project. The agency shall establish a
48 schedule and method of calculation of such fines pursuant to subdivision
49 seventeen of this section.

50 (b) A fine under this subdivision may be imposed against the owner of
51 the eligible site containing such large rental project at the time the
52 violation occurred, even if such owner no longer owns such eligible
53 site. A failure to pay such fine may result in a lien and such other
54 remedies as may be available pursuant to applicable law and regulation.

55 22. The provisions of subdivisions one through twenty-one of this
56 section shall take effect only upon the conditions that on or before

1 January first, two thousand twenty-five: (a) a memorandum of understand-
2 ing is executed by one, or more, representatives of the largest trade
3 association of residential real estate developers, either for profit or
4 not-for-profit, in New York city as well as one, or more, represen-
5 tatives of the largest trade labor association representing building and
6 construction workers, with membership in New York city, and (b) notice
7 of such full execution is delivered to the legislative bill drafting
8 commission. Such memorandum of understanding shall include provisions
9 regarding wages or wage supplements for construction workers on build-
10 ings over fifteen units where such buildings enjoy the benefits of this
11 section; provided, however, that such memorandum shall also address
12 issues including those related to the (i) number of units, (ii) applica-
13 tion of a wage schedule to different size projects, (iii) wage schedules
14 for various geographic locations in New York city, and (iv) a schedule
15 of fines for non-compliance with the wage requirements set forth in this
16 section. The terms and conditions of the memorandum of understanding
17 shall apply to all projects with more than fifteen units that receive
18 benefits under this section after the memorandum of understanding is
19 executed. Notwithstanding the foregoing, the addition, amendment and/or
20 repeal of any rule or regulation necessary for the implementation of
21 this act on its effective date are authorized to be made and completed
22 on or before such effective date.

23 § 2. Paragraphs f and g of subdivision 3 of section 224-a of the labor
24 law, as added by section 1 of part FFF of chapter 58 of the laws of
25 2020, are amended and a new paragraph h is added to read as follows:

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

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

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

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

42 § 4. This act shall take effect immediately; provided, however, that
43 the department of housing preservation and development shall notify the
44 legislative bill drafting commission upon the occurrence of the
45 execution of the memorandum of understanding provided for in subdivision
46 twenty-two of section 485-x of the real property tax law as added by
47 section one of this act in order that the commission may maintain an
48 accurate and timely effective data base of the official text of the laws
49 of the state of New York in furtherance of effectuating the provisions
50 of section 44 of the legislative law and section 70-b of the public
51 officers law.

52 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
53 sion, section or part of this act shall be adjudged by any court of
54 competent jurisdiction to be invalid, such judgment shall not affect,
55 impair, or invalidate the remainder thereof, but shall be confined in
56 its operation to the clause, sentence, paragraph, subdivision, section

1 or part thereof directly involved in the controversy in which such judg-
2 ment shall have been rendered. It is hereby declared to be the intent of
3 the legislature that this act would have been enacted even if such
4 invalid provisions had not been included herein.

5 § 3. This act shall take effect immediately provided, however, that
6 the applicable effective date of Parts A through U of this act shall be
7 as specifically set forth in the last section of such Parts.