STATE OF NEW YORK

S. 8306--C A. 8806--C

SENATE - ASSEMBLY

January 17, 2024

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

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

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

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

LBD12672-05-4

for certain students with disabilities; to amend chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend chapter 756 of the laws of 1992 relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursement for the 2023-2024 school year withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the education law, in relation to funding for employment preparation education programs; to amend the education law, in relation to the financing of charter schools; to amend part A of chapter 56 of the laws of 2023 directing the education department to conduct a comprehensive study of alternative tuition rate-setting methodologies for approved providers operating school-age and preschool programs receiving state funding, in relation to extending the date for the submission of such recommendations; to amend chapter 537 of the laws of 1976 relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, in relation to a state subsidy; to amend chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, in relation to the effectiveness thereof; to amend subpart F of part C of chapter 97 of the laws of 2011, amending the education law relating to census reporting, in relation to the effectiveness thereof; providing for special apportionment for salary expenses; providing for special apportionment for public pension accruals; to amend chapter 121 of the laws of 1996 authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to an apportionment for salary expenses; providing for set-asides from the state funds which certain districts are receiving from the total foundation aid; providing for support of public libraries; to repeal certain provisions of the education law relating to phase-in foundation increase; to repeal certain provisions of the education law relating to foundation aid; and providing for the repeal of certain provisions upon the expiration thereof (Part A); to amend the education law, in relation to establishing evidence-based reading instructional best practices for students attending prekindergarten through grade three (Part B); to amend the education law, in relation to directing the commissioner of education to require the completion of a free application for federal student aid or a waiver of such requirement and requires school districts to issue annual reports on students completing the free application for federal student aid and the waiver (Part C); to amend the education law, in relation to eligibility for unrestricted aid to independent colleges and universities (Part D); intentionally omitted (Part E); to amend chapter 260 of the laws of 2011 amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part F); to amend part N of chapter 56 of the laws of 2020, amending the social services law relating to restructuring financing for residential school placements, in relation to the effectiveness thereof (Part G); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part H); intentionally omitted (Part I); to amend the labor law, in relation to nursing employees' right to express breast milk (Part J); inten-

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

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

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

ration act, in relation to the issuance of bonds for economic development initiatives; to amend part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to the issuance of bonds and notes for the purpose of financing capital projects for the division of military and naval affairs; to amend chapter 174 of the laws of 1968 constituting the urban development corporation act, in relation to the issuance of bonds for special education and other educational facilities; to amend the public authorities law, in relation to the issuance of bonds and notes for the purpose of financing the construction of the New York state agriculture and markets food laboratory; to amend section 1 of part D of chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to higher education capital matching grants; to amend chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, in relation to including comprehensive psychiatric emergency programs and housing for mentally ill persons in the definition of mental health services facility; to amend the state finance law, in relation to the private sale of certain revenue bonds, and in relation to including assets that provide a long-term interest in land in the definition of fixed assets; to amend the public authorities law, in relation to bond issuance charges; to amend the state finance law, in relation to the redemption price of certain revenue bonds; to amend chapter 174 of the laws of 1968 constituting the urban development corporation act, in relation to the issuance of personal income tax revenue anticipation notes; to amend the public authorities law, in relation to the issuance of bonds or notes for the purpose of assisting the metropolitan transportation authority in the financing of transportation facilities; and providing for the repeal of certain provisions upon expiration thereof (Part XX); to amend chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, in relation to extending such provisions (Part YY); to amend the education law, in relation to school governance in the city of New York; and to amend chapter 91 of the laws of 2002 amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, and chapter 345 of the laws of 2009 amending the education law and other laws relating to the New York city board of education, chancellor, community councils and community superintendents, in relation to the effectiveness thereof (Part ZZ); to amend the economic development law, in relation to establishing the newspaper and broadcast media jobs program; and to amend the tax law, in relation to establishing the newspaper and broadcast media jobs tax credit (Part AAA); and to amend the tax law, in relation to a payment of a supplemental empire state child credit (Part BBB)

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

Section 1. This act enacts into law major components of legislation necessary to implement the state education, labor, housing and family assistance budget for the 2024-2025 state fiscal year. Each component is wholly contained within a Part identified as Parts A through BBB. The

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

PART A

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

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

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

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

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

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

In addition to any other apportionment pursuant to this chapter, a school district, other than a special act school district as defined in subdivision eight of section four thousand one of this chapter, shall be eligible for total foundation aid equal to the product of total aidable foundation pupil units multiplied by the district's selected foundation aid, which shall be the greater of five hundred dollars ($500) or foundation formula aid[~~, provided, however that for the two thousand seven--two thousand eight through two thousand eight--two thousand nine school years, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the two thousand seven--two thousand eight school year computed pursuant to subparagraph (i) 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 twelve--two thousand thirteen school year, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable 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 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~~], **, provided that for the two thousand twenty-four--two thousand twenty-five school year, the percentage increase in the consumer price index shall be deemed to be two and eight-tenths percent (0.028)**.

(4) The expected minimum local contribution shall equal the lesser of (i) the product of (A) the quotient arrived at when the selected actual valuation is divided by total wealth foundation pupil units, multiplied by (B) the product of the local tax factor, multiplied by the income wealth index, or (ii) the product of (A) the product of the foundation amount, the regional cost index, and the pupil need index, multiplied by (B) the positive difference, if any, of one minus the state sharing ratio for total foundation aid. The local tax factor shall be 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 calculated pursuant to paragraph d of subdivision three of this section, provided, however, that for the purposes of computing the expected minimum local contribution the income wealth index shall not be less than sixty-five percent (0.65) and shall not be more than two hundred percent (2.0) [~~and provided however that such income wealth index shall not be more than ninety-five percent (0.95) for the two thousand eight--two thousand nine school year, and provided further that such income wealth index shall not be less than zero for the two thousand thirteen--two thousand fourteen school year~~]. The selected actual valuation shall be calculated pursuant to paragraph c of subdivision one of this section. Total wealth foundation pupil units shall be calculated pursuant to paragraph h of subdivision two of this section.

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

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

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

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

d. For the two thousand fourteen--two thousand fifteen through two thousand [~~twenty-three~~] **twenty-eight**--two thousand [~~twenty-four~~] **twenty-nine** school years a city school district of a city having a population of one million or more may use amounts apportioned pursuant to this subdivision for afterschool programs.

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

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

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

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

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

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

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

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

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

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

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

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

(c) the adjustment for regional cost differences;

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

(e) the expected minimum local contribution toward the adjusted foundation amount; and

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

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

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

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

(c) the additional instructional costs associated with addressing the needs of certain groups of students, including whether and how to properly weight students belonging to multiple such groups;

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

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

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

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

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

6. The institute shall submit a report of its findings and recommendations to the governor, the temporary president of the senate, and the speaker of the assembly on or before December 1, 2024.

§ 10. Intentionally omitted.

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

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

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

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

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

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

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

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

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

Allowable transportation capital, debt service and lease expense shall include base year expenditures [~~for:~~] **as described in this subdivision, net of revenue received with the express purpose of funding such expenditures as prescribed by the commissioner, except as provided in paragraph d of subdivision three of this section.**

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

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

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

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

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

4. Notwithstanding any other provision of law to the contrary, any expenditures for transportation provided pursuant to this section in the two thousand thirteen--two thousand fourteen school year and thereafter and otherwise eligible for transportation aid pursuant to subdivision seven of section thirty-six hundred two of this article shall be considered approved transportation expenses eligible for transportation aid, provided further that for the two thousand thirteen--two thousand fourteen school year such aid shall be limited to eight million one hundred thousand dollars and for the two thousand fourteen--two thousand fifteen school year such aid shall be limited to the sum of twelve million six hundred thousand dollars plus the base amount and for the two thousand fifteen--two thousand sixteen school year through two thousand eighteen--two thousand nineteen school year such aid shall be limited to the sum of eighteen million eight hundred fifty thousand dollars plus the base amount and for the two thousand nineteen--two thousand twenty school year such aid shall be limited to the sum of nineteen million three hundred fifty thousand dollars plus the base amount and for the

two thousand twenty--two thousand twenty-one school year such aid shall be limited to the sum of nineteen million eight hundred fifty thousand dollars plus the base amount and for the two thousand twenty-two--two thousand twenty-three school year such aid shall be limited to the sum of twenty-two million three hundred fifty thousand dollars plus the base amount and for the two thousand twenty-three--two thousand twenty-four school year [~~and thereafter~~] such aid shall be limited to the sum of twenty-four million eight hundred fifty thousand dollars plus the base amount **and for the two thousand twenty-four--two thousand twenty-five school year and thereafter such aid shall be limited to the sum of twenty-nine million eight hundred fifty thousand dollars plus the base amount**. For purposes of this subdivision, "base amount" means the amount of transportation aid paid to the school district for expenditures incurred in the two thousand twelve--two thousand thirteen school year for transportation that would have been eligible for aid pursuant to this section had this section been in effect in such school year, except that subdivision six of this section shall be deemed not to have been in effect. And provided further that the school district shall continue to annually expend for the transportation described in subdivision one of this section at least the expenditures used for the base amount.

§ 13-b. New York state zero-emission school bus resource center. There shall be established within the New York state energy research and development authority a center to be known as the "New York state zero-emission school bus resource center". Such center shall provide information for school districts regarding the transition to zero-emission school buses pursuant to section 3638 of the education law and shall serve as a point of contact for questions and concerns from school districts, including those that may require referral or consultation with other agencies. The New York state energy research and development authority may partner with other departments and agencies to produce guidance and instructional materials, regularly updated as needed, in response to frequently asked inquiries and issues from school districts. The New York state energy research and development authority shall maintain a dedicated webpage containing information for the public and school districts regarding the transition to zero-emission school buses, including guidance, instructional materials, funding opportunities, and any other relevant documents or forms, and such webpage shall include electronic and telephone contact information of the New York state zero-emission school bus resource center.

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

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

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

Each school district shall be eligible to receive a high tax aid apportionment in the two thousand eight--two thousand nine school year, which shall equal the greater of (i) the sum of the tier 1 high tax aid apportionment, the tier 2 high tax aid apportionment and the tier 3 high tax aid apportionment or (ii) the product of the apportionment received by the school district pursuant to this subdivision in the two thousand seven--two thousand eight school year, multiplied by the due-minimum factor, which shall equal, for districts with an alternate pupil wealth ratio computed pursuant to paragraph b of subdivision three of this section that is less than two, seventy percent (0.70), and for all other districts, fifty percent (0.50). Each school district shall be eligible to receive a high tax aid apportionment in the two thousand nine--two thousand ten through two thousand twelve--two thousand thirteen school years in the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910". Each school district shall be eligible to receive a high tax aid apportionment in the two thousand thirteen--two thousand fourteen through two thousand [~~twenty-three~~] twenty-four--two thousand [~~twenty-four~~] twenty-five school year equal to the greater of (1) the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910" or (2) the amount set forth for such school district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget for the 2013-14 fiscal year and entitled "BT131-4".

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

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

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

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

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

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

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

(b) programmatic differences and methods of alignment; and

(c) differences in payment schedules.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 20. Intentionally omitted.

§ 21. Intentionally omitted.

§ 22. Intentionally omitted.

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

For aid payable in the two thousand seven--two thousand eight school year through the two thousand [~~twenty-three~~] **twenty-four**--two thousand [~~twenty-four~~] **twenty-five** school year, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision five of section ninety-seven-nnnn of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. The definitions of "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this part shall apply to this section. For aid payable in the two thousand [~~twenty-three~~] **twenty-four**--two thousand [~~twenty-four~~] **twenty-five** school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled [~~"SA232-4"~~] **"SA242-5"**.

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

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

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

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

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

§ 26. Subdivisions 22 and 24 of section 140 of 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, as amended by section 38 of part YYY of chapter 59 of the laws of 2019, are amended to read as follows:

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

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

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

b. Reimbursement for programs approved in accordance with subdivision a of this section for the reimbursement for the 2018--2019 school year shall not exceed 59.4 percent of the lesser of such approvable costs per contact hour or fourteen dollars and ninety-five cents per contact hour, reimbursement for the 2019--2020 school year shall not exceed 57.7 percent of the lesser of such approvable costs per contact hour or fifteen dollars sixty cents per contact hour, reimbursement for the 2020--2021 school year shall not exceed 56.9 percent of the lesser of such approvable costs per contact hour or sixteen dollars and twenty-five cents per contact hour, reimbursement for the 2021--2022 school year shall not exceed 56.0 percent of the lesser of such approvable costs per contact hour or sixteen dollars and forty cents per contact hour, reimbursement for the 2022--2023 school year shall not exceed 55.7 percent of the lesser of such approvable costs per contact hour or sixteen dollars and sixty cents per contact hour, [~~and~~] reimbursement for the 2023--2024 school year shall not exceed 54.7 percent of the lesser of such approvable costs per contact hour or seventeen dollars and seventy cents per contact hour, **and reimbursement for the 2024--2025 school year shall not exceed 56.6 percent of the lesser of such approvable costs per contact hour or eighteen dollars and seventy cents per contact hour,** and where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, for the 2018--2019 school year such contact hours shall not exceed one million four hundred sixty-three thousand nine hundred sixty-three (1,463,963); for the 2019--2020 school year such contact hours shall not exceed one million four hundred forty-four thousand four hundred forty-four (1,444,444); for the 2020--2021 school year such contact hours shall not exceed one million four hundred six thousand nine hundred twenty-six (1,406,926); for the 2021--2022 school year such contact hours shall not exceed one million four hundred sixteen thousand one hundred twenty-two (1,416,122); for the 2022--2023 school year such contact hours shall not exceed one

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

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

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

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

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

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

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

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

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

twenty--two thousand twenty-one school year, for a city school district in a city having a population of one million or more, the annual apportionment shall be reduced by thirty-five million dollars ($35,000,000) upon certification by the director of the budget of the availability of a grant in the same amount from the elementary and secondary school emergency relief funds provided through the American rescue plan act of 2021 **(P.L. 117-2)**. **Provided further that for expenses incurred in the two thousand twenty-three--two thousand twenty-four school year, for a city school district in a city having a population of one million or more, the annual apportionment shall be reduced by thirty-five million dollars ($35,000,000) upon certification by the director of the budget of the availability of a grant in the same amount from the elementary and secondary school emergency relief funds provided through the American rescue plan act of 2021 (P.L. 117-2).**

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

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

§ 32. Subdivision 3 of section 27 of 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, is amended to read as follows:

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

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

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

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

§ 33. Subdivision 1 of section 167 of 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, as amended by section 23 of part A of chapter 56 of the laws of 2022, is amended to read as follows:

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

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

§ 26. This act shall take effect immediately provided, however, that the provisions of section three of this act shall expire June 30, [~~2024~~] **2029** when upon such date the provisions of such section shall be deemed repealed; provided, further that the provisions of sections eight, eleven, twelve, thirteen and twenty of this act shall expire July 1, 2014 when upon such date the provisions of such sections shall be deemed repealed.

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

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

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

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

§ 36. Special apportionment for public pension accruals. 1. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2025, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2025 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004--2005 and 2005--2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be

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

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

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

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

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

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

1. for the development, maintenance or expansion of magnet schools or magnet school programs for the 2024--2025 school year. For the city school district of the city of New York there shall be a set-aside of foundation aid equal to forty-eight million one hundred seventy-five thousand dollars ($48,175,000) including five hundred thousand dollars ($500,000) for the Andrew Jackson High School; for the Buffalo city school district, twenty-one million twenty-five thousand dollars ($21,025,000); for the Rochester city school district, fifteen million dollars ($15,000,000); for the Syracuse city school district, thirteen million dollars ($13,000,000); for the Yonkers city school district, forty-nine million five hundred thousand dollars ($49,500,000); for the Newburgh city school district, four million six hundred forty-five thousand dollars ($4,645,000); for the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars ($2,475,000); for the Mount Vernon city school district, two million dollars ($2,000,000); for the New Rochelle city school district, one million four hundred ten thousand dollars ($1,410,000); for the Schenectady city school district, one million eight hundred thousand dollars ($1,800,000); for the Port Chester city school district, one million one hundred fifty thousand dollars ($1,150,000); for the White Plains city school district, nine hundred thousand dollars ($900,000); for the Niagara Falls city school district, six hundred thousand dollars ($600,000); for the Albany city school district, three million five hundred fifty thousand dollars ($3,550,000); for the Utica city school district, two million dollars ($2,000,000); for the Beacon city school district, five hundred sixty-six thousand dollars ($566,000); for the Middletown city school district, four hundred thousand dollars ($400,000); for the Freeport union free school district, four hundred thousand dollars ($400,000); for the Greenburgh central school district, three hundred thousand dollars ($300,000); for the Amsterdam city school district, eight hundred thousand dollars ($800,000); for the Peekskill city school district, two hundred thousand dollars ($200,000); and for the Hudson city school district, four hundred thousand dollars ($400,000).

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

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

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

4. For the purpose of teacher support for the 2024--2025 school year: for the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars ($62,707,000); for the Buffalo city school district, one million seven hundred forty-one thousand dollars ($1,741,000); for the Rochester city school district, one million seventy-six thousand dollars ($1,076,000); for the Yonkers city school district, one million one hundred forty-seven thousand dollars ($1,147,000); and for the Syracuse city school district, eight hundred nine thousand dollars ($809,000). All funds made available to a school district pursuant to this section shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this section and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are represented by certified or recognized employee organizations, all salary increases funded pursuant to this section shall be determined by separate collective negotiations conducted pursuant to the provisions and procedures of article 14 of the civil service law, notwithstanding the existence of a negotiated agreement between a school district and a certified or recognized employee organization.

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

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

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

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

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

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

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

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

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

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

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

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

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

PART B

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

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

(b) Every school district shall annually review their curriculum and instructional practices in the subject of reading for students in prekindergarten through grade three to ensure that they align with the reading instructional best practices provided by the commissioner, and that all early reading instructional practices and interventions are part of

an aligned plan designed to improve student reading outcomes in prekindergarten through grade three.

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

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

§ 2. This act shall take effect immediately.

PART C

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

61. a. The commissioner shall require each school district to ensure verification of one of the following from the parent or guardian of each student or from the student if the student is eighteen years of age or older or legally emancipated, during the school year in which the student is a senior enrolled in such school district: (1) completion of either the free application for federal student aid for such student or, if applicable, the Jose Peralta New York State DREAM Act application; or (2) completion of a waiver form promulgated by the department indicating that the parent or guardian or, if the student is eighteen years of age or older or legally emancipated, the student understands what the free application for federal student aid or, if applicable, the Jose Peralta New York State DREAM Act application are and has chosen not to file an application pursuant to the provisions of subparagraph one of this paragraph. For purposes of this subdivision, verification of completion of either the free application for federal student aid or the Jose Peralta New York State DREAM Act application shall not require a parent, guardian, or student to identify which type of application was completed.

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

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

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

§ 2. This act shall take effect on August 15, 2024. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made, including by emergency, and completed on or before such effective date.

PART D

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

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

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

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

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

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

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

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

received authority to confer bachelor degrees shall continue to be considered a two-year institution until such time as it has actually begun to confer the bachelor's degree. Thereafter, notwithstanding any other provision of law to the contrary, an institution which was formerly a two-year institution for the purposes of this section and which was granted authority by the regents to confer bachelor degrees, (a) such authority having been granted after the first day of June, nineteen hundred ninety-three, but before the first day of July, nineteen hundred ninety-three, (b) such authority having been granted after the first day of May, two thousand five, but before the first day of June, two thousand five, (c) such authority having been granted after the first day of April, two thousand nine, but before the first day of May, two thousand nine, or (d) such authority having been granted after the first day of December, two thousand nine, but before the first day of January, two thousand ten, may elect to continue to receive awards for earned associate degrees. Should such institution so elect, it shall not be eligible during the time of such election to receive awards for earned bachelor's degrees. **Notwithstanding the preceding provisions of this subdivision, in the event that the total amount of such annual apportionments to all institutions meeting the requirements of subdivision two of this section would otherwise exceed the total amount appropriated for unrestricted aid to independent colleges and universities, the annual apportionment to each such institution shall be reduced proportionally.**

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

PART E

Intentionally Omitted

PART F

Section 1. Section 16 of 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, as amended by section 4 of part DD of chapter 56 of the laws of 2021, is amended to read as follows:

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

§ 2. This act shall take effect immediately.

PART G

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

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

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

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

PART H

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART I

Intentionally Omitted

PART J

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

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

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

PART K

Intentionally Omitted

PART L

Intentionally Omitted

PART M

Section 1. Section 2 of 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, is amended to read as follows:

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

§ 2. This act shall take effect immediately.

PART N

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

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

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

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

§ 4. Notwithstanding any other provision of law, the homeless housing and assistance corporation may provide, for purposes of the New York state supportive housing program, the solutions to end homelessness program or the operational support for AIDS housing program, or to qualified grantees under such programs, in accordance with the requirements of such programs, a sum not to exceed $53,581,000 for the fiscal year ending March 31, 2025. The homeless housing and assistance corporation may enter into an agreement with the office of temporary and disability assistance to administer such sum in accordance with the requirements of such programs. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the homeless housing and assistance corporation, a total sum not to exceed $53,581,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2023-2024 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating as determined by the state of New York mortgage agency, required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer shall be made as soon as practicable but no later than March 31, 2025.

§ 5. This act shall take effect immediately.

PART O

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

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

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

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

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

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

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

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

15. "Incapacitated person" shall mean a person who, because of mental disability as defined in subdivision three of section 1.03 of the mental hygiene law or mental deficiency, is unable to care for their own property and/or personal needs, and is likely to suffer harm because such person is unable to understand and appreciate the nature and consequences of not being able to care for their property and/or personal needs.

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

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

(ix) Perform any other act which would not in itself materially benefit the actor but which is calculated to harm another person materially with respect to [~~his~~] **such other person's** health, safety, business, calling, career, financial condition, reputation or personal relationships[~~.~~]**;or**

(f) By wage theft.

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

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

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

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

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

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

§ 155.35 Grand larceny in the third degree.

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

1. when the value of the property exceeds three thousand dollars, or

2. the property is an automated teller machine or the contents of an automated teller machine[~~.~~], or

3. when such person commits deed theft of one commercial real property, regardless of the value.

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

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

§ 155.40 Grand larceny in the second degree.

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

1. The value of the property exceeds fifty thousand dollars; or

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

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

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

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

§ 155.42 Grand larceny in the first degree.

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

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

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

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

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

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

§ 9. Section 63 of the executive law is amended adding a new subdivision 17 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Nonexclusivity. This section does not affect any method of transferring property otherwise permitted under the law of this state.

3. Transfer on death deed authorized. An individual may transfer property to one or more beneficiaries effective at the transferor's death by a transfer on death deed.

4. Transfer on death deed revocable. A transfer on death deed is revocable even if the deed or another instrument contains a contrary provision.

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

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

7. Requirements. A transfer on death deed:

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

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

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

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

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

8. Notice, delivery, acceptance, consideration not required. A transfer on death deed shall be effective without:

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

(b) consideration.

9. Revocation by instrument authorized; revocation by act not permitted.

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

(1) is one of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Subject to subparagraph two of this paragraph, the interest in the property shall be transferred to the designated beneficiary in accordance with the deed.

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

(3) Subject to subparagraph four of this paragraph, concurrent interests shall be transferred to the beneficiaries in equal and undivided shares with no right of survivorship.

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

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

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

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

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

12. Applicability of invalidating and revocatory principles. (a) Nothing in this section shall limit the application of principles of fraud, undue influence, duress, mistake, or other invalidating cause to a transfer of property.

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

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

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

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

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

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

(front of form)

REVOCABLE TRANSFER ON DEATH DEED

NOTICE TO OWNER
You should carefully read all information on the other side of this form. You may want to consult a lawyer before using this form.
This form must be recorded before your death, or it will not be effective.

IDENTIFYING INFORMATION
Owner or Owners Making This Deed:

_____
Printed name Mailing address

_____
Printed name Mailing address

Legal description of the property:

_____

PRIMARY BENEFICIARY
I designate the following beneficiary if the beneficiary survives me.

_____
Printed name Mailing address, if available

ALTERNATE BENEFICIARY - Optional
If my primary beneficiary does not survive me, I designate the following alternate beneficiary if that beneficiary survives me.

_____
Printed name Mailing address, if available

TRANSFER ON DEATH
At my death, I transfer my interest in the described property to the beneficiaries as designated above. Before my death, I have the right to revoke this deed.

SIGNATURE OF OWNER OR OWNERS MAKING THIS DEED

_____

Signature Date

_____

Signature Date

SIGNATURE OF WITNESSES

_____

Signature Date

_____

Signature Date

_____

NOTARY ACKNOWLEDGMENT
(insert notary acknowledgment for deed here)

(back of form)
COMMON QUESTIONS ABOUT THE USE OF THIS FORM

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

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

How do I make a TOD deed?

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

Is the "legal description" of the property necessary?

Yes.

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

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

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

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

How do I "record" the TOD deed?

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

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

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

How do I revoke the TOD deed after it is recorded?

There are three ways to revoke a recorded TOD deed:

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

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

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

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

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

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

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

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

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

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

(front of form)

REVOCATION OF TRANSFER ON DEATH DEED

NOTICE TO OWNER

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

IDENTIFYING INFORMATION

Owner or Owners of Property Making This Revocation:

_____

Printed name Mailing address

_____

Printed name Mailing address

Legal description of the property:

_____

REVOCATION

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

SIGNATURE OF OWNER OR OWNERS MAKING THIS REVOCATION

_____

Signature Date

_____

Signature Date

SIGNATURE OF WITNESSES

_____

Signature Date

_____

Signature Date

NOTARY ACKNOWLEDGMENT
(insert notary acknowledgment here)

(back of form)

COMMON QUESTIONS ABOUT THE USE OF THIS FORM

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

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

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

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

How do I "record" the form?

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

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

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

I have other questions about this form. What should I do?
This form is designed to fit some but not all situations. If you have other questions, consult a lawyer.

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

PART P

Intentionally Omitted

PART Q

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

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

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

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

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

(2) such city designates the lot where such dwelling or dwellings are located as subject to a program established in the zoning law, ordinance or resolution of such city that mandates that any new housing on designated lots include minimum percentages of permanently affordable housing equivalent to or exceeding the requirements under any mandatory inclusionary housing program;

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

(4) such dwelling or dwellings are not located within an area designated by such city as a historic district;

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

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

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

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

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

(3) such dwelling or dwellings are not located within an area designated by such city as a historic district;

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

(5) the New York state urban development corporation shall not be empowered to undertake the acquisition, construction, reconstruction, rehabilitation or improvement of a project pursuant to this paragraph unless the New York state urban development corporation finds that there is a feasible method for the relocation of families and individuals displaced from the project area into decent, safe and sanitary dwellings, which are or will be provided in the project area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their places of employment. Insofar as is feasible, the New York state urban development corporation shall offer housing accommodations to such families and individuals in residential projects of the New York state urban development corporation. The New York state urban development corporation may render to business and commercial tenants and to families or other persons displaced from the project area, such assistance as it may deem necessary to enable them to relocate.

§ 2. This act shall take effect immediately.

PART R

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

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

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

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

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

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

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

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

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

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

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

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

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

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

i. "Completion date" shall mean the date upon which the local department of buildings issues the first temporary or permanent certificate of

occupancy covering all residential areas of an eligible multiple dwelling.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

z. "Thirty-five year benefitö shall mean: (i) for the construction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; (ii) for the first thirty years of the restriction period; (A) within the Manhattan prime development area, a ninety percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a sixty-five percent exemption from real property taxation, other than assessments for local improvements; (iii) for the thirty-first year of the restriction period, (A) within the Manhattan prime development area, an eighty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a fifty percent exemption from real property taxation, other than assessments for local improvements; (iv) for the thirty-second year of the restriction period, (A) within the Manhattan prime development area, a seventy percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a forty percent exemption from real property taxation, other than assessments for local improvements; (v) for the thirty-third year of the restriction period, (A) within the Manhattan prime development area, a sixty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a thirty percent exemption from real property taxation, other than assessments for local improvements; (vi) for the thirty-fourth year of the restriction period; (A) within the Manhattan prime development area, a fifty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a twenty percent exemption from real property taxation, other than assessments for local improvements; and (vii) for the thirty-fifth year of the restriction period, (A) within the Manhattan prime development area, a forty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a ten percent exemption from real property taxation, other than assessments for local improvements.

aa. "Thirty year benefit" shall mean: (i) for the construction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; (ii) for the first twenty-five years of the restriction period, (A) within the Manhattan prime development area, a ninety percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a sixty-five percent exemption from real property taxation, other than assessments for local improvements; (iii) for the twenty-sixth year of the restriction period, (A) within the Manhattan prime development area, an eighty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a fifty percent exemption from real property taxation, other than assessments for local improvements; (iv) for the twenty-seventh year of the restriction period, (A) within the Manhattan prime development area, a seventy percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a forty percent exemption from real property taxation, other than assess-

ments for local improvements; (v) for the twenty-eighth year of the restriction period, (A) within the Manhattan prime development area, a sixty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a thirty percent exemption from real property taxation, other than assessments for local improvements; (vi) for the twenty-ninth year of the restriction period, (A) within the Manhattan prime development area, a fifty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a twenty percent exemption from real property taxation, other than assessments for local improvements; and (vii) for the thirtieth year of the restriction period, (A) within the Manhattan prime development area, a forty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a ten percent exemption from real property taxation, other than assessments for local improvements.

bb. "Twenty-five year benefit" shall mean: (i) for the construction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; (ii) for the first twenty years of the restriction period; (A) within the Manhattan prime development area, a ninety percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a sixty-five percent exemption from real property taxation, other than assessments for local improvements; (iii) for the twenty-first year of the restriction period, (A) within the Manhattan prime development area, an eighty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a fifty percent exemption from real property taxation, other than assessments for local improvements; (iv) for the twenty-second year of the restriction period, (A) within the Manhattan prime development area, a seventy percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a forty percent exemption from real property taxation, other than assessments for local improvements; (v) for the twenty-third year of the restriction period, (A) within the Manhattan prime development area, a sixty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a thirty percent exemption from real property taxation, other than assessments for local improvements; (vi) for the twenty-fourth year of the restriction period, (A) within the Manhattan prime development area, a fifty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a twenty percent exemption from real property taxation, other than assessments for local improvements; and (vii) for the twenty-fifth year of the restriction period, (A) within the Manhattan prime development area, a forty percent exemption from real property taxation, other than assessments for local improvements; and (B) outside of the Manhattan prime development area, a ten percent exemption from real property taxation, other than assessments for local improvements.

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

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

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

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

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

6. Affordability requirements. An eligible multiple dwelling shall comply with the affordability requirement defined in paragraph b of subdivision one of this section during the restriction period. An eligible multiple dwelling shall also comply with the following requirements during the restriction period:

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

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

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

prior to the agency's denial of an eligible multiple dwelling's application for AHCC program benefits shall remain subject to rent stabilization until such tenant vacates such affordable housing unit.

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

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

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

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

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

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

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

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

(v) specifying the legal instrument by which the marketing, affordability, rent stabilization, permitted rent, and any other requirement associated with this benefit will be recorded and enforced. Such requirements may include, but need not be limited to, retaining a monitor approved by the agency and paid for by the owner of the eligible multiple dwelling.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 3. This act shall take effect immediately.

PART S

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

ARTICLE 7-D

LEGALIZATION AND CONVERSION OF BASEMENT AND CELLAR DWELLING UNITS

Section 288. Definitions.

289. Basement and cellar local laws and regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The program established by a local law enacted pursuant to this section shall be applicable only within community districts selected by the local legislative body from the following list: Bronx Community District nine; Bronx Community District ten; Bronx Community District eleven; Bronx Community District twelve; Brooklyn Community District four; Brooklyn Community District ten; Brooklyn Community District eleven; Brooklyn Community District seventeen; Manhattan Community District two; Manhattan Community District three; Manhattan Community District nine; Manhattan Community District ten; Manhattan Community District eleven; Manhattan Community District twelve; and Queens Community District two. Prior to the adoption of the local law authorized by this section, but no later than ninety days after the effective date of this article, the community board of a community district named in this subdivision may adopt and submit to the speaker of the city council a resolution in support or opposition of the inclusion of the community district in the program established by the local law authorized by this article.

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

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

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

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

§ 2. This act shall take effect immediately.

PART T

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

(xxviii) "Eligible multiple dwelling" shall mean either (1) a multiple dwelling or homeownership project containing six or more dwelling units created through new construction or eligible conversion for which the commencement date is after December thirty-first, two thousand fifteen and on or before June fifteenth, two thousand twenty-two, and for which the completion date is on or before June fifteenth, two thousand twenty-six, or (2) a multiple dwelling or homeownership project containing six or more dwelling units created through new construction or eligible conversion which complies with affordability option A, affordability option B, affordability option D, affordability option E or affordability option F, and for which the commencement date is after December thirty-first, two thousand fifteen and on or before June fifteenth, two thousand twenty-two, and for which the completion date is on or before June fifteenth, two thousand thirty-one, provided that the owner of such multiple dwelling or homeownership project submits a letter of intent on a form to be promulgated by the New York city department of housing preservation and development, to such department, within ninety days of the date that such department promulgates such form. The New York city department of housing preservation and development shall promulgate such form no later than sixty days from the effective date of the chapter of the laws of 2024 which amended this subparagraph. For the purposes of this subparagraph, the term "letter of intent" means documentation certifying that the owner of such multiple dwelling or homeownership project outlined in this subparagraph intends to apply for the benefits described in this section upon the construction completion date. The New York city department of housing preservation and development shall prescribe, and make available to the public, a "letter of intent form"

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

§ 2. This act shall take effect immediately.

PART U

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

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

(a) "Affordability option A" shall mean:

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

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

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

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

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

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

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

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

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

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

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

(j) "Building service employee" shall mean any person who is regularly employed at, and performs work in connection with the care or maintenance of, an eligible site, including, but not limited to, a watchperson, guard, doorperson, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, elevator operator and starter, and window cleaner, but not including persons regularly scheduled to work fewer than eight hours per week at the eligible site.

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

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

(m) "Completion date" shall mean, with respect to any eligible multiple dwelling, the date upon which the local department of buildings issues the first temporary or permanent certificate of occupancy covering all residential areas of an eligible multiple dwelling.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(qq) "Thirty-five year benefit" shall mean: (i) for the construction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; (ii) for the first twenty-five years of the restriction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; and (iii) for the ten years of the restriction period subsequent to such twenty-five years, (A) with respect to modest rental projects, an exemption from real property taxation, other than assessments for local improvements, equal to the affordability percentage, and (B) with respect to large rental projects, a one hundred percent exemption from real property taxation, other than assessments for local improvements.

(rr) "Twenty year benefit" shall mean: (i) for the construction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements; (ii) for the first fourteen years of the restriction period, a one hundred percent exemption from real property taxation, other than assessments for local improvements, provided, however, that no exemption shall be given for any portion of the square footage of a unit with an assessed value that exceeds eighty-nine dollars per square foot; and (iii) for the final six years of the restriction period, a twenty-five percent exemption from real property taxation, other than assessments for local improvements, provided, however, that no exemption shall be given for any portion of the square footage of a unit with an assessed value that exceeds eighty-nine dollars per square foot.

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

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

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

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

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

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

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

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

(d) a very large rental project that complies with all of the requirements of this subdivision shall receive a forty year benefit; and

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

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

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

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

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

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

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

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

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

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

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

(iii) If the fiscal officer recaptures tax abatements or exemptions provided pursuant to this section and/or terminates future tax abatements or exemptions made available pursuant to this section for noncompliance with paragraph (a), (b), or (c) of this subdivision pursuant to this paragraph: (a) all of the restricted units shall remain subject to rent stabilization and all other requirements of this section for the restriction period, and any additional period expressly provided in this section, as if the ANNY Program benefits had not been recaptured or terminated; or (b) for a homeownership project, such project shall continue to comply with affordability requirements set forth in this section and all other requirements of this section for the restriction period and any additional period expressly provided in this section, as if the ANNY Program benefits had not been recaptured or terminated.

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

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

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

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

(a) with respect to each eligible multiple dwelling constructed on such eligible site, real property taxes on the assessed valuation of such land and any improvements thereon in effect during the tax year prior to the commencement date of such eligible multiple dwelling, without regard to any exemption from or abatement of real property taxation in effect during such tax year, which real property taxes shall be calculated using the tax rate in effect at the time such taxes are due, provided, however, that this paragraph shall not apply to any very large rental project during the construction period or extended construction period, as applicable; and

(b) all assessments for local improvements.

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

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

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

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

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

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

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

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

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

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

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

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

(i) A restricted unit shall not be converted to cooperative or condominium ownership.

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

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

9. Building service employees. (a) For the purposes of this subdivision, (i) "applicant" shall mean an applicant for ANNY Program benefits and/or any successor to such applicant; and (ii) "covered building service employer" shall mean any applicant and/or any employer of building service employees for such applicant, including, but not limited to, a property management company or contractor.

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

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

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

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

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

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

(v) to make a classification by craft, trade or other generally recognized occupational category of the building service employees and to determine whether such work has been performed by the building service employees in such classification;

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

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

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

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

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

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

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

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

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

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

10. Replacement ratio. If the land on which an eligible site is located contained any dwelling units three years prior to the commencement date of the first eligible multiple dwelling thereon, then such eligible multiple dwelling or dwellings built thereon shall contain at least one affordable housing unit for each dwelling unit that existed on such date and was thereafter demolished, removed or reconfigured, provided that if such eligible multiple dwelling or dwellings built thereon is a small rental project, then such eligible multiple dwelling or dwellings built thereon shall contain at least one restricted unit for each dwelling unit that existed on such date and was thereafter demolished, removed or reconfigured.

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

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

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

benefits for a failure to comply with subdivision three of this section. If a covered building service employer has committed three violations of the requirements of paragraph (b) of subdivision nine of this section within a five-year period, the agency may revoke any benefits associated with such eligible multiple dwelling under this section. For purposes of this subdivision, a "violation" of paragraph (b) of subdivision nine of this section shall be deemed a finding by the fiscal officer that the covered building service employer has failed to comply with paragraph (b) of subdivision nine of this section and has failed to cure the deficiency within three months of such finding. Provided, however, that after a second such violation, the applicant shall be notified that any further violation may result in the revocation of benefits under this section and that the fiscal officer shall publish on its website a list of all applicants with two violations as defined in this subdivision. If ANNY Program benefits are terminated or revoked for noncompliance with this section: (a) all of the restricted units shall remain subject to rent stabilization and all other requirements of this section for the applicable restriction period, and any additional period expressly provided in this section, as if the ANNY Program benefits had not been terminated or revoked; or (b) for a homeownership project, such project shall continue to comply with affordability requirements set forth in this section and all other requirements of this section for the restriction period and any additional period expressly provided in this section, as if the ANNY Program benefits had not been terminated or revoked.

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

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

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

(b) The form described in paragraph (a) of this subdivision shall be filed: (i) for projects with a commencement date before the effective date of this section, no later than six months after such effective date or six months after the agency promulgates the form described in paragraph (a) of this subdivision, whichever is later; or (ii) for projects with a commencement date on or after the effective date of this section, no later than six months after such commencement date or six months after the agency promulgates the form described in paragraph (a) of this subdivision, whichever is later.

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

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

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

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

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

18. Filing fee. (a) The agency may require a filing fee of: (i) three thousand dollars per dwelling unit in connection with any application for an eligible site consisting of more than five and less than eleven residential rental dwelling units; (ii) four thousand dollars per dwelling unit in connection with any application for an eligible site consisting of more than eleven units and less than one hundred residential dwelling units; (iii) four thousand dollars per dwelling unit in connection with any application for a homeownership project; and (iv) five thousand dollars per dwelling unit in connection with any application for an eligible site consisting of one hundred or more residential dwelling units.

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

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

20. Reporting. On or before June thirtieth of each year, the commissioner of the agency shall issue a report to the governor, the temporary president of the senate and the speaker of the assembly setting forth the number of total projects and units created by this section by year, level of affordability, and community board, the cost of the ANNY Program, and other such factors as the commissioner of the New York city department of housing preservation and development deems appropriate. The New York city department of housing preservation and development may request and shall receive cooperation and assistance from all departments, divisions, boards, bureaus, commissions, public benefit corporations or agencies of the state of New York, the city of New York or any other political subdivisions thereof, or any entity receiving benefits pursuant to this section.

21. Penalties for violations of affordability and rent stabilization requirements. (a) On and after the expiration date of the ten year benefit, twenty year benefit, thirty-five year benefit, or forty year benefit, as applicable, the agency may impose, after notice and an opportunity to be heard, a fine for any violation of the affordability and rent stablization requirements established pursuant to subdivision eight of this section by such small rental project, modest rental project, large rental project, very large rental project, or homeownership project. The agency shall establish a schedule and method of calculation of such fines pursuant to subdivision nineteen of this section.

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

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

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

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

h. benefits under section four hundred eighty-five-x of the real property tax law.

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

§ 4. This act shall take effect immediately.

PART V

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

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

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

PART W

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

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

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

PART X

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

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

Amount of income	Schedule of reduction of base amount
(A) Less than seven thousand dollars	None
(B) Seven thousand dollars or more, but less than eleven thousand dollars	Seven per centum of excess over seven thousand dollars
(C) Eleven thousand dollars or more, but less than eighteen thousand dollars	Two hundred eighty dollars plus ten per centum of excess over eleven thousand dollars
(D) Eighteen thousand dollars or more, but not more than [~~eighty~~] one hundred twenty-five thousand dollars	Nine hundred eighty dollars plus twelve per centum of excess over eighteen thousand dollars

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

Amount of income	Schedule of reduction of base amount
(1) Less than three thousand dollars	None
(2) Three thousand dollars or more, but not more than [~~ten~~] thirty thousand dollars	Thirty-one per centum of amount in excess of three thousand dollars

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

Amount of income	Schedule of reduction of base amount
(1) Less than seven thousand dollars	None
(2) Seven thousand dollars or more, but less than eleven thousand dollars	Seven per centum of excess over seven thousand dollars
(3) Eleven thousand dollars or more, but less than eighteen thousand dollars	Two hundred eighty dollars plus ten per centum of excess over eleven thousand dollars
(4) Eighteen thousand dollars or more, but not more than [~~forty~~] sixty thousand dollars	Nine hundred eighty dollars plus twelve per centum of excess over eighteen thousand dollars

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

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

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

PART Y

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

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

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

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

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

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

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

PART Z

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

§ 33. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that sections one through thirty of this act shall take effect on [~~the first Monday after April 1,~~] the first Monday after October 1, 2024 or thirty days after the commissioner of labor certifies that the department of labor has an information technology system capable of accommodating the amendments in this act, whichever occurs earlier, and shall be applicable to all claims filed and payments made after such date; provided that section thirty-one of this act shall take effect on the thirtieth day after it shall have become a law and shall be applicable to new claims on such date and thereafter and shall be deemed repealed on the same date as the remaining provisions of this act take effect. Such effective date applicable to sections one through thirty of this act may be extended in fifteen day increments upon notice and report of the reason necessitating such extension from the commissioner of labor to the temporary president of the senate and speaker of the assembly, provided the effective date shall not be extended past February 1, 2025. In a manner consistent with the provisions of this section, the commissioner of labor shall notify the legislative bill drafting commission upon issuing [~~his or her certification~~] such extensions every such fifteen days and if prior to February 1, 2025, and shall inform such commission of the date of implementation of such information technology system in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law, and provided further that the amendments to subdivision 1 of section 591 of the labor law made by section twelve of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 10 of chapter 413 of the laws of 2003, as amended, when upon such date the provisions of section thirteen of this act shall take effect; provided further that the amendments to section 591-a of the labor law made by section fifteen of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

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

PART AA

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

1. Notwithstanding any other provision of law, a county, city, town or village located within a school district ("district") is hereby authorized and empowered to adopt and amend a local law or ordinance establishing a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with **subdivision (a) of** section eleven hundred seventy-four of this [~~**chapter**~~] **article** when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter and operated in such county, city, town or village, in accordance with the provisions of this section. Such demonstration program shall empower such county, city, town or village to install and operate school bus photo violation monitoring systems which may be stationary or mobile, and which may be installed, pursuant to an agreement with a school district within such county, city, town or village, on school buses owned and operated by such school district or privately owned and operated for compensation under contract with such district. Provided, however, that (a) no stationary school bus photo violation monitoring system shall be installed or operated by a county, city, town or village except on roadways under the jurisdiction of such county, city, town or village, and (b) no mobile school bus photo violation monitoring system shall be installed or operated on any such school buses unless such county, city, town or village and such district enter into an agreement for such installation and operation.

1-a. Any county, city, town or village, located within a school district, that has adopted a local law or ordinance pursuant to this section establishing a demonstration program imposing liability on the owner of a vehicle for failure of an operator thereof to comply with **subdivision (a) of** section eleven hundred seventy-four of this [~~**chapter**~~] **article** when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter and operated in such county, city, town or village may enter into an agreement with the applicable school district for the installation, maintenance and use of school bus photo violation monitoring systems on school buses pursuant to this section and section twenty-two of the chapter of the laws of two thousand nineteen which added this section, for the proper handling and custody of photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the applicable county, city, town or village. Any agreement entered into hereunder shall be approved by each participating county, city, town or village by a majority vote of the voting strength of its governing body and by resolution of the district pursuant to section sixteen hundred four, section seventeen hundred nine, section twenty-five hundred three, section twenty-five hundred fifty-four or section twenty-five hundred ninety-h of the education law, as applicable. Provided, however, that where a district has entered an agreement as provided hereunder with a county, no cities, towns or villages within the same county may enter into, or be a party to, any agreement with such district pursuant to this section. Provided further, however, that no county shall enter an agreement with any city school district wholly contained within a city. Nothing in this section shall be construed to prevent a county, city, town, village or district

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

2. Any image or images captured by school bus photo violation monitoring systems shall be inadmissible in any disciplinary proceeding convened by any school district or any school bus contractor thereof, and any proceeding initiated by the department involving licensure privileges of school bus operators. Any school bus photo violation monitoring device mounted on a school bus shall be directed outwardly from such school bus to capture images of vehicles operated in violation of **subdivision (a) of** section eleven hundred seventy-four of this [~~chapter~~] **article**, and images produced by such device shall not be used for any other purpose.

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

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

2. Notwithstanding any other provision of this section, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this section if the operator of such vehicle was operating such vehicle without the consent of the owner at the time such operator failed to comply with **subdivision (a) of** section eleven hundred seventy-four of this [~~chapter~~] **article**. For purposes of this subdivision there shall be a presumption that the operator of such vehicle was operating such vehicle with the consent of the owner at the time such operator failed to comply with **subdivision (a) of** section eleven hundred seventy-four of this [~~chapter~~] **article**.

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

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

forty of the transportation law and the safety rules and regulations promulgated thereunder, and the registration number of the school bus to which such school bus photo violation monitoring system was attached. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall include a recorded image of the outside of the motor vehicle involved in such violation, the registration number of such vehicle, at least one activated school bus stop-arm, and an electronic indicator or indicators showing the activation of the flashing red signal lamps of the school bus to which the school bus photo violation monitoring system producing such photographs, microphotographs, videotape or other recorded images was installed at the time such violation occurred, and shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to a local law or ordinance adopted pursuant to this section. Where recorded images from a school bus photo violation monitoring system attached to a school bus, as certified pursuant to this subdivision, show the activation of at least one school bus stop-arm and an electronic indicator or indicators as required pursuant to this subdivision, there shall be a rebuttable presumption that such school bus was stopped for the purpose of receiving or discharging any passengers or because a school bus in front of it had stopped to receive or discharge any passengers. A certificate, sworn to or affirmed by a technician employed by the county, city, town or village in which the charged violation occurred, or a facsimile thereof, after reviewing evidence that on the day the charged violation occurred such school bus had a valid certificate of inspection issued by the department of transportation pursuant to section one hundred forty of the transportation law and the safety rules and regulations promulgated thereunder, shall be prima facie evidence that such school bus was marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter and the flashing red signal lamp of such school bus was in operation at the time the violation occurred.

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

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

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

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

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

PART BB

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

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

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

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

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

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

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

§ 2. This act shall take effect immediately.

PART CC

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

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

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

(b) which involves the construction, acquisition, reconstruction, rehabilitation or improvement of academic buildings, dormitories and other facilities, with respect to university-related economic development projects authorized by law pursuant to section three hundred seventy-two-a of this article.

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

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

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

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

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

PART DD

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

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

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

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

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

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

(e) "City fiscal affairs officer" means the city fiscal affairs officer of the city.

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

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

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

(i) "Deficit notes" means bond anticipation notes issued in anticipation of the issuance of deficit bonds.

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

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

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

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

(n) "Special debt service" means, with respect to a fiscal year, the amounts required for the timely payment of (i) all principal due or becoming due and payable in said year with respect to any serial bonds, tax anticipation notes, capital notes or budget notes of the city, and all principal amortization for said year required by law with respect to bond anticipation notes or other securities of the city, and not specifically mentioned in paragraph (ii) of this subdivision, (ii) all interest due or becoming due and payable in said year with respect to any serial bonds, bond anticipation notes, tax anticipation notes, revenue anticipation notes, capital notes, budget notes or other securities of the city not specifically mentioned herein, and (iii) all sinking fund contributions required in said year with respect to any sinking fund bonds.

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

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

(q) "State comptroller" means the comptroller of the state, pursuant to their authority to supervise the accounts of any political subdivision of the state.

Unless the context specifically provides otherwise, any terms used in this act such as revenues, expenditures or expenses shall be construed as such term is construed under applicable accounting principles incorporated in the uniform system of accounts prescribed by the state comptroller.

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

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

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

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

(a) perform such reviews as may be necessary;

(b) confirm the existence and certify the amount of the deficits; and

(c) provide notification to the city fiscal affairs officer, the city treasurer, the mayor and the city council as to the existence and amount of any such deficits.

§ 6. Limit on amount of deficit bonds. Deficit bonds may not be issued in an amount exceeding the amount of such deficits as certified by the state comptroller. If the city issues deficit notes prior to a determination by the state comptroller pursuant to section five of this act in an amount in excess of the amount of such deficits as confirmed by the state comptroller, the city shall, from funds other than proceeds of bonds or bond anticipation notes, either redeem such deficit notes in the amount by which the amount of such deficit notes exceeds the amount of such deficits as confirmed by the state comptroller or deposit a sum equal to the amount by which such deficit notes exceed the amount of such deficits as confirmed by the state comptroller into the special debt service fund.

§ 7. Quarterly budget reports and trial balances. For each fiscal year during the effective period of this act, the city treasurer shall monitor budgets of the city and, for each budget, prepare a quarterly report of summarized budget data depicting overall trends of actual revenues and budget expenditures for the entire budget rather than individual line items. Such reports shall compare revenue estimates and appropriations as set forth in such budget with the actual revenues and expenditures made to date. All quarterly reports shall be accompanied by a recommendation by the city fiscal affairs officer setting forth any remedial action necessary to resolve any unfavorable budget variance including the overestimation of revenues and the underestimation of appropriations, and shall be completed within thirty days of the end of each quarter. The city treasurer shall also prepare, as part of such report, a quarterly trial balance of general ledger accounts. The above quarterly budgetary reports and quarterly trial balances shall be prepared in accordance with applicable accounting principles incorporated in the uniform system of accounts prescribed by the state comptroller. These reports shall be submitted to the city fiscal affairs officer, the mayor, the city council, the state director of the budget, the state comptroller, the chair of the assembly ways and means committee, and the chair of the senate finance committee.

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

budget may be finally adopted, whichever is sooner. The state comptroller shall examine such proposed budget and make such recommendations as deemed appropriate thereon to the city prior to the adoption of the budget, but no later than ten days before the date scheduled for the city council's vote on the adoption of the final budget or the last date on which the budget must be adopted, whichever is sooner. Such recommendations shall be made after examination into the estimates of revenues and expenditures of the city. The city council, no later than five days prior to the adoption of the budget, shall review any such recommendations and make adjustments to the proposed budget consistent with any recommendations made by the state comptroller.

§ 9. Multiyear financial plans. During the effective period of this act, the city fiscal affairs officer shall prepare, along with the proposed budget for the next succeeding fiscal year, a three-year financial plan covering the next succeeding fiscal year and the two fiscal years thereafter. The financial plan shall, at a minimum, contain projected employment levels, projected annual expenditures for personal service, fringe benefits, non-personal services and debt service; appropriate reserve fund amounts; estimated annual revenues including projection of property tax rates, the value of the taxable real property and resulting tax levy, annual growth in sales tax and non-property tax revenues; and the proposed use of one-time revenue sources. The financial plan shall also identify actions necessary to achieve and maintain long-term fiscal stability, including, but not limited to, improved management practices, initiatives to minimize or reduce operating expenses, and potential shared services agreements with other municipalities. Within thirty days following the adoption by the city council of the budget for the next succeeding fiscal year and upon the completion of each quarterly budget report pursuant to section seven of this act, the city fiscal affairs officer shall update the financial plan consistent with such adopted budget or such quarterly budget report. Copies of the financial plan and any update shall be provided to the city treasurer, the mayor, the city council, the state director of the budget, the state comptroller, the chair of the assembly ways and means committee, and the chair of the senate finance committee.

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

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

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

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

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

§ 12. Exceptions to the local finance law. Except as provided in this act, all proceedings in connection with the issuance of such deficit bonds or deficit notes shall be had and taken in accordance with the provisions of the local finance law, provided, however, that any resolution or resolutions authorizing the issuance of such bonds or bond anticipation notes shall not be subject to (a) any mandatory or permissive referendum, (b) the provisions of section 107.00 of the local finance law with respect to any requirements for a down payment and (c) the provisions of section 10.10 of the local finance law.

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

(b) The state comptroller shall deposit and pay into the special debt service fund any portion of state aid as the state comptroller determines necessary to ensure sufficient moneys are available to make scheduled special debt service payments from the special debt service fund over the succeeding twelve month period taking account of the city's receipt of city taxes and state aid during such twelve month period and the availability of other amounts appropriated or set aside by the city to make such payments. Thereafter, the state comptroller shall, as soon as practicable, pay over the remainder of any such state aid to the city treasurer for use by the city in the manner provided by law.

(c) Not later than the first day of each fiscal year beginning after issuance of any deficit bonds or deficit notes, the city treasurer shall certify to the state comptroller the percentage obtained by dividing the balance obtained by subtracting the amount of the appropriation for such year for a reserve for uncollected taxes from the total amount of city taxes levied and assessed for such year, into the total appropriation in the budget of such year for special debt service, and the percentage so certified shall constitute the debt service percentage for such fiscal year. Immediately upon receipt of any payment during such fiscal year of or on account of any city taxes, the city, its collecting officer and any agent receiving the same shall remit such payment to the state comptroller. Of each sum so received, the state comptroller shall deposit and pay into the special debt service fund the portion thereof equal to the debt service percentage of the total sum, and shall deposit and pay into the fund such additional amounts as the state comptroller determines necessary to ensure sufficient moneys are available to make scheduled special debt service payments from the special debt service fund over the succeeding twelve month period taking account of the timing of the city's receipt of city taxes and state aid during such twelve month period and the availability of other amounts appropriated or set aside by the city to make such payments. Thereafter, the state comptroller shall, as soon as practicable, pay over the remainder of such sum to the city treasurer for use by the city in the manner provided by law.

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

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

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

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

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

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

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

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

(b) The supreme court in the county of Chautauqua shall have jurisdiction of any action or proceeding by the state comptroller or the representative of such bondholders.

§ 16. Severability clause. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part involved in the controversy in which such judgment shall have been rendered. The provisions of this act shall be liberally construed to assist the effectuation of the public purposes furthered hereby.

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

PART EE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

including, but not limited to, a property management company or contractor.

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

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

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

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

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

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

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

(A) back wages and fringe benefits;

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

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

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

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

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

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

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

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

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

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

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

(c) As used in this section, the term "rental multiple dwelling" means a structure, other than a hotel, consisting of ten or more dwelling units, where all but a maximum of two of the units are rented for residential purposes, and all of such units, upon initial rental and upon each subsequent rental following a vacancy during the restriction period or extended restriction period, as applicable, is affordable to and restricted to occupancy by individuals or families whose household income does not exceed a weighted average of no less than sixty percent of the area median income and no more than eighty percent of the area median income, adjusted for family size, at the time that such households initially occupy such dwelling units, provided further that all of the income restricted units upon initial rental and upon each subsequent rental following a vacancy during the restriction period or extended restriction period, as applicable, shall be affordable to and restricted to occupancy by individuals or families whose household income does not exceed one hundred percent of the area median income, adjusted for family size, at the time that such households initially occupy such dwelling units. The two residential units that are not income restricted must be occupied by superintendents, caretakers, managers or other employees to whom the space is provided as part or all of their compensation without payment of rent and who are employed for the purpose of rendering services in connection with the premises of which the housing accommodation is a part. In the event no unit is provided or rented to such an employee, all units in the building must be income restricted pursuant to this paragraph. Provided further that any local law authorizing an exemption pursuant to this section may provide for the area median income weighted average within the amounts set forth in this paragraph. Such restriction period shall be in effect coterminous with the benefit period, provided, however, that the tenant or tenants in an income restricted dwelling unit at the time such restriction period ends shall have the right to lease renewals at the income restricted level until such time as such tenant or tenants permanently vacate the dwelling unit.

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

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

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

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

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

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

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

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

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

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

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

§ 3. This act shall take effect immediately.

PART FF

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

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

or furnishings, provided in or to a tenant's housing accommodation, on written informed tenant consent to the rent increase. In the case of a vacant housing accommodation, tenant consent shall not be required. [~~The temporary~~] **Except as provided in subparagraph (B) of this paragraph, the** increase in the legal regulated rent for the affected housing accommodation shall be one-one hundred sixty-eighth, in the case of a building with thirty-five or fewer housing accommodations or one-one hundred eightieth in the case of a building with more than thirty-five housing accommodations where such increase takes effect on or after the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph, of the total actual cost incurred by the landlord up to [~~fifteen thousand dollars~~] **an amount set forth in this paragraph** in providing such reasonable and verifiable modification or increase in dwelling space, furniture, furnishings, or equipment, including the cost of installation but excluding finance charges and any costs that exceed reasonable costs established by rules and regulations promulgated by the division of housing and community renewal. Such rules and regulations shall include: (i) requirements for work to be done by licensed contractors and a prohibition on common ownership between the landlord and the contractor or vendor; and (ii) a requirement that the owner resolve within the dwelling space all outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable. Provided further that an owner who is entitled to a rent increase pursuant to this paragraph shall not be entitled to a further rent increase based upon the installation of similar equipment, or new furniture or furnishings within the useful life of such new equipment, or new furniture or furnishings. Provided further that the recoverable costs incurred by the landlord, pursuant to this paragraph, shall be limited to an aggregate cost [~~of fifteen thousand dollars that may be expended on no more than three separate individual apartment improvements in a fifteen year period beginning with the first individual apartment improvement on or after June fourteenth, two thousand nineteen. Provided further that increases to the legal regulated rent pursuant to this paragraph shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the applicable rent guidelines board.~~] **pursuant to the following:**

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

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

(2) increases to the legal regulated rent pursuant to this subparagraph shall be permanent; and

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

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

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

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

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

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

(4) increases to the legal regulated rent pursuant to this subparagraph shall be permanent;

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

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

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

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

(8) for costs recoverable pursuant to item (ii) of clause two of this subparagraph, the fifty thousand dollars may be expended, in the aggregate, on any number of separate individual apartment improvements in a fifteen-year period, but in no event shall costs above fifty thousand dollars be recoverable in a fifteen-year period pursuant to this subparagraph;

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

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

(11) no owner shall be eligible for the rent increase based on individual apartment improvements pursuant to this subparagraph if, within the five year period prior to filing such individual apartment improvement, any unit within any building owned by any owner of the building in which the unit for which the owner seeks an individual apartment improvement is located, including but not limited to partial or beneficial owners, has been the subject of an award or determination by the division of housing and community renewal or a court of competent jurisdiction for treble damages due to an overcharge or the owner of the building in which the unit is located has been the subject of an award or determination by the division of housing and community renewal or a court of competent jurisdiction for harassment of any tenants, provided that such owner shall provide an affidavit confirming such owner's eligibility under this clause to the division of housing and community renewal at the same time as, and in addition to, any other materials the division of housing and community renewal shall require an owner to submit pursuant to clause six of this subparagraph, and provided further that such affidavit shall not be deemed to be evidence of compliance with this clause or a defense in any subsequent rent overcharge proceeding, determination, or audit.

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

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

Bureau of Census for [~~a temporary~~] an individual apartment improvement rent increase for a tenant in occupancy which shall be used by landlords to obtain written informed consent that shall include the estimated total cost of the improvement and the estimated monthly rent increase. Such consent shall be executed in the tenant's primary language. Such form shall be completed and preserved in the centralized electronic retention system to be operational by June 14, 2020, provided further that any changes to the form required due to the individual apartment improvement being permanent shall be completed as of October 14, 2024. Nothing herein shall relieve a landlord, lessor, or agent thereof of [~~his or her~~] such person's duty to retain proper documentation of all improvements performed or any rent increases resulting from said improvements.

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

(13) provides that an owner is entitled to a rent increase where there has been a substantial modification or increase of dwelling space, or installation of new equipment or improvements or new furniture or furnishings provided in or to a tenant's housing accommodation, on written informed tenant consent to the rent increase. In the case of a vacant housing accommodation, tenant consent shall not be required. [~~The temporary~~] Except as provided in subparagraph (B) of this paragraph, increase in the legal regulated rent for the affected housing accommodation shall be one-one hundred sixty-eighth, in the case of a building with thirty-five or fewer housing accommodations or one-one hundred eightieth in the case of a building with more than thirty-five housing accommodations where such increase takes effect on or after the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph, of the total actual cost incurred by the landlord in providing such reasonable and verifiable modification or increase in dwelling space, furniture, furnishings, or equipment, including the cost of installation but excluding finance charges and any costs that exceed reasonable costs established by rules and regulations promulgated by the division of housing and community renewal. Such rules and regulations shall include: (i) requirements for work to be done by licensed contractors and prohibit common ownership between the landlord and the contractor or vendor; and (ii) a requirement that the owner resolve within the dwelling space all outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable. Provided further that an owner who is entitled to a rent increase pursuant to this paragraph shall not be entitled to a further rent increase based upon the installation of similar equipment, or new furniture or furnishings within the useful life of such new equipment, or new furniture or furnishings. Provided further that the recoverable costs incurred by the landlord, pursuant to this paragraph, shall be limited to an aggregate cost of [~~fifteen thousand dollars that may be expended on no more than three separate individual apartment improvements in a fifteen year period~~] an amount set forth in this paragraph beginning with the first individual apartment improvement on or after June fourteenth, two thousand nineteen. Provided further that increases to the legal regulated rent pursuant to this paragraph shall [~~be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of~~

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

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

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

(2) increases to the legal regulated rent pursuant to this subparagraph shall be permanent; and

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

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

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

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

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

(4) increases to the legal regulated rent pursuant to this subparagraph shall be permanent;

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

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

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

(8) for costs recoverable pursuant to item (ii) of clause two of this subparagraph, the fifty thousand dollars may be expended, in the aggregate, on any number of separate individual apartment improvements in a fifteen-year period, but in no event shall costs above fifty thousand dollars be recoverable in a fifteen-year period pursuant to this subparagraph;

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

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

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

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

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

(12) establish a form in the top six languages other than English spoken in the state according to the latest available data from the U.S. Bureau of Census for [~~a temporary~~] an individual apartment improvement rent increase for a tenant in occupancy which shall be used by landlords to obtain written informed consent that shall include the estimated total cost of the improvement and the estimated monthly rent increase. Such consent shall be executed in the tenant's primary language. Such form shall be completed and preserved in the centralized electronic retention system to be operational by June 14, 2020, provided further that any changes to the form required due to the individual apartment improvement being permanent shall be completed as of October 14, 2024. Nothing herein shall relieve a landlord, lessor, or agent thereof of [~~his or her~~] such person's duty to retain proper documentation of all improvements performed or any rent increases resulting from said improvements.

§ 5. Subparagraph (e) of paragraph 1 of subdivision g of section 26-405 of the administrative code of the city of New York, as amended by section 20 of part Q of chapter 39 of the laws of 2019, is amended to read as follows:

(e) The landlord and tenant by mutual voluntary written agreement demonstrating informed consent agree to a substantial increase or decrease in dwelling space or a change in furniture, furnishings or equipment provided in the housing accommodations. An adjustment under this subparagraph shall be equal to one-one hundred sixty-eighth, in the case of a building with thirty-five or fewer housing accommodations or one-one hundred eightieth in the case of a building with more than thirty-five housing accommodations where such [~~temporary~~] adjustment takes effect on or after the effective date of the chapter of the laws of two thousand nineteen that amended this subparagraph, of the total actual cost incurred by the landlord in providing such reasonable and verifiable modification or increase in dwelling space, furniture, furnishings, or equipment, including the cost of installation but excluding finance charges and any costs that exceed reasonable costs established by rules and regulations promulgated by the division of housing and community renewal. Such rules and regulations shall include: (i) requirements for work to be done by licensed contractors and prohibit common ownership between the landlord and the contractor or vendor; and (ii) a requirement that the owner resolve within the dwelling space all outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable.

Provided further that an owner who is entitled to a rent increase pursuant to this subparagraph shall not be entitled to a further rent increase based upon the installation of similar equipment, or new furniture or furnishings within the useful life of such new equipment, or new furniture or furnishings. Provided further that the recoverable costs incurred by the landlord, pursuant to this subparagraph shall be limited to an aggregate cost of [~~fifteen~~] thirty thousand dollars [~~that may be expended on no more than three separate individual apartment improvements~~] in a fifteen year period beginning with the first individual apartment improvement on or after June fourteenth, two thousand nineteen. [~~Provided further that increases to the legal regulated rent pursuant to this subparagraph shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the applicable rent guidelines board.~~] The owner shall give written notice to the city rent agency of any such [~~temporary~~] adjustment pursuant to this subparagraph; or

§ 6. Paragraph 12 of subdivision a of section 26-405.1 of the administrative code of the city of New York, as amended by section 22 of part Q of chapter 39 of the laws of 2019, is amended to read as follows:

(12) establish a form in the top six languages other than English spoken in the state according to the latest available data from the U.S. Bureau of Census for [~~a temporary~~] an individual apartment improvement rent increase for a tenant in occupancy which shall be used by landlords to obtain written informed consent that shall include the estimated total cost of the improvement and the estimated monthly rent increase. Such consent shall be executed in the tenant's primary language. Such form shall be completed and preserved in the centralized electronic retention system to be operational by June 14, 2020, provided further that any changes to the form required due to the individual apartment improvement being permanent shall be completed as of October 14, 2024. Nothing herein shall relieve a landlord, lessor, or agent thereof of [~~his or her~~] such person's duty to retain proper documentation of all improvements performed or any rent increases resulting from said improvements.

§ 7. Subparagraph 5 of the second undesignated paragraph of paragraph (a) of subdivision 4 of section 4 of chapter 274 of the laws of 1946 constituting the emergency housing rent control law, as amended by section 36 of part Q of chapter 39 of the laws of 2019, is amended to read as follows:

(5) the landlord and tenant by mutual voluntary written informed agreement agree to a substantial increase or decrease in dwelling space, furniture, furnishings or equipment provided in the housing accommodations; provided that an owner shall be entitled to a rent increase where there has been a substantial modification or increase of dwelling space, or installation of new equipment or improvements or new furniture or furnishings provided in or to a tenant's housing accommodation. The [~~temporary~~] increase in the maximum rent for the affected housing accommodation shall be one-one hundred sixty-eighth, in the case of a building with thirty-five or fewer housing accommodations, or one-one hundred eightieth, in the case of a building with more than thirty-five housing accommodations where such increase takes effect on or after the effective date of the chapter of the laws of two thousand nineteen that amended this subparagraph, of the total actual cost incurred by the landlord up to [~~fifteen~~] thirty thousand dollars in providing such reasonable and verifiable modification or increase in dwelling space, furniture, furnishings, or equipment, including the cost of installation

but excluding finance charges and any costs that exceed reasonable costs established by rules and regulations promulgated by the division of housing and community renewal. Such rules and regulations shall include: (i) requirements for work to be done by licensed contractors and a prohibition on common ownership between the landlord and the contractor or vendor; and (ii) a requirement that the owner resolve within the dwelling space all outstanding hazardous or immediately hazardous violations of the uniform fire prevention and building code (Uniform Code), New York city fire code, or New York city building and housing maintenance codes, if applicable. Provided further that an owner who is entitled to a rent increase pursuant to this clause shall not be entitled to a further rent increase based upon the installation of similar equipment, or new furniture or furnishings within the useful life of such new equipment, or new furniture or furnishings. Provided further that the recoverable costs incurred by the landlord, pursuant to this subparagraph, shall be limited to an aggregate cost of [~~fifteen~~] thirty thousand dollars [~~that may be expended on no more than three separate individual apartment improvements~~] in a fifteen year period beginning with the first individual apartment improvement on or after June fourteenth, two thousand nineteen. [~~Provided further that increases to the legal regulated rent pursuant to this paragraph shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the applicable rent guidelines board.~~] The owner shall give written notice to the commission of any such adjustment pursuant to this clause; or

§ 8. Paragraph (l) of subdivision 1 of section 8-a of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, as amended by section 24 of part Q of chapter 39 of the laws of 2019, is amended to read as follows:

(l) establish a form in the top six languages other than English spoken in the state according to the latest available data from the U.S. Bureau of Census for [~~a temporary~~] an individual apartment improvement rent increase for a tenant in occupancy which shall be used by landlords to obtain written informed consent that shall include the estimated total cost of the improvement and the estimated monthly rent increase. Such consent shall be executed in the tenant's primary language. Such form shall be completed and preserved in the centralized electronic retention system to be operational by June 14, 2020, provided further that any changes to the form required due to the individual apartment improvement being permanent shall be completed as of October 14, 2024. Nothing herein shall relieve a landlord, lessor, or agent thereof of [~~his or her~~] such person's duty to retain proper documentation of all improvements performed or any rent increases resulting from said improvements.

§ 9. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided that the amendments to sections 26-405 and 26-405.1 of the city rent and rehabilitation law made by sections five and six of this act shall remain in full force and effect only as long as the public emergency requiring the regulation and control of residential rents and evictions continues, as provided in subdivision 3 of section 1 of the local emergency housing rent control act; and provided, further, that the amendments to sections 26-511 and 26-511.1 of chapter 4 of title 26 of the administrative code of the city of New York made by sections three and four of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided under section 26-520 of such law.

PART GG

Section 1. Subdivision 10 of section 292 of the executive law, as added by chapter 340 of the laws of 1955, is amended to read as follows:

10. The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings. **The term "housing accommodation" also includes any accessory dwelling unit, defined as any attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons which is located on a lot with a proposed or existing primary residence and shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the single-family or multi-family dwelling.**

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

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

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

(i) The extent of such exemption shall be decreased by twenty-five per centum of the "exemption base" for each of the first three years during such additional period and shall be decreased by a further ten per centum of the "exemption base" during each of the final two years of such additional period. The exemption shall expire at the end of the extended period. The "exemption base" shall be the increase in assessed value as determined in the initial year of the term of the exemption, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption

shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if such property owner believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

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

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

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

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

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

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

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

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

with the taxable property, with the amount of the exemption shown in a separate column.

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

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

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

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

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

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

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

PART HH

Section 1. The real property law is amended by adding a new article 6-A to read as follows:

ARTICLE 6-A
GOOD CAUSE EVICTION LAW

Section 210. Short title.
211. Definitions.
212. Applicability in the city of New York.
213. Voluntary participation by local governments outside the city of New York.
214. Covered housing accommodations.
215. Necessity for good cause.
216. Grounds for removal of tenants.
217. Preservation of existing requirements of law.
218. Waiver of rights void.

§ 210. Short title. This article shall be cited as the "good cause eviction law".

§ 211. Definitions. 1. The term "housing accommodation", as used in this article shall mean any residential premises, including any residential premises located within a mixed-use residential premises.

2. The term "landlord" as used in this article shall mean any fee owner, lessor, sublessor, assignor, court appointed receiver, or any other person or entity receiving or entitled to receive rent for the occupancy of any housing accommodation or an agent of any of the foregoing.

3. (a) The term "small landlord" as used in this article shall mean a landlord of no more than (i) ten units in the state, or (ii) such other number of units in the state designated by local law pursuant to paragraph (b) of subdivision two of section two hundred thirteen of this article.

(b) If a landlord is a single natural person, then that landlord is a small landlord if they own or are a beneficial owner of, directly or

indirectly, in whole or in part, no more than the number of units established pursuant to paragraph (a) of this subdivision; if there is more than one natural person owner, then no one person may own or be a beneficial owner of, directly or indirectly, in whole or in part, more than the number of units established pursuant to paragraph (a) of this subdivision.

(c) If a landlord is an entity, organized under the laws of this state or of any other jurisdiction, then that landlord is a small landlord if each natural person with a direct or indirect ownership interest in the entity or any affiliated entity owns no more than the number of units established pursuant to paragraph (a) of this subdivision. If an entity cannot provide the names of all natural persons with a direct or indirect ownership interest in the entity, such entity shall not qualify as a small landlord.

4. The term "tenant" as used in this article shall mean a tenant, sub-tenant, lessee, sublessee, or any other person entitled to the lawful possession, use or occupancy of any housing accommodation. An individual shall not be considered a tenant for the purposes of this article if:

(a) no landlord-tenant relationship exists, as established pursuant to any of the grounds set forth in section seven hundred thirteen of the real property actions and proceedings law; or

(b) the individual is an occupant, as defined in paragraph (b) of subdivision one of section two hundred thirty-five-f of this chapter, who has not received the landlord's express or implied consent to use the housing accommodation as their primary residence in exchange for payment of rent.

5. The term "rent" as used in this article shall mean any consideration, including any bonus, benefit or gratuity demanded or received for or in connection with the possession, use or occupancy of housing accommodations or the execution or transfer of a lease for such housing accommodations. The term "rent" shall not include any separate charges for services, amenities or facilities which the tenant pays in addition to rent, including but not limited to charges for fitness centers, parking, storage, or facility rentals, provided that such charges are not imposed or increased for the purposes of circumventing this article.

6. The term "disabled person" as used in this article shall mean a person who has an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling, or any controlled substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which are expected to be permanent and which substantially limit one or more of such person's major life activities.

7. The term "inflation index" shall mean five percent plus the annual percentage change in the consumer price index for all urban consumers for all items as published by the United States bureau of labor statistics for the region in which the housing accommodation is located, as established for the most recent preceding calendar year as shall be published by the division of housing and community renewal no later than the first of August in any given year, provided further that for New York city and any village, town, or city that adopts the provisions of this article by local law pursuant to subdivision one of section two hundred thirteen of this article in the counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester, such consumer price index shall be the New York-Newark-Jersey City, NY-NJ-PA consumer price index, and provided further that for any other village, town, or city

that adopts the provisions of this article by local law pursuant to subdivision one of section two hundred thirteen of this article, such consumer price index shall be the Northeast Region consumer price index.

8. The term "local rent standard" shall mean a rent increase equal to the inflation index or ten percent, whichever is lower.

§ 212. Applicability in the city of New York. Upon the effective date of this section, this article shall apply to the city of New York.

§ 213. Voluntary participation by local governments outside the city of New York. 1. Applicability. This article shall apply in any village, town, or a city, other than the city of New York, that, acting through its local legislative body, adopts the provisions of this article by local law.

2. Opt-in by a village, town, or city, other than the city of New York. A village, town, or city that adopts the provisions of this article by local law pursuant to subdivision one of this section may:

(a) provide that any unit on or within a housing accommodation shall be exempt from the provisions of this article if such unit has a monthly rent above a percent of fair market rent, as published by the United States department of housing and urban development and as shall be published for each county in the state by the division of housing and community renewal pursuant to subdivision fifteen of section two hundred fourteen of this article, that shall be established in the local law adopted pursuant to subdivision one of this section, provided that if such local law does not establish such percent of fair market rent, any unit on or within a housing accommodation with a monthly rent greater than two hundred forty-five percent of such fair market rent shall be exempt from the provisions of this article; and/or

(b) define "small landlord" as a landlord of no more than any number of units in the state that the village, town, or city enacts by local law, provided that if such local law does not define "small landlord," a "small landlord" shall mean a landlord of no more than ten units in the state.

3. Notwithstanding the foregoing provisions of this section, if a town and a village within such town both adopt the provisions of this article by local law pursuant to subdivision one of this section, the local law adopted by such town shall not apply within the territorial limits of a village within such town.

4. Nothing in this section shall permit a village, town, or city to which this article applies to preempt or alter the terms and provisions of this article within such village, town or city.

5. Within thirty days of receipt of a local law adopted pursuant to subdivision one of this section, and filed with the department of state pursuant to section twenty-seven of the municipal home rule law, the department of state shall notify the division of housing and community renewal of such adoption.

6. The division of housing and community renewal shall include in the annual publication required pursuant to subdivision seven of section two hundred eleven of this article a list including any village, town, or city, other than the city of New York, as to which the division of housing and community renewal has received the notice from the department of state required pursuant to subdivision five of this section indicating that such village, town, or city has adopted a local law pursuant to subdivision one of this section to apply the provisions of this article within such village, town, or city. Such list shall include the name of each village, town, or city that has adopted such a local law, the applicable fair market rent threshold within such village, town, or city

for exemption from the provisions of this article established pursuant to paragraph (a) of subdivision two of this section, and the applicable definition of small landlord within such village, town, or city established pursuant to paragraph (b) of subdivision two of this section.

§ 214. Covered housing accommodations. Where this article applies, it shall apply to all housing accommodations except a:

1. premises owned by a small landlord provided that in connection with any eviction proceeding in which the landlord claims an exemption from the provisions of this article on the basis of being a small landlord, such landlord shall provide to the tenant or tenants subject to the proceeding the name of each natural person who owns or is a beneficial owner of, directly or indirectly, in whole or in part, the housing accommodation at issue in the proceeding, the number of units owned, jointly or separately, by each such natural person owner, and the addresses of any such units, excluding each natural person owner's principal residence; provided further that if the landlord is an entity, organized under the laws of this state or of any other jurisdiction, then such landlord shall provide to the tenant or tenants subject to the proceeding the name of each natural person with a direct or indirect ownership interest in such entity or any affiliated entity, the number of units owned, jointly or separately, by each such natural person owner, and the addresses of any such units, excluding each natural person owner's principal residence;

2. owner-occupied housing accommodation with no more then ten units;

3. unit on or within a housing accommodation where such unit is sublet pursuant to section two hundred twenty-six-b of this chapter, or otherwise, where the sublessor seeks in good faith to recover possession of such housing accommodation for their own personal use and occupancy;

4. unit on or within a housing accommodation where the possession, use or occupancy of which is solely incident to employment and such employment is being or has been lawfully terminated;

5. unit on or within a housing accommodation where such unit is otherwise subject to regulation of rents or evictions pursuant to local, state or federal law, rule, or regulation;

6. unit on or within a housing accommodation where such unit must be affordable to tenants at a specific income level pursuant to statute, regulation, restrictive declaration, or pursuant to a regulatory agreement with a local, state, or federal government entity;

7. unit on or within a housing accommodation owned as a condominium or cooperative, or a unit on or within a housing accommodation subject to an offering plan submitted to the office of the attorney general, provided that nothing herein shall abrogate or otherwise limit any rights or obligations a tenant residing in a unit within a condominium or cooperative or a purchaser, owner, or offeror of a condominium or cooperative unit has pursuant to any other state law;

8. housing accommodation for which a temporary or permanent certificate of occupancy was issued on or after the first of January, two thousand nine, for a period of time of thirty years following issuance of such certificate;

9. unit on or within a housing accommodation that qualifies as a seasonal use dwelling unit pursuant to subdivisions four and five of section 7-108 of the general obligations law;

10. housing accommodation in a hospital as defined in subdivision one of section twenty-eight hundred one of the public health law, continuing care retirement community licensed pursuant to article forty-six or forty-six-A of the public health law, assisted living residence licensed

pursuant to article forty-six-B of the public health law, adult care facility licensed pursuant to article seven of the social services law, senior residential community that have submitted an offering plan to the attorney general, and not-for-profit independent retirement community that offer personal emergency response, housekeeping, transportation and meals to their residents;

11. manufactured home located on or in a manufactured home park as defined in section two hundred thirty-three of the real property law;

12. hotel room or other transient use covered by the definition of a class B multiple dwelling under subdivision nine of section four of the multiple dwelling law, regardless of whether such use is located in a jurisdiction in which the multiple dwelling law applies;

13. dormitory owned and operated by an institution of higher education or a kindergarten and grades 1 to 12, inclusive, school;

14. housing accommodation within and for use by a religious facility or institution; and

15. unit on or within a housing accommodation where the monthly rent is greater than the percent of fair market rent established pursuant to paragraph (a) of subdivision two of section two hundred thirteen of this article in a local law of a village, town, or city, other than the city of New York, adopting the provisions of this article pursuant to subdivision one of section two hundred thirteen of this article, or two hundred forty-five percent of the fair market rent, provided that fair market rent shall refer to the figure published by the United States department of housing and urban development, for the county in which the housing accommodation is located, as shall be published by the division of housing and community renewal no later than the first of August in any given year. The division of housing and community renewal shall publish the fair market rent and two hundred forty-five percent of the fair market rent for each unit type for which such fair market rent is published by the United States department of housing and urban development for each county in New York state in the annual publication required pursuant to subdivision seven of section two hundred eleven of this article.

§ 215. Necessity for good cause. No landlord shall, by action to evict or to recover possession, by exclusion from possession, by failure to renew any lease, or otherwise, remove any tenant from housing accommodations covered by section two hundred fourteen of this article except for good cause as defined in section two hundred sixteen of this article.

§ 216. Grounds for removal of tenants. 1. No landlord shall remove a tenant from any housing accommodation covered by section two hundred fourteen of this article, or attempt such removal or exclusion from possession, notwithstanding that the tenant has no written lease or that the lease or other rental agreement has expired or otherwise terminated, except upon order of a court of competent jurisdiction entered in an appropriate judicial action or proceeding in which the petitioner or plaintiff has established one of the following grounds as good cause for removal or eviction:

(a) (i) The tenant has failed to pay rent due and owing, provided however that the rent due and owing, or any part thereof, did not result from a rent increase which is unreasonable. In determining whether all or part of the rent due and owing is the result of an unreasonable rent increase, it shall be a rebuttable presumption that the rent for a dwelling not protected by rent regulation is unreasonable if said rent has been increased in any calendar year, after the effective date of

this article, or after the effective date of the local law in any village, town, or city that enacts such local law to apply this article to such village, town, or city pursuant to subdivision one of section two hundred thirteen of this article, by an amount greater than the local rent standard, provided further that no rent increase less than or equal to the local rent standard shall be deemed unreasonable.

(ii) Whenever a court considers whether a rent increase is unreasonable, the court may consider all relevant facts, including but not limited to a landlord's costs for fuel and other utilities, insurance, and maintenance; but in all cases, the court shall consider the landlord's property tax expenses and any recent increases thereto; such relevant facts also shall include whether the landlord, other than in circumstances governed by paragraph (d) of this subdivision, seeks in good faith to raise the rent upon a renewal lease to reflect completed significant repairs to the housing accommodation, or to any other part of the building or real property in which the housing accommodation is located, provided that the landlord can establish that the repairs constituted significant repairs and that such repairs did not result from the landlord's failure to properly maintain the building or housing accommodation, and provided further that for the purposes of this subparagraph, "significantly repair" means the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or abatement of hazardous materials, including lead-based paint, mold, or asbestos in accordance with applicable federal, state, and local laws, and provided further cosmetic improvements alone, including painting, decorating, and minor repairs, do not qualify as significant repairs;

(b) The tenant is violating a substantial obligation of their tenancy or breaching any of the landlord's rules and regulations governing said premises, other than the obligation to surrender possession, and has failed to cure such violation after written notice that the violation cease within ten days of receipt of such written notice, provided however, that the obligation of tenancy for which violation is claimed was not imposed for the purpose of circumventing the intent of this article and provided such rules or regulations are reasonable and have been accepted in writing by the tenant or made a part of the lease at the beginning of the lease term;

(c) The tenant is committing or permitting a nuisance in such housing accommodation, or elsewhere in the building or on the real property in which the housing accommodation is located, or is maliciously or by reason of gross negligence substantially damaging the housing accommodation, or causing substantial damage elsewhere in the building or on the real property in which the housing accommodation is located; or the tenant's conduct is such as to interfere with the comfort and safety of the landlord or other tenants or occupants of the same or another adjacent building or structure;

(d) Occupancy of the housing accommodation by the tenant is in violation of or causes a violation of law and the landlord is subject to civil or criminal penalties therefor; provided however that an agency of the state or municipality having jurisdiction has issued an order requiring the tenant to vacate the housing accommodation. No tenant shall be removed from possession of a housing accommodation on such ground unless the court finds that the cure of the violation of law requires the removal of the tenant and that the landlord did not through neglect or deliberate action or failure to act create the condition necessitating the vacate order. In instances where the landlord does not

undertake to cure conditions of the housing accommodation causing such violation of the law, the tenant shall have the right to pay or secure payment in a manner satisfactory to the court, to cure such violation provided that any tenant expenditures shall be applied against rent to which the landlord is entitled. In instances where removal of a tenant is absolutely essential to such tenant's health and safety, the removal of the tenant shall be without prejudice to any leasehold interest or other right of occupancy the tenant may have and the tenant shall be entitled to resume possession at such time as the dangerous conditions have been removed. Nothing herein shall abrogate or otherwise limit the right of a tenant to bring an action for monetary damages against the landlord or to otherwise compel compliance by the landlord with all applicable state or municipal housing codes;

(e) The tenant is using or permitting the housing accommodation, or elsewhere in the building or on the real property in which the housing accommodation is located, to be used for an illegal purpose;

(f) The tenant has unreasonably refused the landlord access to the housing accommodation for the purpose of making necessary repairs or improvements required by law or for the purpose of showing the housing accommodation to a prospective purchaser, mortgagee or other person having a legitimate interest therein;

(g) The landlord seeks in good faith to recover possession of a housing accommodation for the landlord's own personal use and occupancy as the landlord's principal residence, or the personal use and occupancy as principal residence of the landlord's spouse, domestic partner, child, stepchild, parent, step-parent, sibling, grandparent, grandchild, parent-in-law or sibling-in-law, when no other suitable housing accommodation in such building is available, provided that no judgment in favor of the landlord may be granted pursuant to this paragraph unless the landlord establishes good faith to recover possession of a housing accommodation for the landlord's own personal use and occupancy as the landlord's principal residence, or the personal use and occupancy as a principal residence of the landlord's spouse, domestic partner, child, stepchild, parent, step-parent, sibling, grandparent, grandchild, parent-in-law or sibling-in-law, by clear and convincing evidence. This paragraph shall not apply to a housing accommodation occupied by a tenant who is sixty-five years of age or older or who is a disabled person;

(h) The landlord in good faith seeks to demolish the housing accommodation, provided that no judgment in favor of the landlord may be granted pursuant to this paragraph unless the landlord establishes good faith to demolish the housing accommodation by clear and convincing evidence;

(i) The landlord seeks in good faith to withdraw a housing accommodation from the housing rental market, provided that no judgment in favor of the landlord may be granted pursuant to this paragraph unless the landlord establishes good faith to withdraw the housing accommodation from the housing rental market by clear and convincing evidence; or

(j) The tenant fails to agree to reasonable changes to a lease at renewal, including increases in rent that are not unreasonable as defined in paragraph (a) of this subdivision, as long as written notice of the changes to the lease were provided to the tenant at least thirty days, but no more than ninety days, prior to the expiration of the current lease.

2. A tenant required to surrender a housing accommodation by virtue of the operation of paragraph (g), (h), or (i) of subdivision one of this

section shall have a cause of action in any court of competent jurisdiction for damages, declaratory, and injunctive relief against a landlord or purchaser of the premises who makes a fraudulent statement regarding a proposed use, removal from the rental housing market, or demolition of the housing accommodation. In any action or proceeding brought pursuant to this subdivision a prevailing tenant shall be entitled to recovery of actual damages, and reasonable attorneys' fees. Except as provided in this subdivision, nothing in this article shall create a civil claim or cause of action by a tenant against a landlord.

3. Nothing in this section shall abrogate or limit the tenant's right pursuant to section seven hundred fifty-one of the real property actions and proceedings law to permanently stay the issuance or execution of a warrant or eviction in a summary proceeding, whether characterized as a nonpayment, objectionable tenancy, or holdover proceeding, the underlying basis of which is the nonpayment of rent, so long as the tenant complies with the procedural requirements of section seven hundred fifty-one of the real property actions and proceedings law where applicable.

§ 217. Preservation of existing requirements of law. No action shall be maintainable and no judgment of possession shall be entered for housing accommodations pursuant to section two hundred sixteen of this article, unless the landlord has complied with any and all applicable laws governing such action or proceeding and has complied with any and all applicable laws governing notice to tenants, including without limitation the manner and the time of service of such notice and the contents of such notice.

§ 218. Waiver of rights void. Any agreement by a tenant heretofore or hereinafter entered into in a written lease or other rental agreement waiving or modifying their rights as set forth in this article shall be void as contrary to public policy.

§ 2. Paragraph (a) of subdivision 1 of section 226-c of the real property law, as amended by chapter 789 of the laws of 2021, is amended to read as follows:

(a) Whenever a landlord intends to offer to renew the tenancy of an occupant in a residential dwelling unit with a rent increase equal to or greater than five percent above the current rent, or the landlord does not intend to renew the tenancy, the landlord shall provide written notice as required in subdivision two of this section. The notice shall append or contain the notice required pursuant to section two hundred thirty-one-c of this article, which shall state the following: (i) if the unit is or is not subject to article six-A of this chapter, the "good cause eviction law", and if the unit is exempt, such notice shall state why the unit is exempt from such law; (ii) if the landlord is not renewing the lease for a unit subject to article six-A of this chapter, the lawful basis for such non-renewal; and (iii) if the landlord is increasing the rent upon an existing lease of a unit subject to article six-A of this chapter above the applicable local rent standard, as defined in subdivision eight of section two hundred eleven of this chapter, the justification for such increase. If the landlord fails to provide timely notice, the occupant's lawful tenancy shall continue under the existing terms of the tenancy from the date on which the landlord gave actual written notice until the notice period has expired, notwithstanding any provision of a lease or other tenancy agreement to the contrary.

§ 3. The real property law is amended by adding a new section 231-c to read as follows:

§ 231-c. Good cause eviction law notice. 1. A landlord as defined in subdivision two of section two hundred eleven of this chapter shall append to or incorporate into any initial lease, renewal lease, notice required pursuant to paragraph (a) of subdivision one of section two hundred twenty-six-c of this article, notice required pursuant to subdivision two of section seven hundred eleven of the real property actions and proceedings law, or petition pursuant to section seven hundred forty one of the real property actions and proceedings law, the following notice:

NOTICE TO TENANT OF APPLICABILITY OR INAPPLICABILITY OF THE NEW YORK STATE GOOD CAUSE EVICTION LAW

This notice from your landlord serves to inform you of whether or not your unit/apartment/home is covered by the New York State Good Cause Eviction Law (Article 6-A of the Real Property Law) and, if applicable, the reason permitted under the New York State Good Cause Eviction Law that your landlord is not renewing your lease. Even if your apartment is not protected by Article 6-A, known as the New York State Good Cause Eviction Law, you may have other rights under other local, state, or federal laws and regulations concerning rents and evictions. This notice, which your landlord is required to fill out and give to you, does not constitute legal advice. You may wish to consult a lawyer if you have any questions about your rights under the New York State Good Cause Eviction Law or about this notice.

NOTICE (THIS SHOULD BE FILLED OUT BY YOUR LANDLORD)

UNIT INFORMATION

STREET:

_____

UNIT OR APARTMENT NUMBER:

_____

CITY/TOWN/VILLAGE:

_____

STATE:

_____

ZIP CODE:

_____

1. IS THIS UNIT SUBJECT TO ARTICLE 6-A OF THE REAL PROPERTY LAW, KNOWN AS THE NEW YORK STATE GOOD CAUSE EVICTION LAW? (PLEASE MARK APPLICABLE ANSWER)

YES ___

NO ___

2. IF THE UNIT IS EXEMPT FROM ARTICLE 6-A OF THE REAL PROPERTY LAW, KNOWN AS THE NEW YORK STATE GOOD CAUSE EVICTION LAW, WHY IS IT EXEMPT FROM THAT LAW? (PLEASE MARK ALL APPLICABLE EXEMPTIONS)

A. Village/Town/City outside of New York City has not adopted good cause eviction under section 213 of the Real Property Law ___;

B. Unit is owned by a "small landlord," as defined in subdivision 3 of section 211 of the Real Property Law, who owns no more than 10 units for small landlords located in New York City or the number of units established as the maximum amount a "small landlord" can own in the state by a local law of a village, town, or city, other than New York City, adopting the provisions of Article 6-A of the Real Property Law, known as the New York State Good Cause Eviction Law, or no more than 10 units, as applicable. In connection with any eviction proceeding in which the landlord claims an exemption from the provisions of Article 6-A of the Real Property Law, known as the New York State Good Cause Eviction Law, on the basis of being a small landlord, the landlord shall provide to

the tenant or tenants subject to the proceeding the name of each natural person who owns or is a beneficial owner of, directly or indirectly, in whole or in part, the housing accommodation at issue in the proceeding, the number of units owned, jointly or separately, by each such natural person owner, and the addresses of any such units, excluding each natural person owner's principal residence. If the landlord is an entity, organized under the laws of this state or of any other jurisdiction, then such landlord shall provide to the tenant or tenants subject to the proceeding the name of each natural person with a direct or indirect ownership interest in such entity or any affiliated entity, the number of units owned, jointly or separately, by each such natural person owner, and the addresses of any such units, excluding each natural person owner's principal residence (exemption under subdivision 1 of section 214 of the Real Property Law) ;

C. Unit is located in an owner-occupied housing accommodation with no more than 10 units (exemption under subdivision 2 of section 214 of the Real Property Law) ;

D. Unit is subject to regulation of rents or evictions pursuant to local, state, or federal law (exemption under subdivision 5 of section 214 of the Real Property Law) ;

E. Unit must be affordable to tenants at a specific income level pursuant to statute, regulation, restrictive declaration, or pursuant to a regulatory agreement with a local, state, or federal government entity (exemption under subdivision 6 of section 214 of the Real Property Law) ;

F. Unit is on or within a housing accommodation owned as a condominium or cooperative, or unit is on or within a housing accommodation subject to an offering plan submitted to the office of the attorney general (exemption under subdivision 7 of section 214 of the Real Property Law) ;

G. Unit is in a housing accommodation that was issued a temporary or permanent certificate of occupancy within the past 30 years (only if building received the certificate on or after January 1st, 2009) (exemption under subdivision 8 of section 214 of the Real Property Law) ;

H. Unit is a seasonal use dwelling unit under subdivisions 4 and 5 of section 7-108 of the General Obligations Law (exemption under subdivision 9 of section 214 of the Real Property Law) ;

I. Unit is in a hospital as defined in subdivision 1 of section 2801 of the Public Health Law, continuing care retirement community licensed pursuant to Article 46 or 46-A of the Public Health Law, assisted living residence licensed pursuant to Article 46-B of the Public Health Law, adult care facility licensed pursuant to Article 7 of the Social Services Law, senior residential community that has submitted an offering plan to the attorney general, or not-for-profit independent retirement community that offers personal emergency response, housekeeping, transportation and meals to their residents (exemption under subdivision 10 of section 214 of the Real Property Law) ;

J. Unit is a manufactured home located on or in a manufactured home park as defined in section 233 of the Real Property Law (exemption under subdivision 11 of section 214 of the Real Property Law) ;

K. Unit is a hotel room or other transient use covered by the definition of a class B multiple dwelling under subdivision 9 of section 4 of the Multiple Dwelling Law (exemption under subdivision 12 of section 214 of the Real Property Law) ;

L. Unit is a dormitory owned and operated by an institution of higher education or a school (exemption under subdivision 13 of section 214 of the Real Property Law) ;
M. Unit is within and for use by a religious facility or institution (exemption under subdivision 14 of section 214 of the Real Property Law) ;
N. Unit has a monthly rent that is greater than the percent of fair market rent established in a local law of a village, town, or city, other than New York City, adopting the provisions of Article 6-A of the Real Property Law, known as the New York Good Cause Eviction Law, or 245 percent of the fair market rent, as applicable. Fair market rent refers to the figure published by the United States Department of Housing and Urban Development, for the county in which the housing accommodation is located, as shall be published by the Division of Housing and Community Renewal no later than August 1st in any given year. The Division of Housing and Community Renewal shall publish the fair market rent and 245 percent of the fair market rent for each unit type for which such fair market rent is published by the United States Department of Housing and Urban Development for each county in New York State in the annual publication required pursuant to subdivision 7 of section 211 of the Real Property Law (exemption under subdivision 15 of section 214 of the Real Property Law) ;
3. IF THIS UNIT IS SUBJECT TO ARTICLE 6-A OF THE REAL PROPERTY LAW, KNOWN AS THE NEW YORK STATE GOOD CAUSE EVICTION LAW, AND THIS NOTICE SERVES TO INFORM A TENANT THAT THE LANDLORD IS INCREASING THE RENT ABOVE THE THRESHOLD FOR PRESUMPTIVELY UNREASONABLE RENT INCREASES, WHAT IS THE LANDLORD'S JUSTIFICATION FOR INCREASING THE RENT ABOVE THE THRESHOLD FOR PRESUMPTIVELY UNREASONABLE RENT INCREASES? (A rent increase is presumptively unreasonable if the increase from the prior rent is greater than the lower of: (a) 5 percent plus the annual percentage change in the consumer price index for all urban consumers for all items as published by the United States Bureau of Labor Statistics for the region in which the housing accommodation is located, as published not later than August 1st of each year by the Division of Housing and Community Renewal; or (b) 10 percent.) (PLEASE MARK AND FILL OUT THE APPLICABLE RESPONSE)
A. The rent is not being increased above the threshold for presumptively unreasonable rent increases described above: ;
B. The rent is being increased above the threshold for presumptively unreasonable rent increases described above: ;
B-1: If the rent is being increased above the threshold for presumptively unreasonable rent increases described above, what is the justification for the increase:

_____

_____

_____

_____

4. IF THIS UNIT IS SUBJECT TO ARTICLE 6-A OF THE REAL PROPERTY LAW, KNOWN AS THE NEW YORK STATE GOOD CAUSE EVICTION LAW, AND THIS NOTICE SERVES TO INFORM A TENANT THAT THE LANDLORD IS NOT RENEWING A LEASE, WHAT IS THE GOOD CAUSE FOR NOT RENEWING THE LEASE? (PLEASE MARK ALL APPLICABLE REASONS)
A. This unit is exempt from Article 6-A of the Real Property Law, known as the New York State Good Cause Eviction Law, for the reasons stated in response to question 2, above (IF THIS ANSWER IS CHECKED, NO OTHER ANSWERS TO THIS QUESTION SHOULD BE CHECKED): ;

B. The tenant is receiving this notice in connection with a first lease or a renewal lease, so the landlord does not need to check any of the lawful reasons listed below for not renewing a lease under Article 6-A of the Real Property Law, known as the New York State Good Cause Eviction Law (IF THIS ANSWER IS CHECKED, NO OTHER ANSWERS TO THIS QUESTION SHOULD BE CHECKED) ;

C. The landlord is not renewing the lease because the unit is sublet and the sublessor seeks in good faith to recover possession of the unit for their own personal use and occupancy (exemption under subdivision 3 of section 214 of the Real Property Law): ;

D. The landlord is not renewing the lease because the possession, use or occupancy of the unit is solely incident to employment and the employment is being or has been lawfully terminated (exemption under subdivision 4 of section 214 of the Real Property Law): ;

E. The landlord is not renewing the lease because the tenant has failed to pay rent due and owing, and the rent due or owing, or any part thereof, did not result from a rent increase which is unreasonable. A rent increase is presumptively unreasonable if the increase from the prior rent is greater than the lower of: (a) 5 percent plus the annual percentage change in the consumer price index for all urban consumers for all items as published by the United States Bureau of Labor Statistics for the region in which the housing accommodation is located, as published not later than August 1st of each year by the Division of Housing and Community Renewal; or (b) 10 percent (good cause for eviction under paragraph a of subdivision 1 of section 216 of the Real Property Law): ;

F. The landlord is not renewing the lease because the tenant is violating a substantial obligation of their tenancy or breaching any of the landlord's rules and regulations governing the premises, other than the obligation to surrender possession of the premises, and the tenant has failed to cure the violation after written notice that the violation must cease within 10 days of receipt of the written notice. For this good cause to apply, the obligation the tenant violated cannot be an obligation that was imposed for the purpose of circumventing the intent of Article 6-A of the Real Property Law, known as the New York State Good Cause Eviction Law. The landlord's rules or regulations that the tenant has violated also must be reasonable and have been accepted in writing by the tenant or made a part of the lease at the beginning of the lease term (good cause for eviction under paragraph b of subdivision 1 of section 216 of the Real Property Law): ;

G. The landlord is not renewing the lease because the tenant is either (a) committing or permitting a nuisance on the unit or the premises; (b) maliciously or grossly negligently causing substantial damage to the unit or the premises; (c) interfering with the landlord's, another tenant's, or occupants of the same or an adjacent building or structure's comfort and safety (good cause for eviction under paragraph c of subdivision 1 of section 216 of the Real Property Law): ;

H. The landlord is not renewing the lease because the tenant's occupancy of the unit violates law and the landlord is subject to civil or criminal penalties for continuing to let the tenant occupy the unit. For this good cause to apply, a state or municipal agency having jurisdiction must have issued an order requiring the tenant to vacate the unit. No tenant shall be removed from possession of a unit on this basis unless the court finds that the cure of the violation of law requires the removal of the tenant and that the landlord did not, through neglect or deliberate action or failure to act, create the condition necessitating

the vacate order. If the landlord does not try to cure the conditions causing the violation of the law, the tenant has the right to pay or secure payment, in a manner satisfactory to the court, to cure the violation. Any tenant expenditures to cure the violation shall be applied against rent owed to the landlord. Even if removal of a tenant is absolutely essential to the tenant's health and safety, the tenant shall be entitled to resume possession at such time as the dangerous conditions have been removed. The tenant also retains the right to bring an action for monetary damages against the landlord or to otherwise compel the landlord to comply with all applicable state or municipal housing codes (good cause for eviction under paragraph d of subdivision 1 of section 216 of the Real Property Law): ;

I. The landlord is not renewing the lease because the tenant is using or permitting the unit or premises to be used for an illegal purpose (good cause for eviction under paragraph e of subdivision 1 of section 216 of the Real Property Law): ;

J. The landlord is not renewing the lease because the tenant has unreasonably refused the landlord access to the unit for the purposes of making necessary repairs or improvements required by law or for the purposes of showing the premises to a prospective purchaser, mortgagee, or other person with a legitimate interest in the premises (good cause for eviction under paragraph f of subdivision 1 of section 216 of the Real Property Law): ;

K. The landlord is not renewing the lease because the landlord seeks in good faith to recover possession of the unit for the landlord's personal use and occupancy as the landlord's principal residence, or for the personal use and occupancy as a principal residence by the landlord's spouse, domestic partner, child, stepchild, parent, step-parent, sibling, grandparent, grandchild, parent-in-law, or sibling-in-law. The landlord can only recover the unit for these purposes if there is no other suitable housing accommodation in the building that is available. Under no circumstances can the landlord recover the unit for these purposes if the tenant is (a) 65 years old or older; or (b) a "disabled person" as defined in subdivision 6 of section 211 of the Real Property Law. To establish this good cause in an eviction proceeding, the landlord must establish good faith to recover possession of a housing accommodation for the uses described herein by clear and convincing evidence (good cause for eviction under paragraph g of subdivision 1 of section 216 of the Real Property Law): ;

L. The landlord is not renewing the lease because the landlord in good faith seeks to demolish the housing accommodation. To establish this good cause in an eviction proceeding, the landlord must establish good faith to demolish the housing accommodation by clear and convincing evidence (good cause for eviction under paragraph h of subdivision 1 of section 216 of the Real Property Law): ;

M. The landlord is not renewing the lease because the landlord seeks in good faith to withdraw the unit from the housing rental market. To establish this good cause in an eviction proceeding, the landlord must establish good faith to withdraw the unit from the rental housing market by clear and convincing evidence (good cause for eviction under paragraph i of subdivision 1 of section 216 of the Real Property Law): ;

N. The landlord is not renewing the lease because the tenant has failed to agree to reasonable changes at lease renewal, including reasonable increases in rent, and the landlord gave written notice of the changes to the lease to the tenant at least 30 days, but no more than 90 days, before the current lease expired. A rent increase is presumptively

unreasonable if the increase from the prior rent is greater than the lower of: (a) 5 percent plus the annual percentage change in the consumer price index for all urban consumers for all items as published by the United States Bureau of Labor Statistics for the region in which the housing accommodation is located, as published by August 1st of each year by the Division of Housing and Community Renewal; or (b) 10 percent (good cause for eviction under paragraph j of subdivision 1 of section 216 of the Real Property Law): .

§ 4. Subdivision 2 of section 711 of the real property actions and proceedings law, as amended by section 12 of part M of chapter 36 of the laws of 2019, is amended to read as follows:

2. The tenant has defaulted in the payment of rent, pursuant to the agreement under which the premises are held, and a written demand of the rent has been made with at least fourteen days' notice requiring, in the alternative, the payment of the rent, or the possession of the premises, has been served upon [~~him~~] the tenant as prescribed in section seven hundred thirty-five of this article. The fourteen-day notice shall append or contain the notice required pursuant to section two hundred thirty-one-c of the real property law, which shall state the following: (i) if the premises are or are not subject to article six-A of the real property law, the "good cause eviction law", and if the premises are exempt, such notice shall state why the premises are exempt from such law; (ii) if the landlord is not renewing the lease for a unit subject to article six-A of the real property law, the lawful basis for such non-renewal; and (iii) if the landlord is increasing the rent upon an existing lease of a unit subject to article six-A of the real property law above the applicable local rent standard, as defined in subdivision eight of section two hundred eleven of the real property law, the justification for such increase. Any person succeeding to the landlord's interest in the premises may proceed under this subdivision for rent due [~~his~~] such person's predecessor in interest if [~~he has~~] such person has a right thereto. Where a tenant dies during the term of the lease and rent due has not been paid and the apartment is occupied by a person with a claim to possession, a proceeding may be commenced naming the occupants of the apartment seeking a possessory judgment only as against the estate. Entry of such a judgment shall be without prejudice to the possessory claims of the occupants, and any warrant issued shall not be effective as against the occupants.

§ 5. Section 741 of the real property actions and proceedings law is amended by adding two new subdivisions 5-a and 5-b to read as follows:

5-a. Append or incorporate the notice required pursuant to section two hundred thirty-one-c of the real property law, which shall state the following: (i) if the premises are or are not subject to article six-A of the real property law, the "good cause eviction law", and if the premises exempt, such petition shall state why the premises are exempt from such law; (ii) if the landlord is not renewing the lease for a unit subject to article six-A of the real property law, the lawful basis for such non-renewal; and (iii) if the landlord is increasing the rent upon an existing lease of a unit subject to article six-A of the real property law above the applicable local rent standard, as defined in subdivision eight of section two hundred eleven of the real property law, the justification for such increase.

5-b. If the petitioner claims exemption from the provisions of article six-A of the real property law pursuant to subdivision one of section two hundred fourteen of the real property law, append or incorporate the

information required pursuant to subdivision one of section two hundred fourteen of the real property law.

§ 6. Severability. If any provision of this act, or any application of any provision of this act, is held to be invalid, that shall not affect the validity or effectiveness of any other provision of this act, or of any other application of any provision of this act, which can be given effect without that provision or application; and to that end, the provisions and applications of this act are severable.

§ 7. This act shall take effect immediately and shall apply to actions and proceedings commenced on or after such effective date; provided, however, that:

(a) sections two, three, four, and five of this act shall take effect on the one hundred twentieth day after this act shall have become a law;

(b) this act shall expire and be deemed repealed on June 15, 2034; and

(c) any local law as may be enacted pursuant to subdivision 1 of 213 of article 6-A of the real property law established by section one of this act shall remain in full force and effect only until June 15, 2034.

Effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.

PART II

Section 1. The opening paragraph of section 711 of the real property actions and proceedings law, as amended by section 12 of part M of chapter 36 of the laws of 2019, is amended to read as follows:

A tenant shall include an occupant of one or more rooms in a rooming house or a resident, not including a transient occupant, of one or more rooms in a hotel who has been in possession for thirty consecutive days or longer. A tenant shall not include a squatter. For the purposes of this section, a squatter is a person who enters onto or intrudes upon real property without the permission of the person entitled to possession, and continues to occupy the property without title, right or permission of the owner or owner's agent or a person entitled to possession. In the event of a conflict between the provisions regarding squatters of this section and the provisions of subdivision three of section seven hundred thirteen of this article, the provisions of section seven hundred thirteen of this article shall be controlling. No tenant or lawful occupant of a dwelling or housing accommodation shall be removed from possession except in a special proceeding. A special proceeding may be maintained under this article upon the following grounds:

§ 2. This act shall take effect immediately.

PART JJ

Section 1. Section 421-a of the real property tax law is amended by adding a new subdivision 18 to read as follows:

18. (a) For the purposes of this subdivision:

(i) "Agency" shall have the same meaning as in subparagraph (xvi) of paragraph (a) of subdivision sixteen of this section.

(ii) "Audit" shall mean any audit of an eligible property performed by the agency under the program created by the agency pursuant to paragraph (b) of this subdivision.

(iii) "Eligible property" shall mean any eligible multiple dwelling that was granted benefits under the Affordable New York Housing Program pursuant to this section, and any previous iteration of such tax benefit program, on or after January first, two thousand fourteen, and was subject to rent registration, affordability, and/or rent stabilization requirements pursuant to this section on or after January first, two thousand fourteen.

(b) The agency shall create a program to annually audit and review eligible properties to confirm that owners of eligible properties are complying with the rent registration, affordability, and rent stabilization requirements of the applicable subdivision of this section. Any owner of an eligible property subject to an audit shall provide any and all information, data, or documentation within such owner's or an agent of such owner's reasonable possession or control to the agency which the agency requests, in such form or manner as the agency requests, in order to complete an audit. The division of housing and community renewal and the New York city department of finance shall cooperate with the agency to provide such information within their reasonable possession and control to the agency as the agency may request, in such form or manner as the agency requests, to carry out an audit. The initial audit shall be completed on or before December thirty-first, two thousand twenty-five. The agency shall publish the results of the audit annually on or before December thirty-first and shall make the results of any audit publicly available on the agency's website. No more than twenty-five percent of eligible properties shall be subject to an audit each year, and no eligible property shall be subject to an audit in two consecutive audits. The agency shall select properties for an audit through a randomized process to be established and implemented by the agency. Only eligible properties that received benefits and were subject to affordability, rent stabilization, and/or rent registration requirements during the prior year shall be considered eligible.

(c) (i) If an audit finds that any owner of an eligible property is not in compliance with the rent registration, affordability, or rent stabilization requirements of the applicable subdivision of this section, the agency shall, where necessary for enforcement, present evidence of such noncompliance to the division of housing and community renewal and the New York city department of finance of such noncompliance no later than fifteen days after the results of the audit have been published on the agency's website.

(ii) The agency, the division of housing and community renewal, and the New York city department of finance may enforce any noncompliance with the rent registration, affordability, and rent stabilization requirements of the applicable subdivision of this section that are identified pursuant to an audit as authorized under this section or any other law, rule, or regulation.

§ 2. This act shall take effect immediately.

PART KK

Section 1. The private housing finance law is amended by adding a new article 32 to read as follows:

ARTICLE 32

NEW YORK HOUSING FOR THE FUTURE HOMEOWNERSHIP AND RENTAL HOUSING PROGRAMS

Section 1290. New York housing for the future homeownership program.

1291. New York housing for the future rental housing program.

§ 1290. New York housing for the future homeownership program. 1. Program establishment. Within amounts appropriated or otherwise available therefor, the division of housing and community renewal, the housing trust fund corporation, or the housing finance agency shall develop and administer a program which shall provide assistance in the form of payments, grants and loans for the formation of limited equity cooperative housing utilizing funding appropriated for such a purpose as well as any other funding source or sources which the commissioner may determine is suitable to support such a program. Such program may utilize any appropriate site, including, but not limited to, state owned sites, municipally owned sites, or sites owned by a not-for-profit corporation or community land trust for the purpose of providing housing pursuant to this section. Real property may be acquired by a municipality for the purpose of such program as authorized pursuant to section five hundred seventy-six-a of this chapter, provided, however, that any acquisitions or transfers undertaken to further the goals of this article pursuant to such section shall not be required to be transferred to a housing development fund company incorporated and organized pursuant to section five hundred seventy-three of this chapter. Such program shall provide (a) housing for households with an income up to one hundred and thirty percent of area median income at the time of purchase, provided further that households that are initially eligible for the program at the time of purchase but realize income gains subsequent to purchase may be required to pay a surcharge as determined by the division of housing and community renewal or other supervising agency, as the case may be, (b) a process in which households shall have the ability to accrue equity over time, and (c) that housing units created pursuant to this section remain affordable in perpetuity. The commissioner may also assist prospective homebuyers to identify funding sources that provide low interest loans to prospective homebuyers.

2. Additional responsibilities. The division of housing and community renewal, the housing trust fund corporation, or the housing finance agency shall have the power to issue regulations, plans, guidance documents, or set terms in regulatory agreements to implement such program and the process for:

(a) homebuyers obtaining a new unit which shall include both confirming income qualifications as well as a restriction on the maximum amount of assets any qualified homebuyer may have;

(b) selling shares in the cooperative in such a way as the affordability of the cooperative is maintained while allowing households to gain equity over time;

(c) prohibiting the use of a fixed percentage appreciation cap for the purposes of determining an allowable sales price for shares in the cooperative;

(d) selecting new households eligible to purchase housing which has been vacated by a previous owner; and

(e) the creation of boards of directors for such limited profit housing companies established by this chapter, provided however that such boards shall have the powers and be subject to the limitations contained in the not-for-profit corporation law in the same manner and subject to the same exceptions as set forth in section thirteen-a of the this chapter.

3. Management. All such housing projects shall be managed independently of the residents of the project by a corporation or not-for-profit corporation determined qualified by the division of housing and community renewal or other supervising agency, as the case may be, provided

further that the board of the limited equity cooperative housing corporation shall have oversight over such qualified corporation or not-for-profit corporation in accordance with standards or guidelines set by the division of housing and community renewal or other supervising agency, as the case may be. Any regulatory agreement that is executed for such program shall include a requirement that resident maintenance fees increase by a minimum percentage annually to ensure that such housing continues to be in good repair.

4. Tax exemptions. Housing for such program shall be eligible for tax exemptions in the same manner as projects under article eleven of this chapter.

5. Wage requirements. Notwithstanding any law, rule, or regulation to the contrary, any project constructed pursuant to this section shall be subject to prevailing wage requirements in accordance with sections two hundred twenty and two hundred twenty-b of the labor law; provided, however, such requirements shall not apply to construction work performed under a pre-hire collective bargaining agreement between an owner or developer and a bona fide building and construction trade labor organization which has established itself and/or its affiliates as the collective bargaining representative for all persons who will perform work on such a project, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform work on such a project.

§ 1291. New York housing for the future rental housing program. 1. Program establishment. Within amounts appropriated or otherwise available therefor, the division of housing and community renewal, the housing trust fund corporation, or the housing finance agency shall develop and administer a program which shall provide assistance in the form of payments, grants and loans for the formation of income-limited rental housing utilizing funding appropriated for such a purpose as well as any other funding source or sources which the commissioner may determine is suitable to support such a program. Such program may utilize any appropriate site, including, but not limited to, state owned sites, municipally owned sites, or sites owned by a not-for-profit corporation or community land trust for the purpose of providing housing pursuant to this section. Real property may be acquired by a municipality for the purpose of such program as authorized pursuant to section five hundred seventy-six-a of this chapter, provided, however, that any acquisitions or transfers undertaken to further the goals of this article pursuant to such section shall not be required to be transferred to a housing development fund company incorporated and organized pursuant to section five hundred seventy-three of this chapter. Such program shall provide (a) housing for households with an income up to one hundred and thirty percent of area median income at the time such household initially occupies a unit, provided further that households that are initially eligible for the program at the time such household initially occupies a unit but realize income gains subsequent to occupying such unit may be required to pay a surcharge as determined by the division of housing and community renewal or other supervising agency, as the case may be, and (b) that housing units created pursuant to this section remain affordable in perpetuity.

2. Additional responsibilities. The division of housing and community renewal, the housing trust fund corporation, or the housing finance agency shall have the power to issue regulations, plans, guidance documents, or set terms in regulatory agreements to implement such program and the process for: (a) renters leasing a unit which shall include

both confirming income qualifications as well as a restriction on the maximum amount of assets any qualified renter may have; (b) selecting new households eligible to rent housing which has been vacated by a previous renter; and (c) the creation of boards of directors for such income-limited rental housing companies established by this chapter, provided however that such boards shall have the powers and be subject to the limitations contained in the not-for-profit corporation law in the same manner and subject to the same exceptions as set forth in section thirteen-a of this chapter.

3. Management. All such income-limited rental housing projects shall be managed independently of the residents of the project by a corporation or not-for-profit corporation determined qualified by the division of housing and community renewal or other supervising agency, as the case may be, in accordance with standards or guidelines set by the division of housing and community renewal or other supervising agency, as the case may be. Any regulatory agreement that is executed for such program shall include a requirement that resident rent increases by a minimum percentage annually to ensure that such housing continues to be in good repair.

4. Tax exemptions. Housing for such program shall be eligible for tax exemptions in the same manner as projects under article eleven of this chapter.

5. Wage requirements. Notwithstanding any law, rule, or regulation to the contrary, any project constructed pursuant to this section shall be subject to prevailing wage requirements in accordance with sections two hundred twenty and two hundred twenty-b of the labor law; provided, however, such requirements shall not apply to construction work performed under a pre-hire collective bargaining agreement between an owner or developer and a bona fide building and construction trade labor organization which has established itself and/or its affiliates as the collective bargaining representative for all persons who will perform work on such a project, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform work on such a project.

§ 2. This act shall take effect immediately.

PART LL

Section 1. This act shall be known and may be cited as the "Doctor John L. Flateau Voting and Elections Database of New York Act".

§ 2. The election law is amended by adding a new section 3-112 to read as follows:

§ 3-112. State board of elections; uniform standards for processing data requests and duty to send data and information to statewide database. 1. For the purposes of this section the term "election authority" shall mean any local government entity primarily responsible for maintaining the records listed in this section, including, but not limited to, any county or city board of elections, or any county, city, town, village, or school district that administers their own elections or maintain their own voting and election records.

1-a. There is hereby established within the state board of elections the New York voting and elections database. Such database shall be a central repository of certain elections and voting data available to the public from an election authority in the state. The state board of elections shall collect, host, and maintain in an electronic format

records provided to the state board of elections pursuant to this section. Such records shall be maintained for at least twelve years.

1-b. The state board of elections, shall promulgate regulations within one hundred eighty days of the effective date of this section on data standards for the method of processing and transmitting records required to be provided pursuant to this section. Such data standards promulgated by the state board of elections pursuant to this subdivision shall:

(a) be consistent with any relevant standards, guidelines, or guidance developed by the national institute of standards and technology, the election assistance commission, or the cybersecurity and infrastructure security agency; and

(b) apply to every election authority in the state.

2. Upon the certification of election results and the completion of the voter history file after every election, each election authority shall, by January first after such election, or within ten business days, whichever is later, transmit to the state board of elections, if such election authority is able to maintain the record, copies of: (a) election results at the election district level for every statewide election and every election in every political subdivision; (b) contemporaneous voter registration lists; (c) voter history files; (d) maps or other documentation of the configuration of districts in any format or formats as specified by the state board of elections; (e) tabulations of the number of valid and invalid affidavit ballots, the reasons for which affidavit ballots were invalid, and the quantity and disposition of affidavit ballots subject to the cure procedure prescribed by subdivision three of section 9-209 of this chapter; (f) tabulations of the number of valid and invalid absentee ballots, the reasons for which absentee ballots were invalid and the quantity of absentee ballots invalid for each such reason, and the quantity and disposition of absentee ballots subject to the cure procedure prescribed by subdivision three of section 9-209 of this chapter; (g) lists of election day poll sites and early voting sites and maps or other documentation of the configuration of districts in any format or formats as specified by the state board of elections of the election districts assigned to each election day poll site or early voting site; (h) adopted districting or redistricting plans for every election in every political subdivision; and (i) any other publicly available data as requested by the state board of elections. Nothing in this section shall be construed to require an election authority to create or otherwise provide a record it is not capable of collecting. Within sixty days of receipt of records pursuant to this section, the New York voting and elections database shall post such records to its public facing website, provided that individual voter registration records shall not be published, but only made available to the public upon request pursuant to subdivision five of section 3-103 of the election law. No cost shall be charged to access such records.

3. The state board of elections shall provide the attorney general with access to copies of the non-confidential fields of the statewide voter database or any similar successor statewide voter registration database upon request, in a single tabular data file in a common, machine readable format that can be readily accessed and analyzed.

4. Every six months, the state board of elections shall determine which election authorities have failed to transmit records to the state board of elections pursuant to this section and shall publish a list of such election authorities. Upon publication of the list, an election authority that failed to transmit records to the state board of

elections pursuant to this section shall have a cure period of ten business days to come into compliance or provide to the state board of elections an adequate reason the authority is not capable of transmitting such records. The state board of elections may determine an adequate reason for non-compliance pursuant to its rules and regulations. If after ten business days, the election authority has taken no action to cure its non-compliance the state board of elections or the attorney general may file an action against such election authority to enforce compliance with the requirements of this section.

§ 3. The civil practice law and rules is amended by adding a new rule 4551 to read as follows:

Rule 4551. New York voting and elections database. The data, information, and/or estimates maintained by the New York voting and elections database within the state board of elections or copies of such data, information and/or estimates provided to the attorney general pursuant to subdivision three of section 3-112 of the election law shall be granted a rebuttable presumption of validity by any court concerning any claim brought.

§ 4. The education law is amended by adding a new section 2614 to read as follows:

§ 2614. Transmission of publicly available data to the New York voting and elections database. Upon the certification of election results and the completion of the voter history file after each election, each school district that holds elections pursuant to this article shall transmit copies of records required to be transmitted pursuant to section 3-112 of the election law in a manner and time provided for in such section.

§ 5. Section 2038 of the education law is renumbered section 2039 and a new section 2038 is added to read as follows:

§ 2038. Transmission of publicly available data to the New York voting and elections database. Upon the certification of election results and the completion of the voter history file after each election, each school district that holds school board elections pursuant to this article shall transmit copies of the records required to be transmitted pursuant to section 3-112 of the election law in a manner and time provided for in such section.

§ 6. Section 2553 of the education law is amended by adding a new subdivision 2-a to read as follows:

2-a. Upon the certification of election results and the completion of the voter history file after each election, each school district that holds school board elections pursuant to this article shall transmit copies of the records required to be transmitted pursuant to section 3-112 of the election law in a manner and time provided for in such section.

§ 7. The election law is amended by adding a new section 15-140 to read as follows:

§ 15-140. Transmission of publicly available data to the New York voting and elections database. Upon the certification of election results and the completion of the voter history file after each election, each village that holds an election not conducted by a board of elections pursuant to this article shall transmit to the state board of elections copies of the records required to be transmitted pursuant to section 3-112 of this chapter in a manner and time provided for in such section.

§ 8. This act shall take effect April 1, 2026 and shall apply to any election on or after such date. Effective immediately, the addition,

amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.

PART MM

Section 1. Chapter 238 of the laws of 2021, relating to permitting the use of municipal space for outdoor dining, is REPEALED.

§ 2. The alcoholic beverage control law is amended by adding a new section 111-a to read as follows:

§ 111-a. Use of contiguous and non-contiguous municipal public space for on-premises alcoholic beverage sales by certain licensees. 1. The holder of a retail on-premises license issued pursuant to sections fifty-five, sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, eighty-one, or eighty-one-a of this chapter or a manufacturing license that includes a privilege to sell and/or serve alcoholic beverages at retail for on-premises consumption on the licensed premises issued pursuant to section thirty, thirty-one, fifty-one, fifty-one-a, fifty-eight, fifty-eight-c, subdivision two-c of section sixty-one, section seventy-six, seventy-six-a, seventy-six-c, or seventy-six-d of this chapter may file an alteration application with the authority pursuant to subdivision one of section ninety-nine-d of this chapter for permission to add municipal public space that is either contiguous or non-contiguous to the licensed premises. Upon approval of such alteration application, such a licensee may exercise the privilege to sell and/or serve alcoholic beverages at retail for on-premises consumption on contiguous municipal public space or non-contiguous municipal public space provided:

(a) the municipality in which the licensed premises is located issues a permit or the responsible municipal regulatory body or agency issues written authorization to the licensee to sell and/or serve food on such contiguous municipal public space or non-contiguous municipal public space;

(b) the licensee submits to the liquor authority a copy of such municipal permit or other written authorization along with the alteration application;

(c) the licensee submits to the liquor authority a copy of the permit application submitted to the municipality to obtain the municipal permit or other written authorization from the municipality along with the alteration application;

(d) the licensee submits to the liquor authority a diagram depicting both the licensed premises and the contiguous municipal public space or non-contiguous municipal public space to be used by the licensee with the alteration application;

(e) the licensee submits to the liquor authority proof that it has provided community notification to the municipality, including municipalities outside the city of New York, in a manner consistent with or required by subdivision two of section one hundred ten-b of this article as required for the city of New York;

(f) the licensee submits proof to the liquor authority that: (i) such licensee has obtained workers' compensation insurance for all employees, as required by the workers' compensation law; and (ii) such licensee has obtained general liability insurance to provide coverage against liability for injury sustained by persons on the contiguous municipal public space or non-contiguous municipal public space used by the licensee and, if applicable, persons and cyclists using or crossing a bike thoroughfare that connects the licensed premises to the non-contiguous municipal

public space used by the licensee. The licensee shall maintain such general liability coverage during the term of its municipal permit or written authorization to use the contiguous municipal public space or non-contiguous municipal public space; and

(g) use of any such contiguous or non-contiguous municipal public space meets all applicable federal, state or local laws, rules, regulations, guidance, conditions or requirements.

2. For the purposes of this section: (a) "non-contiguous municipal public space" shall mean space that: (i) is located in front of, behind, or to the side of the licensed premises; (ii) is within the property boundaries of the licensed premises as extended out; or within the property boundaries of the nearest adjacent properties on either side; (iii) does not extend further than the midline of any public roadway; (iv) is separated from the licensed premises only by one or more of the following: a pedestrian thoroughfare, a thoroughfare primarily restricted to use by bicycles, or a portion of a thoroughfare with such restrictions; and (v) otherwise complies with all applicable federal, state and local requirements.

(b) "Contiguous municipal public space" shall mean space that: (i) is located in front of, behind, or to the side of the licensed premises; (ii) is within the property boundaries of the licensed premises as extended out; or within the property boundaries of the nearest adjacent properties on either side; (iii) otherwise complies with all applicable federal, state and local requirements.

3. Licensees choosing to utilize non-contiguous municipal public space that includes a thoroughfare primarily restricted to use by bicycles, or a portion of a thoroughfare with such restrictions, shall post a sign or poster in said municipal outdoor space with conspicuous lettering in at least seventy-two point bold face font that states: "CAUTION: BICYCLE LANE" prior to and while utilizing any such municipal space for on-premises alcoholic beverage sales to patrons. Such licensees shall be solely responsible for production of and maintenance of such signage. Compliance by the licensee with the provisions of any local law requiring posting of warning signs regarding bicycle lanes enacted on or before the effective date of this section shall be deemed to be in compliance with the provisions of this section. Nothing contained herein, however, shall be deemed to exempt any licensee not otherwise subject to the provisions of any such local law from complying with the provisions of this section.

4. If at any time the municipality revokes, cancels or suspends or otherwise terminates the licensee's authorization to use such contiguous municipal public space or non-contiguous municipal public space, the licensee shall immediately cease exercising the privilege to sell and/or serve alcoholic beverages at retail for consumption on such municipal public space. The licensee shall then file a new alteration application removing the municipal public space from its licensed premises. The failure to file a new alteration application with the authority within ten business days of the revocation, cancellation, suspension, or other termination by the local municipality of the licensee's authorization to use such contiguous or non-contiguous municipal public space shall be cause for revocation, cancellation, suspension and/or imposition of a civil penalty against the license in accordance with section one hundred eighteen of this article.

5. The authority may promulgate guidance, rules and/or regulations necessary to implement the provisions of this section. Notwithstanding existing provisions of this chapter, the authority is authorized to

provide simplified applications and notification procedures for licensees seeking to utilize municipal space for on-premises alcoholic beverage sales whenever possible or appropriate. Nothing in this section shall prohibit the authority from requesting additional information from any applicant seeking to use new municipal space or renewal of existing municipal space.

§ 3. This act shall take effect immediately and shall apply to all applications received by the state liquor authority on and after such effective date. Effective immediately, the authority is authorized to undertake the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act.

PART NN

Section 1. Subparagraph (i-a) of paragraph b of subdivision 9 of section 140 of the transportation law, as added by section 4 of part K of a chapter of the laws of 2024, amending the transportation law and the vehicle and traffic law relating to enacting the stretch limousine passenger safety act, as proposed in legislative bills numbers S. 8308-C and A. 8808-C, is amended to read as follows:

(i-a) No person, corporation, limited liability company or business entity, joint stock association, partnership, or any officer or agent thereof, shall operate or knowingly allow, require, permit or authorize any person to operate a motor vehicle while under suspension as provided in **subparagraph (i) of** this [~~**subdivision**~~] **paragraph**. A violation of this subparagraph shall constitute a class A misdemeanor punishable by a fine of not less than five thousand dollars nor more than twenty-five thousand dollars in addition to any other penalties provided by law.

§ 2. This act shall take effect on the same date and in the same manner as section 4 of part K of a chapter of the laws of 2024, amending the transportation law and the vehicle and traffic law relating to enacting the stretch limousine passenger safety act, as proposed in legislative bills numbers S. 8308-C and A. 8808-C, takes effect.

PART OO

Section 1. Short title. This act shall be known and may be cited as "Sammy's law".

§ 2. Paragraphs 26 and 27 of subdivision (a) of section 1642 of the vehicle and traffic law, paragraph 26 as added and paragraph 27 as amended by chapter 248 of the laws of 2014, are amended to read as follows:

26. (a) With respect to highways (which term for the purposes of this paragraph shall include private roads open to public motor vehicle traffic) in such city, other than state highways maintained by the state on which the department of transportation shall have established higher or lower speed limits than the statutory fifty-five miles per hour speed limit as provided in section sixteen hundred twenty of this title, or on which the department of transportation shall have designated that such city shall not establish any maximum speed limit as provided in section sixteen hundred twenty-four of this title, subject to the limitations imposed by section sixteen hundred eighty-four of this title, establishment of maximum speed limits at which vehicles may proceed within such city or within designated areas of such city higher or lower than the fifty-five miles per hour maximum statutory limit. No such speed limit applicable throughout such city or within designated areas of such city

shall be established at less than [~~twenty-five~~] twenty miles per hour, except that (i) school speed limits may be established at no less than fifteen miles per hour pursuant to the provisions of section sixteen hundred forty-three of this article, and (ii) on portions of highways that consist of three or more vehicular travel lanes in the same direction outside of New York county, speed limits shall be established at no less than twenty-five miles per hour.

(b) A city shall not lower or raise a speed limit [~~by more than five miles per hour~~] pursuant to this paragraph unless such city provides written notice and an opportunity to comment to the community board or community boards established pursuant to section twenty-eight hundred of the New York city charter with jurisdiction over the area in which the lower or higher speed limit shall apply. Such notice may be provided by electronic mail and shall be provided sixty days prior to the establishment of such lower or higher speed limit and a community board may issue an advisory opinion prior to the raising or lowering of such speed limit. Notwithstanding any inconsistent provision of this subdivision, a speed limit applicable throughout such city shall only be lowered or raised pursuant to a local law.

27. (a) Establishment of maximum speed limits below [~~twenty-five~~] twenty miles per hour at which motor vehicles may proceed on or along designated highways within such city for the explicit purpose of implementing traffic calming measures as such term is defined herein; provided, however, that no speed limit shall be set below [~~fifteen~~] ten miles per hour nor shall such speed limit be established where the traffic calming measure to be implemented consists solely of a traffic control sign. Establishment of such a speed limit shall, where applicable, be in compliance with the provisions of sections sixteen hundred twenty-four and sixteen hundred eighty-four of this [~~chapter~~] title. Nothing contained herein shall be deemed to alter or affect the establishment of school speed limits pursuant to the provisions of section sixteen hundred forty-three of this article. For the purposes of this paragraph, "traffic calming measures" shall mean any physical engineering measure or measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users such as pedestrians and bicyclists.

(b) Any city establishing maximum speed limits below [~~twenty-five~~] twenty miles per hour pursuant to clause (i) of this subparagraph shall submit a report to the governor, the temporary president of the senate and the speaker of the assembly on or before March first, two thousand fifteen and biannually thereafter on the results of using traffic calming measures and speed limits lower than [~~twenty-five~~] twenty miles per hour as authorized by this paragraph. This report shall also be made available to the public by such city on its website. Such report shall include, but not be limited to the following:

(i) a description of the designated highways where traffic calming measures and a lower speed limit were established [~~and~~];

(ii) a description of the specific traffic calming measures used and the maximum speed limit established [~~and~~];

(iii) an explanation of the reasons for setting lower speed limits, how those lower speed limits comply with engineering standards, and how they will ensure that motor vehicles can operate at safe speeds in a manner that optimizes all road users' safety and convenience; and

(iv) a comparison of the aggregate type, number, and severity of accidents reported on streets on which street calming measures and lower speed limits were implemented in the year preceding the implementation

of such measures and policies and the year following the implementation of such measures and policies, to the extent this information is maintained by any agency of the state or the city.

§ 3. 1. For the purpose of informing and educating persons who operate motor vehicles in this state:

(a) Any law enforcement official authorized to issue appearance tickets pursuant to the vehicle and traffic law may, during the six-month period beginning on the effective date of this act, stop motor vehicles and issue verbal warnings to persons who are in violation of the maximum speed limits lowered by section two of this act, and who are traveling at a speed of less than fifteen miles per hour over such maximum speed limits.

(b) Any municipality authorized to issue a notice of liability where such municipality has installed a photo speed violation monitoring system pursuant to the vehicle and traffic law shall, for sixty days following the establishment of a lower speed limit pursuant to section two of this act, issue notices of liability to owners of vehicles who are in violation of the previous maximum speed limit.

2. The department of transportation for the city of New York shall implement an education campaign which shall, at a minimum:

(a) Alert drivers to the passage of this act;

(b) Educate drivers of the dangers of speeding; and

(c) Educate drivers of the dangers of crashes involving pedestrians.

3. The department of transportation for the city of New York shall install signage around school speed zones that notifies drivers of the speed limit.

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

PART PP

Section 1. Article 25-A of the public health law is amended by adding a new section 2599-bb-1 to read as follows:

§ 2599-bb-1. Reproductive freedom and equity grant program. 1. As used in this section, the following terms shall have the following meanings:

(a) "Abortion" shall mean the termination of pregnancy pursuant to section twenty-five hundred ninety-nine-bb of this article.

(b) "Health care services" shall mean the range of care related to the provision of abortion.

(c) "Program" shall mean the reproductive freedom and equity grant program established pursuant to subdivision two of this section.

2. There is hereby established in the department a reproductive freedom and equity grant program to ensure access to abortion care in the state. The program shall provide funding to abortion providers and non-profit organizations that provide or facilitate access to abortion care. The program shall be designed to provide support to abortion providers and non-profit organizations to increase access to care, fund uncompensated care, and to address the support needs of individuals accessing abortion care. Funding used to support the program shall be subject to appropriation.

3. The commissioner shall distribute funds made available for expenditure under this section. In determining funding for applicants under the grant program, the commissioner shall consider the following criteria and goals:

(a) Increase access to care by growing the capacity of abortion providers to meet present and future care needs. Funds may be awarded to

support the recruitment, hiring, and retention of clinical and medical staff, costs of increasing the number of hours, days, and/or alternate times for currently employed clinical staff to provide increased access, care management and navigation, staff training, outreach and marketing costs, and other operational needs that increase access to abortion care.

(b) Fund uncompensated health care services associated with abortion care, to ensure the affordability of and access to care for individuals who lack ability to pay for care, for individuals who lack insurance coverage, are underinsured, or whose insurance is deemed unusable by the rendering provider.

4. In establishing and operating the program, the commissioner may consult a range of experts including but not limited to individuals and entities providing abortion care, abortion funds and other organizations whose mission is to expand access to abortion care, to ensure the program structure and expenditures reflect the needs of abortion providers, abortion funds and consumers. The commissioner may make regulations necessary for implementing the program.

5. The department and any non-profit organization or abortion provider receiving funds from the program shall take all necessary steps to ensure the confidentiality of the individuals receiving services pursuant to state and federal laws. The commissioner may request aggregate, de-identified information about how funding allocated pursuant to the program is spent, provided that no information which, alone or in combination, would permit a patient, provider, or an individual who sought, received, provided, or supported health care services under the program to be identified may be requested or shared.

§ 2. Severability clause. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

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

PART QQ

Section 1. Subdivisions a and b of section 512 of the retirement and social security law, subdivision a as amended by chapter 298 of the laws of 2016, and subdivision b as amended by chapter 18 of the laws of 2012, are amended to read as follows:

a. A member's final average salary shall be the average wages earned by such a member during any three consecutive years which provide the highest average wage; provided, however, if the wages earned during any year included in the period used to determine final average salary exceeds that of the average of the previous two years by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary. [~~Notwithstanding the preceding provisions of this subdivision to the contrary, for a member who first becomes a member of the New York state and local employees' retirement system on or after April first, two thousand twelve, or for a New York city police/fire revised plan member, a New York city enhanced plan member who receives the ordinary disability benefit provided for in subdivision c-1 of section five hundred six of this article or the acci-~~

~~dental disability benefit provided for in paragraph three of subdivision c of section five hundred seven of this article, a New York city uniformed correction/sanitation revised plan member or an investigator revised plan member, a member's final average salary shall be the average wages earned by such a member during any five consecutive years which provide the highest average wage; provided, however, if the wages earned during any year included in the period used to determine final average salary exceeds that of the average of the previous four years by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary.~~] In determining final average salary pursuant to any provision of this subdivision, where the period used to determine final average salary is the period which immediately precedes the date of retirement, any month or months (not in excess of twelve) which would otherwise be included in computing final average salary but during which the member was on authorized leave of absence at partial pay or without pay shall be excluded from the computation of final average salary and the month or an equal number of months immediately preceding such period shall be substituted in lieu thereof.

b. Notwithstanding the provisions of subdivision a of this section, with respect to members of the New York state employees' retirement system [~~who first become members of the New York state and local employees' retirement system before April first, two thousand twelve~~], the New York state and local police and fire retirement system and the New York city teachers' retirement system, a member's final average salary shall be equal to one-third of the highest total wages earned during any continuous period of employment for which the member was credited with three years of service credit; provided, however, if the wages earned during any year of credited service included the period used to determine final average salary exceeds the average of the wages of the previous two years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary. [~~For members who first become a member of the New York state and local employees' retirement system on or after April first, two thousand twelve, with respect to members of the New York state and local employees' retirement system, a member's final average salary shall be equal to one-fifth of the highest total wages earned during any continuous period of employment for which the member was credited with five years of service credit; provided, however, if the wages earned during any year of credited service included the period used to determine final average salary exceeds the average of the wages of the previous four years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary.~~]

§ 2. Subdivisions a and b of section 608 of the retirement and social security law, as amended by chapter 18 of the laws of 2012, are amended to read as follows:

a. [~~For members who first become members of a public retirement system of the state before April first, two thousand twelve, a~~] **A** member's final average salary shall be the average wages earned by such a member during any three consecutive years which provide the highest average wage; provided, however, if the wages earned during any year included in the period used to determine final average salary exceeds that of the average of the previous two years by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary. [~~For members who first become members of the New York~~

~~state and local employees' retirement system or the New York state teachers' retirement system on or after April first, two thousand twelve, a member's final average salary shall be the average wages earned by such member during any five consecutive years which provide the highest average wage; provided, however, if the wages earned during any year included in the period used to determine final average salary exceeds that of the average of the previous four years by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary.~~] Where the period used to determine final average salary is the period which immediately precedes the date of retirement, any month or months (not in excess of twelve) which would otherwise be included in computing final average salary but during which the member was on authorized leave of absence at partial pay or without pay shall be excluded from the computation of final average salary and the month or an equal number of months immediately preceding such period shall be substituted in lieu thereof.

b. Notwithstanding the provisions of subdivision a of this section, with respect to members [~~who first became members~~] of the New York state and local employees' retirement system and the New York city teachers' retirement system [~~before April first, two thousand twelve~~], a member's final average salary shall be equal to one-third of the highest total wages earned by such member during any continuous period of employment for which the member was credited with three years of service credit; provided, however, if the wages earned during any year of credited service included in the period used to determine final average salary exceeds the average of the wages of the previous two years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary. [~~With respect to members who first become members of the New York state and local employees' retirement system and the New York city teachers' retirement system on or after April first, two thousand twelve, a member's final average salary shall be equal to one-fifth of the highest total wages earned by such member during any continuous period of employment for which the member was credited with five years of service credit; provided, however, if the wages earned during any year of credited service included in the period used to determine final average salary exceeds the average of the wages of the previous four years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary.~~]

§ 3. Subparagraph (ii) of paragraph 14 of subdivision e of section 13-638.4 of the administrative code of the city of New York, as amended by chapter 18 of the laws of 2012, is amended to read as follows:

(ii) Subject to the provisions of subdivision f of this section where those provisions are applicable, and notwithstanding the provisions of subdivisions a and c of section six hundred eight of the RSSL, for a tier IV member of NYCERS who is a New York city revised plan member (as defined in subdivision m of section six hundred one of the RSSL) or a tier IV member of BERS who is a New York city revised plan member, the term "final average salary", as used in article fifteen of the RSSL, shall be equal to [~~one-fifth~~] **one-third** of the highest total wages earned by such member during any continuous period of employment for which the member was credited with [~~five~~] **three** years of service credit; provided that if the wages earned during any year of credited service included in the period used to determine final average salary exceeds the average of the wages of the previous four years of credited service by more than ten percent, the amount in excess of ten percent shall be

excluded from the computation of final average salary, provided further that "wages", as used in this paragraph, shall mean the applicable provisions and limitations of the term "wages", as defined in subdivision l of section six hundred one of the RSSL.

§ 4. Subdivision a of section 1209 of the retirement and social security law, as amended by chapter 705 of the laws of 2023, is amended to read as follows:

a. For members who first become members of the New York state and local police and fire retirement system on or after April first, two thousand twelve, a member's final average salary shall be equal to one-fifth of the highest total wages earned by such member during any continuous period of employment for which the member was credited with five years of service credit; provided, however, if the wages earned during any year of credited service included in the period used to determine final average salary exceeds the average of the wages of the previous four years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary. **Provided, however, beginning on or after April first, two thousand twenty-four, a member's final average salary shall be equal to one-third of the highest total wages earned by such member during any continuous period of employment for which the member was credited with three years of service credit; provided, however, if the wages earned during any year of credited service included in the period used to determine final average salary exceeds the average of the wages of the previous two years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary.** Wages in excess of the annual salary paid to the governor pursuant to section three of article four of the state constitution shall be excluded from the computation of final average salary for members who first become members of the New York state and local police and fire retirement system on or after April first, two thousand twelve.

§ 5. Notwithstanding any other provision of law to the contrary, none of the provisions of this act shall be subject to section 25 of the retirement and social security law.

§ 6. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would provide Tier 6 members in the New York State and Local Retirement System a final average salary based on their highest salary earned over three consecutive years, where the salary earned in any year cannot exceed the average of the previous two years by more than 10%. Currently, final average salary for these members is based on their highest salary earned over five consecutive years, where the salary earned in any year cannot exceed the average of the previous four years by more than 10%. The provisions of Section 25 of the Retirement and Social Security Law shall not apply.

Insofar as this bill affects the New York State and Local Employees' Retirement System (NYSLERS), the increased costs would be shared by the State of New York and the local participating employers in the NYSLERS. If this bill were enacted during the 2024 Legislative Session, the increase in the present value of benefits would be approximately $1.17 billion.

NYSLERS	Increase in present value benefits	Increase in required contributions
Tiers 1 - 5	$0	$220 million
Tier 6	$1.17 billion	$950 million

Total	$1.17 billion	$1.17 billion

In the NYSLERS, this benefit improvement will be funded by increasing the billing rates charged annually to cover both retrospective and prospective benefit increases. The annual contribution required of all participating employers in NYSLERS is 0.4% of billable salary, or approximately $51 million to the State of New York and approximately $76 million to the local participating employers. **This permanent annual cost will increase** as Tier 6 salary grows and will vary by employer based upon the plan coverage and salary reported in Tier 6.

Insofar as this bill affects the New York State and Local Police and Fire Retirement System (NYSLPFRS), the increased costs would be shared by the State of New York and the local participating employers in the NYSLPFRS. If this bill were enacted during the 2024 Legislative Session, the increase in the present value of benefits would be approximately $341 million.

NYSLPFRS	Increase in present value benefits	Increase in required contributions
Tiers 1 - 5	$0	$33 million
Tier 6	$341 million	$308 million
Total	$341 million	$341 million

In the NYSLPFRS, this benefit improvement will be funded by increasing the billing rates charged annually to cover both retrospective and prospective benefit increases. The annual contribution required of all participating employers in the NYSLPFRS is 0.70% of billable salary, or approximately $6.0 million to the State of New York and approximately $25 million to the local participating employers. **The permanent annual cost will increase** as Tier 6 salary grows and will vary by employer based upon the plan coverage and salary reported in Tier 6.

These estimated costs are based on 265,533 Tier 6 members in the NYSLERS and 16,599 Tier 6 members in the NYSLPFRS, with annual salary of approximately $12 billion and $1.5 billion, respectively, as of March 31, 2023.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2023 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated February 2, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-118, prepared by the Actuary for the New York State and Local Retirement System.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

As it relates to the New York State Teacher's Retirement System, this bill would amend subdivisions a and b of Section 608 of the Retirement and Social Security Law to change the definition of final average salary for Tier 6 members to be the same as that for Tier 3, 4 and 5 members. The final average salary for Tier 6 members would be based on any three consecutive years which produce the highest average salary. Currently, the final average salary for Tier 6 members is based on the salaries earned during any five consecutive years which provide the highest average salary. Additionally, under the bill, as in Tier 3, 4 and 5, if the salary for any year used in the period exceeds that of the average of the prior two years by more than 10%, the amount in excess of 10% shall be excluded from the computation. Currently, under Tier 6, if the salary for any year used in the period exceeds that of the average of the prior four years by more than 10%, the amount in excess of 10% is excluded from the computation.

The annual cost to the employers of members of the New York State Teachers' Retirement System for this benefit is estimated to be $23.1 million or 0.12% of payroll if this bill is enacted.

The System's "new entrant rate", a hypothetical employer contribution rate that would occur if we started a new Retirement System without any assets, is equal to 5.31% of pay under the current Tier 6 benefit structure. This can be thought of as the long-term expected employer cost of Tier 6, based on current actuarial assumptions. For the proposed change to the Tier 6 benefit structure under this bill, this new entrant rate is estimated to increase to 5.55% of pay, an increase of 0.24% of pay.

Member data is from the System's most recent actuarial valuation files as of June 30, 2023, consisting of data provided by the employers to the Retirement System. The most recent data distributions and statistics can be found in the System's Annual Report for fiscal year ended June 30, 2023. System assets are as reported in the System's financial statements and can also be found in the System's Annual Report. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report as of June 30, 2023.

The source of this estimate is Fiscal Note 2024-17 dated February 2, 2024 prepared by the Office of the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2024 Legislative Session. I, Richard A. Young, am the Chief Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

SUMMARY: This proposed legislation, as it relates to the New York City Retirement Systems and Pension Funds (NYCRS), would increase the Final Average Salary used to calculate pension benefits for certain Tier 3 and Tier 6 members of NYCRS by reducing the number of years included in the average from five years to three years.

EXPECTED INCREASE (DECREASE) IN EMPLOYER CONTRIBUTIONS
by Fiscal Year for the first 25 years ($ in Millions)

Year	NYCERS	TRS	BERS	POLICE	FIRE	TOTAL
2025	67.2	56.2	5.7	47.8	19.4	196.3
2026	63.9	54.9	5.9	44.2	21.3	190.2
2027	68.0	57.8	6.2	49.2	23.3	204.5

2028	72.2	60.9	6.5	54.8	25.5	219.9
2029	76.5	64.2	6.9	60.2	27.8	235.6
2030	80.8	67.7	7.2	66.0	30.2	251.9
2031	85.2	71.4	7.6	71.4	32.7	268.3
2032	89.5	75.4	7.9	76.0	35.3	284.1
2033	93.9	79.6	8.3	80.5	38.0	300.3
2034	98.5	84.1	8.7	85.0	40.8	317.1
2035	103.0	88.9	9.0	89.4	43.7	334.0
2036	107.6	93.9	9.4	93.8	46.7	351.4
2037	112.2	99.2	9.8	98.4	49.8	369.4
2038	116.9	104.8	8.0	103.4	53.1	386.2
2039	121.7	110.8	8.5	108.5	56.3	405.8
2040	103.5	116.9	8.9	113.4	59.6	402.3
2041	108.2	123.3	9.3	107.4	63.0	411.2
2042	113.0	129.7	9.7	112.3	66.4	431.1
2043	117.8	136.1	10.2	117.3	64.2	445.6
2044	122.7	123.8	10.6	122.3	67.6	447.0
2045	127.6	130.1	11.1	127.4	70.9	467.1
2046	132.6	136.4	11.5	132.5	74.2	487.2
2047	137.7	142.5	12.0	137.6	77.4	507.2
2048	142.9	148.6	12.5	142.9	80.7	527.6
2049	148.1	154.8	13.0	148.4	83.9	548.2

Employer Contribution impact beyond Fiscal Year 2049 is not shown. Projected contributions include future new hires that may be impacted.

The initial increase in employer contributions of $196.3 million is estimated to be $163.2 million for New York City and $33.1 million for the other obligors of NYCRS.

INITIAL INCREASE (DECREASE) IN ACTUARIAL LIABILITIES
as of June 30, 2023 ($ in Millions)

Present Value (PV)	NYCERS	TRS	BERS	POLICE	FIRE
PV of Benefits:	633.8	666.9	53.3	570.7	279.6
PV of Employee Contributions:	0.0	0.0	0.0	0.0	0.0
PV of Employer Contributions:	633.8	666.9	53.3	570.7	279.6
Unfunded Accrued Liabilities:	207.9	189.6	17.8	105.3	53.8

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

	NYCERS	TRS	BERS	POLICE	FIRE
Number of Payments:	15	19	13	16	18
Fiscal Year of Last Payment:	2039	2043	2037	2040	2042
Amortization Payment:	22.9 M	18.6 M	2.2 M	10.8 M	5.5 M
Additional One-time Payment:	7.0 M	4.0 M	0.0 M	7.5 M	0.0 M

Unfunded Accrued Liability (UAL) increases for active members were amortized over the expected remaining working lifetime of those impacted by the benefit changes using level dollar payments. UAL attributable to terminated vested members was recognized in the first year.

CENSUS DATA: The estimates presented herein are based on preliminary census data collected as of June 30, 2023. The census data for the impacted population is summarized below.

	NYCERS	TRS	BERS	POLICE	FIRE
Active Members					
- Number Count:	92,737	60,663	12,932	20,089	5,030
- Average Age:	42.1	38.1	46.9	32.7	33.5
- Average Service:	4.6	5.0	4.0	6.1	5.5
- Average Salary:	80,600	80,000	56,200	107,400	112,400
Term. Vested Members					
- Number Count:	4,274	3,999	397	887	9
- Average Age:	41.5	37.9	44.6	34.6	37.6

IMPACT ON MEMBER BENEFITS: Currently, Final Average Salary (FAS) is based on a five-year average, with each year's salary limited to 110% of the average of the prior four year's salaries for the following groups:

* Tier 3 and Tier 6 members who joined NYCRS on or after April 1, 2012, and

* Tier 3 enhanced members of POLICE and FIRE who retire for disability.

Under the proposed legislation, the FAS for such members would be based on a three-year average, with each year's salary limited to 110% of the average of the prior two year's salaries (prior four year's salaries for NYCERS and BERS).

The five-year FAS for enhanced disability benefits for Corrections and Sanitation members of NYCERS is provided as part of an agreement under Retirement and Social Security Law Article 25 and is assumed to remain unchanged by this proposed legislation.

ASSUMPTIONS AND METHODS: The estimates presented herein have been calculated based on the Revised 2021 Actuarial Assumptions and Methods of the impacted retirement systems. In addition:

* New entrants were assumed to replace exiting members so that total payroll increases by 3% each year for impacted groups. New entrant demographics were developed based on data for recent new hires and actuarial judgement.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the actuarial assumptions, methods, and models used, demographics of the impacted population, and other factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Quantifying these risks is beyond the scope of this Fiscal Note.

This Fiscal Note is intended to measure pension-related impacts and does not include other potential costs (e.g., administrative and Other Postemployment Benefits).

STATEMENT OF ACTUARIAL OPINION: Marek Tyszkiewicz and Gregory Zelikovsky are members of the Society of Actuaries and the American Academy of Actuaries. We are members of NYCERS but do not believe it impairs our objectivity and we meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of our knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2024-10 dated February 2, 2024 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds. This estimate is intended for use only during the 2024 Legislative Session.

PART RR

Section 1. Paragraph (a) of subdivision 2 of section 452 of the tax law, as added by chapter 32 of the laws of 2016, is amended to read as follows:

(a) [~~eight and one-half~~] **three** percent of gross receipts from ticket sales; and

§ 2. This act shall take effect December 1, 2024, and shall apply to gross receipts from ticket sales for combative sports matches or exhibitions held on or after such date.

PART SS

Section 1. Legislative findings. The legislature finds that a historic windmill is located on the Southampton campus of the state university of New York at Stony Brook ("Stony Brook").

The Windmill was constructed in 1714 and has been at its current location in Shinnecock Hills since 1888, when it was saved from destruction from its location in the Village of Southampton by Janet Hoyt, the wife of William Hoyt, the builder of the Shinnecock Inn. Janet Hoyt, together with Samuel Parrish, founded the Summer School of Art. It is the only windmill of three in Southampton Village that survived. It has been in its current location for 136 years.

In the summer of 1957, Tennessee Williams resided there when he wrote the play "The Day on Which a Man Dies" about the death of his friend Jackson Pollock. The Library Association of America officially designated the Windmill, at its current location, as a literary landmark in 2013.

In 1963, when Long Island University established Southampton College, the Windmill became the symbol of the new campus. The Windmill is beloved by thousands of former students, faculty, and administrators who rightly associate it with the very identity of the school. The College newspaper was aptly named "The Windmill". The Windmill has been on everything related to the college including sports uniforms, yearbooks, apparel, and assorted memorabilia.

In 2006, Stony Brook University acquired the campus and has continued the legacy of providing quality education to the residents of eastern Long Island. In 2009, Stony Brook led the effort to rehabilitate the Windmill. The Windmill and the adjacent water view quad have been in continuous use hosting innumerable events, readings, receptions, orientations, celebrations, workshops, and fundraising dinners. The annual Windmill Lighting during the holiday season continues to be an East End tradition.

The current president of Stony Brook University recently stated that "the Stony Brook University campus community is proud to be the caretaker of the Windmill, a cherished historical icon that has existed in its current location for over a century".

However, in recent years, the Windmill has fallen into disrepair due to lack of maintenance and was condemned by the New York State fire marshal in 2023. It is imperative that this historic structure be rehabilitated and restored so that it can continue to be the "cherished historical icon" and symbol of the Southampton campus.

The legislature further finds that the best alternative to secure the future of the Windmill is through a partnership with the town of Southampton by providing funds for the rehabilitation and restoration of the Windmill through the town community preservation fund. To accomplish

this partnership the legislature further finds that granting the trustees of the State University of New York ("trustees") the authority and power to lease and otherwise contract with the Town of Southampton to make available certain grounds and facilities of Stony Brook's campus will best affect this partnership for the benefit of Stony Brook, the surrounding community, and the general public.

§ 2. Notwithstanding any other law to the contrary, the state university trustees are hereby authorized and empowered, without any public bidding, to lease and otherwise contract to make available to the town of Southampton, a municipal corporation (the "ground lessee"), a portion of the lands of the university on its Southampton campus, generally described in this act for the purpose of rehabilitating and restoring the historic Windmill located on such campus. Such lease or contract shall be for a period not exceeding 100 years without any fee simple conveyance and otherwise upon terms and conditions determined by such trustees, subject to the approval of the director of the division of the budget, the attorney general and the state comptroller. If the real property that is the subject of such lease or contract shall cease to be used for the purpose described in this act, such lease or contract shall immediately terminate, and the real property and any improvements thereon shall revert to the state university of New York. Any lease or contract entered into pursuant to this act shall provide that the real property that is the subject of such lease or contract and any improvements thereon shall revert to the state university of New York on the expiration of such contract or lease.

§ 3. Any contract or lease entered into pursuant to this act shall be deemed to be a state contract for purposes of article 15-A of the executive law, and any contractor, subcontractor, lessee or sublessee entering into such contract or lease for the construction, demolition, reconstruction, excavation, rehabilitation, repair, renovation, alteration or improvement authorized pursuant to this act shall be deemed a state agency for the purposes of article 15-A of the executive law and subject to the provisions of such article.

§ 4. Notwithstanding any general, special or local law or judicial decision to the contrary, all work performed on a project authorized by this act where all or any portion thereof involves a lease or agreement for construction, demolition, reconstruction, excavation, rehabilitation, repair, renovation, alteration or improvement shall be deemed public work and shall be subject to and performed in accordance with the provisions of article 8 of the labor law to the same extent and in the same manner as a contract of the state, and compliance with all the provisions of article 8 of the labor law shall be required of any lessee, sublessee, contractor or subcontractor on the project, including the enforcement of prevailing wage requirements by the fiscal officer as defined in paragraph e of subdivision 5 of section 220 of the labor law to the same extent as a contract of the state.

§ 5. Notwithstanding any law, rule or regulation to the contrary, the state university of New York shall not contract out to the town of Southampton or any subsidiary for the instruction or any pedagogical functions or services, or any administrative services, and similar professional services currently being performed by state employees. All such functions and services shall be performed by state employees pursuant to the civil service law. Nothing in this act shall result in the displacement of any currently employed state worker or the loss of position (including partial displacement such as reduction in the hours of nonovertime, wages or employment benefits), or result in the impairment

of existing contracts for services or collective bargaining rights pursuant to existing agreements. All positions currently at the state university of New York in the unclassified service of the civil service law shall remain in the unclassified service. No services or work on the property described in this act currently performed by public employees or future work that is similar in scope and nature to the work being currently performed by public employees shall be contracted out or privatized by the state university of New York or by an affiliated entity or associated entity of the state university of New York. All such future work shall be performed by public employees.

§ 6. For the purposes of this act:

(a) "project" shall mean work at the property authorized by this act to be leased to the town of Southampton as described in section twelve of this act that involves the design, construction, reconstruction, demolition, excavating, rehabilitation, repair, renovation, alteration or improvement of such property.

(b) "project labor agreement" shall mean a pre-hire collective bargaining agreement between a contractor and a labor organization, establishing the labor organization as the collective bargaining representative for all persons who will perform work on the project, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform project work.

§ 7. Notwithstanding the provisions of any general, special, or local law or judicial decision to the contrary: (a) the town of Southampton may require a contractor awarded a contract, subcontract, lease, grant, bond, covenant or other agreement for a project to enter into a project labor agreement during and for the work involved with such project when such requirement is part of the ground lessee's request for proposals for the project and when the state university of New York at Stony Brook determines that the record supporting the decision to enter into such an agreement establishes that the interests underlying the competitive bidding laws are best met by requiring a project labor agreement including obtaining the best work at the lowest possible price; preventing favoritism, fraud and corruption; the impact of delay; the possibility of cost savings; and any local history of labor unrest.

(b) If the state university of New York at Stony Brook does not require a project labor agreement, then any contractor, subcontractor, lease, grant, bond, covenant or other agreements for a project shall be awarded pursuant to section 135 of the state finance law.

§ 8. Nothing in this act shall be deemed to waive or impair any rights or benefits of employees of the state university of New York that otherwise would be available to them pursuant to the terms of agreements between the certified representatives of such employees and the state of New York pursuant to article 14 of the civil service law; all work performed on such property that ordinarily would be performed by employees subject to article 14 of the civil service law shall continue to be performed by such employees.

§ 9. Without limiting the determination of the terms and conditions of such contracts or leases, such terms and conditions may provide for leasing, subleasing, construction, reconstruction, rehabilitation, improvement, operation and management of and provision of services and assistance and the granting of licenses, easements and other arrangements with regard to such grounds and facilities by the ground lessee, and parties contracting with the ground lessee, and in connection with such activities, the obtaining of funding or financing, whether public

or private, unsecured or secured, including, but not limited to, secured by leasehold mortgages and assignments of rents and leases, by the ground lessee and parties contracting with the ground lessee for the purposes of completing the project described in this act.

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

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

§ 12. The property authorized by this act to be leased to the ground lessee is generally described as that parcel of real property with improvements thereon consisting of a total of .2296 acres situated on the Southampton campus of the state university of New York at Stony Brook.

The description in this section of the parcel to be made available pursuant to this act is not meant to be a legal description, but is intended only to identify the parcel:

BEGINNING AT A POINT WITHIN CURRENT LOT 1 OF BLOCK 1, SECTION 211 BEING DISTANT 1756.22 FEET ONBEARING OF SOUTH 54 DEGREES 34 MINUTES 13 SECONDS WEST FROM THE INTERSECTION OF THE WESTERLYSIDELINE OF TUCKAHOE ROAD (50 FEET WIDE) WITH THE SOUTHERLY SIDELINE OF LOT 9 OF BLOCK 6, SECTION 211 BEING THE LANDS NOW OR FORMERLY OF THE MTA-LIRR RAILROAD. THE SAID BEGINNING POINT HAVING STATEPLANE COORDINATE VALUES (NAD83) OF NORTH 266595.6968 AND EAST 1414088.8790, AND RUNNING FROM THE SAID POINT OF BEGINNING;

THENCE RUNNING THROUGH SAID SECTION 211, BLOCK 1, LOT 1 THE FOLLOWING FOUR (4) COURSES:

(1) DUE SOUTH, A DISTANCE OF 100.00 FEET; THENCE

(2) DUE WEST, A DISTANCE OF 100.00 FEET; THENCE

(3) DUE NORTH, A DISTANCE OF 100.00 FEET; THENCE

(4) DUE EAST, A DISTANCE OF 100.00 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING: 10,000 SQUARE FEET OR 0.2296 ACRES OF LAND. Subject to all existing easements and restrictions of record.

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

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

§ 15. This act shall take effect immediately.

PART TT

Section 1. Subdivision 1 of section 2799-gg of the public authorities law, as amended by chapter 182 of the laws of 2009, is amended to read as follows:

1. The authority shall have the power and is hereby authorized from time to time to issue bonds, in conformity with applicable provisions of the uniform commercial code, in such principal amounts as it may deter-

mine to be necessary pursuant to section twenty-seven hundred ninety-nine-ff of this title to pay the cost of any project and to fund reserves to secure such bonds, including incidental expenses in connection therewith.

The aggregate principal amount of such bonds, notes or other obligations outstanding shall not exceed [~~thirteen billion, five hundred million dollars ($13,500,000,000)~~], **beginning July first, two thousand twenty-four, twenty-one billion five hundred million dollars ($21,500,000,000) and beginning July first, two thousand twenty-five, twenty-seven billion five hundred million dollars ($27,500,000,000),** excluding bonds, notes or other obligations issued pursuant to sections twenty-seven hundred ninety-nine-ss and twenty-seven hundred ninety-nine-tt of this title; provided, however, that upon any refunding or repayment of bonds (which term shall not, for this purpose, include bond anticipation notes), the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than [~~thirteen billion, five hundred million dollars ($13,500,000,000)~~]**, beginning July first, two thousand twenty-four, twenty-one billion five hundred million dollars ($21,500,000,000), and beginning July first, two thousand twenty-five, twenty-seven billion five hundred million dollars ($27,500,000,000),** only if the refunding or repayment bonds, notes or other obligations were issued in accordance with the provisions of subparagraph (a) of subdivision two of paragraph b of section 90.10 of the local finance law, as amended from time to time. Notwithstanding the foregoing, bonds, notes or other obligations issued by the authority may be outstanding in an amount greater than the amount permitted by the preceding sentence, provided that such additional amount at issuance, together with the amount of indebtedness contracted by the city of New York, shall not exceed the limit prescribed by section 104.00 of the local finance law. The authority shall have the power from time to time to refund any bonds of the authority by the issuance of new bonds whether the bonds to be refunded have or have not matured, and may issue bonds partly to refund bonds of the authority then outstanding and partly to pay the cost of any project pursuant to section twenty-seven hundred ninety-nine-ff of this title. Bonds issued by the authority shall be payable solely out of particular revenues or other moneys of the authority as may be designated in the proceedings of the authority under which the bonds shall be authorized to be issued, subject to any agreements entered into between the authority and the city, and subject to any agreements with the holders of outstanding bonds pledging any particular revenues or moneys.

§ 2. For the purpose of achieving the class size targets, as required by section 211-d of the education law, the city of New York shall increase planned spending on classroom construction by two billion dollars ($2,000,000,000) over and above the planned capital spending detailed in the February 2024 School Construction Authority capital plan.

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

PART UU

Section 1. Subdivision 5-a of section 1204 of the public authorities law, as amended by chapter 931 of the laws of 1984, is amended to read as follows:

5-a. To make, amend and repeal rules governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction, including without limitation rules relating to the protection or maintenance of such facilities, the conduct and safety of the public, the payment of fares or other lawful charges for the use of such facilities, the presentation or display of documentation permitting free passage, reduced fare passage or full fare passage on such facilities and the protection of the revenue of the authority. Violations of such rules shall be an offense punishable by a fine of not exceeding twenty-five dollars or by imprisonment for not longer than ten days, or both, or may be punishable by the imposition by the transit adjudication bureau established pursuant to the provisions of this title of a civil penalty in an amount for each violation not to exceed one hundred dollars **or, in the case of certain repeat violations relating to the payment of fares in accordance with subdivision eleven of section twelve hundred nine-a of this title, not to exceed one hundred fifty dollars** (**in each case** exclusive of **supplemental penalties,** interest or costs assessed thereon), in accordance with a schedule of such penalties as may from time to time be established by rules of the authority. Such schedule of penalties may provide for the imposition of [~~additional~~] **supplemental** penalties, not to exceed a total of fifty dollars for each violation, upon the failure of a respondent in any proceeding commenced with respect to any such violation to make timely response to or appearance in connection with a notice of violation of such rule or to any subsequent notice or order issued by the authority in such proceeding. There shall be no penalty or increment in fine by virtue of a respondent's timely exercise of [~~his~~] **their** right to a hearing or appeal. The rules may provide, in addition to any other sanctions, for the confiscation of tokens, tickets, cards or other fare media that have been forged, counterfeit, improperly altered or transferred, or otherwise used in a manner inconsistent with such rules. **The authority shall not use, or arrange for the use, of biometric identifying technology, including but not limited to facial recognition technology, to enforce rules relating to the payment of fares.**

§ 2. Subdivisions 2, 3, 4, 5, 6, 7 and 10 of section 1209-a of the public authorities law, subdivisions 2, 4, 5, 6, 7 and 10 as amended by chapter 379 of the laws of 1992, subdivision 3 and paragraphs b and i of subdivision 4 as amended by chapter 460 of the laws of 2015, are amended, and three new subdivisions 11, 12 and 13 are added to read as follows:

2. Hearing officers. The president of the authority shall appoint hearing officers who shall preside at hearings for the adjudication of charges of transit **or railroad** infractions, as hereinafter defined and the adjudication of allegations of liability for violations of the rules and regulations of the triborough bridge and tunnel authority in accordance with section two thousand nine hundred eighty-five of this chapter, and who, as provided below, may be designated to serve on the appeals board of the bureau. Every hearing officer shall have been admitted to the practice of law in this state for a period of at least three years, and shall be compensated for [~~his~~] **their** services on a per diem basis determined by the bureau.

3. Jurisdiction. The bureau shall have, with respect to acts or incidents in or on the transit **or railroad** facilities of the authority **or the metropolitan transportation authority or a subsidiary thereof** committed by or involving persons who are sixteen years of age or over,

[~~or with respect to acts or incidents occurring on omnibuses owned or operated by the metropolitan transportation authority or a subsidiary thereof,~~] and with respect to violation of toll collection regulations of the triborough bridge and tunnel authority as described in section twenty-nine hundred eighty-five of this chapter, non-exclusive jurisdiction over violations of: (a) the rules which may from time to time be established by the authority under subdivision five-a of section twelve hundred four of this chapter; (b) article one hundred thirty-nine of the health code of the city of New York, as it may be amended from time to time, relating to public transportation facilities; (c) article four of the noise control code of the city of New York, as it may be amended from time to time, insofar as it pertains to sound reproduction devices; (d) the rules and regulations which may from time to time be established by the triborough bridge and tunnel authority in accordance with the provisions of section twenty-nine hundred eighty-five of this chapter; and (e) rules and regulations which may from time to time be established by the metropolitan transportation authority or a subsidiary thereof in accordance with the provisions of section twelve hundred sixty-six of this chapter. Matters within the jurisdiction of the bureau except violations of the rules and regulations of the triborough bridge and tunnel authority shall be known for purposes of this section as transit **or railroad** infractions**, as applicable**. Nothing herein shall be construed to divest jurisdiction from any court now having jurisdiction over any criminal charge or traffic infraction relating to any act committed in a transit or toll facility, or to impair the ability of a police officer to conduct a lawful search of a person in a transit **or railroad** facility. The criminal court of the city of New York shall continue to have jurisdiction over any criminal charge or traffic infraction brought for violation of the rules of the authority, the triborough bridge and tunnel authority or the metropolitan transportation authority or a subsidiary thereof, as well as jurisdiction relating to any act which may constitute a crime or an offense under any law of the state of New York or any municipality or political subdivision thereof and which may also constitute a violation of such rules. The bureau shall have concurrent jurisdiction with the environmental control board and the administrative tribunal of the department of health over the aforesaid provisions of the health code and noise control code of the city of New York.

4. General powers. The bureau shall have the following functions, powers and duties:

a. To accept pleas (whether made in person or by mail) to, and to hear and determine, charges of transit **and railroad** infractions and allegations of civil liability pursuant to section two thousand nine hundred eighty-five of this chapter within its jurisdiction;

b. To impose civil penalties [~~not to exceed a total of one hundred fifty dollars~~] **and to issue warnings** for any transit **or railroad** infraction within its jurisdiction, in accordance with a penalty schedule established by the authority or the metropolitan transportation authority or a subsidiary thereof, as applicable**, and the conditions set forth in subdivisions eleven and twelve of this section and subdivision four of section twelve hundred sixty-six of this article**, except that penalties for violations of the health code of the city of New York shall be in accordance with the penalties established for such violations by the board of health of the city of New York, and penalties for violations of the noise code of the city of New York shall be in accordance with the penalties established for such violations by law, and civil penalties

for violations of the rules and regulations of the triborough bridge and tunnel authority shall be in accordance with the penalties established for such violations by section twenty-nine hundred eighty-five of this chapter;

c. In its sole discretion, to suspend or forgive penalties or any portion of penalties imposed on the condition that the respondent voluntarily agrees to perform and actually does satisfactorily perform unpaid services on transit **or railroad** facilities as assigned by the authority, such as, without limitation, cleaning of rolling stock;

d. To adopt, amend and rescind rules and regulations not inconsistent with any applicable provision of law to carry out the purposes of this section, including but not limited to rules and regulations prescribing the internal procedures and organization of the bureau, the manner and time of entering pleas, the conduct of hearings, and the amount and manner of payment of penalties;

e. To enter judgments and enforce them, without court proceedings, in the same manner as the enforcement of money judgments in civil actions, as provided below;

f. To compile and maintain complete and accurate records relating to all **warnings,** charges and dispositions, which records shall be deemed exempt from disclosure under the freedom of information law as records compiled for law enforcement purposes**, and provided that, in the absence of an additional violation, records of a warning issued to an individual in accordance with paragraph a of subdivision eleven of this section shall be sealed or expunged as of the date that is four years after the date that such warning was issued**;

g. To apply to a court of competent jurisdiction for enforcement of any decision or order issued by such bureau or of any subpoena issued by a hearing officer as provided in paragraph d of subdivision seven of this section;

h. To enter into contracts with other government agencies, with private organizations, or with individuals to undertake on its behalf such functions as data processing, debt collections, mailing, and general administration, as the executive director deems appropriate, except that the conduct by hearing officers of hearings and of appeals may not be performed by outside contractors**, and that biometric identifying technology, including but not limited to facial recognition technology, may not be used or arranged for use by outside contractors to enforce or process transit and railroad infractions relating to the payment of fares**;

i. To accept payment of penalties and to remit same to the authority or the metropolitan transportation authority or a subsidiary thereof, as applicable; and

j. To adjudicate the liability of motor vehicle owners for violations of rules and regulations established in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter.

5. Notices of violation. The bureau shall prepare and distribute notices of violation in blank to the transit police and any other person empowered by law, rule and regulation to serve such notices. The form and wording of the notice of violation shall be prescribed by the executive director, and it may be the same as any other notice of violation or summons form already in use if said form meets the requirements hereof. The notice of violation may include provisions to record information which will facilitate the identification and location of respondents, including but not limited to name, address, telephone numbers, date of birth, social security number if otherwise permitted by law, place of

employment or school, and name and address of parents or guardian if a minor. Notices of violation shall be issued only to persons who are sixteen years of age or over, and shall be served by delivering the notice within the state to the person to be served. A copy of each notice of violation served hereunder shall be filed and retained by said bureau, and shall be deemed a record kept in the ordinary course of business, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein. Said notice of violation shall contain information advising the person charged of the manner and the time within which such person may either admit or deny the offense charged in the notice. Such notice of violation shall also contain a warning to advise the person charged that failure to plead in the manner and within the time stated in the notice may result in a default decision and order being entered against such person, and the imposition of supplemental penalties as provided in subdivision five-a of section twelve hundred four **or subdivision four of section twelve hundred sixty-six** of this chapter. A notice of violation shall not be deemed to be a notice of liability issued pursuant to section two thousand nine hundred eighty-five of this chapter.

6. Defaults. Where a respondent has failed to plead to a notice of violation or to a notice of liability issued pursuant to section two thousand nine hundred eighty-five of this chapter within the time allowed by the rules of said bureau or has failed to appear on a designated hearing date or a subsequent date following an adjournment, such failure to plead or appear shall be deemed, for all purposes, to be an admission of liability and shall be grounds for rendering a default decision and order imposing a penalty in such amount as may be prescribed by the authority **or the metropolitan transportation authority or a subsidiary thereof**.

7. Hearings. a. (1) A person charged with a transit **or railroad** infraction returnable to the bureau or a person alleged to be liable in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter who contests such allegation shall be advised of the date on or by which [~~he or she~~] **such person** must appear to answer the charge at a hearing. Notification of such hearing date shall be given either in the notice of violation or in a form, the content of which shall be prescribed by the executive director or in a manner prescribed in section two thousand nine hundred eighty-five of this chapter. Any such notification shall contain a warning to advise the person charged that failure to appear on or by the date designated, or any subsequent rescheduled or adjourned date, shall be deemed for all purposes, an admission of liability, and that a default judgment may be rendered and penalties may be imposed. Where notification is given in a manner other than in the notice of violation, the bureau shall deliver such notice to the person charged, either personally or by registered or certified mail.

(2) Whenever a person charged with a transit **or railroad** infraction or alleged to be liable in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter returnable to the bureau requests an alternate hearing date and is not then in default as defined in subdivision six of this section, the bureau shall advise such person personally, or by registered or certified mail, of the alternate hearing date on or by which [~~he or she~~] **such person** must appear to answer the charge or allegation at a hearing. The form and content of such notice of hearing shall be prescribed by the executive director, and shall contain a warning to advise the person charged or alleged to

be liable that failure to appear on or by the alternate designated hearing date, or any subsequent rescheduled or adjourned date, shall be deemed for all purposes an admission of liability, and that a default judgment may be rendered and penalties may be imposed.

(3) Whenever a person charged with a transit **or railroad** infraction or alleged to be liable in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter returnable to the bureau appears at a hearing and obtains an adjournment of the hearing pursuant to the rules of the bureau, the bureau shall advise such person personally, or by registered or certified mail, of the adjourned date on which [~~he or she~~] **such person** must appear to answer the charge or allegation at a continued hearing. The form and content of such notice of a continued hearing shall be prescribed by the executive director, and shall contain a warning to advise the person charged or alleged to be liable that failure to appear on the adjourned hearing date shall be deemed for all purposes an admission of liability, and that a default judgment may be rendered and penalties may be imposed.

b. Every hearing for the adjudication of a charge of a transit **or railroad** infraction or an allegation of liability under section two thousand nine hundred eighty-five of this chapter hereunder shall be held before a hearing officer in accordance with the rules and regulations promulgated by the bureau.

c. The hearing officer shall not be bound by the rules of evidence in the conduct of the hearing, except rules relating to privileged communications.

d. The hearing officer may, in [~~his or her~~] **their** discretion, or at the request of the person charged or alleged to be liable on a showing of good cause and need therefor, issue subpoenas to compel the appearance of any person to give testimony, and issue subpoenas duces tecum to compel the production for examination or introduction into evidence of any book, paper or other thing relevant to the charges.

e. In the case of a refusal to obey a subpoena, the bureau may make application to the supreme court pursuant to section twenty-three hundred eight of the civil practice law and rules, for an order requiring such appearance, testimony or production of materials.

f. The bureau shall make and maintain a sound recording or other record of every hearing.

g. After due consideration of the evidence and arguments, the hearing officer shall determine whether the charges or allegations have been established. No charge may be established except upon proof by clear and convincing evidence except allegations of civil liability for violations of triborough bridge and tunnel authority rules and regulations will be established in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter. Where the charges have not been established, an order dismissing the charges or allegations shall be entered. Where a determination is made that a charge or allegation has been established or if an answer admitting the charge or allegation has been received, the hearing officer shall set a penalty in accordance with the penalty schedule established by the authority **or the metropolitan transportation authority or its subsidiaries**, or for allegations of civil liability in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter and an appropriate order shall be entered in the records of the bureau. The respondent shall be given notice of such entry in person or by certified mail. This order shall constitute the final determination of the hearing officer, and for purposes of review it shall be deemed to incorporate any intermediate

determinations made by said officer in the course of the proceeding. When no appeal is filed this order shall be the final order of the bureau.

10. Funds. All penalties collected pursuant to the provisions of this section shall be paid to the authority to the credit of a transit crime fund which the authority shall establish. Any sums in this fund shall be used to pay for programs selected by the board of the **metropolitan transportation** authority, in its discretion, to reduce the incidence of crimes and infractions on transit **and railroad** facilities, or to improve the enforcement of laws against such crimes and infractions. Such funds shall be in addition to and not in substitution for any funds provided by the state or **any political subdivision within** the [~~**city of New York**~~] **metropolitan commuter transportation district as established by section twelve hundred sixty-two of this article** for such purposes.

11. Civil penalties relating to payment of transit fare violations. Civil penalties imposed by the bureau in connection with a violation by a respondent of the rules of the authority or the MTA bus company relating to the payment of fares shall adhere to the following conditions:

a. A violation that is the first such violation by a respondent committed in any four year period shall, absent exceptional circumstances including a concurrent violation or violations by such individual of the penal law or the rules of conduct of the New York city transit authority or the MTA bus company which causes or may tend to cause harm to oneself or to any other person, or to the safe operation of the transit system, be punishable only by an official written warning issued according to and governed by the rules of the authority in all respects; provided that such warning shall not be used for any purpose other than as a predicate to the imposition by the transit adjudication bureau of a civil penalty on such respondent pursuant to this subdivision in the event of a subsequent violation, and provided further that such information shall not be open to the public, nor subject to civil or criminal process or discovery, nor used by any court or administrative or adjudicatory body in any action or proceeding therein except that which is necessary for the adjudication of the notice of violation pursuant to this subdivision or for inspection and copying and use by the respondent.

b. A penalty for a violation that is the second such violation by a respondent committed in any four year period shall not exceed one hundred dollars (exclusive of supplemental penalties, interest or costs assessed thereon). Upon payment by such respondent of the penalty in full by the date due for such payment, absent exceptional circumstances as set forth in paragraph a of this subdivision, the bureau shall issue a farecard to the respondent for use on transit facilities in an amount not to exceed one-half of the penalty amount.

c. A penalty for a violation that is the third or subsequent such violation by a respondent committed in any four year period shall not exceed one hundred fifty dollars (exclusive of supplemental penalties, interest or costs assessed thereon).

d. In the case of a violation by a respondent who at the time of such violation is enrolled in the fair fares program administered by the city of New York and provides to the bureau proof of such enrollment, the penalty amount for such violation shall not exceed fifty percent of the penalty amount applicable to such violation pursuant to the schedule of such penalties as may from time to time be established by rules of the authority in accordance with paragraphs a through c of this subdivision

(exclusive of supplemental penalties, interest or costs assessed thereon).

e. Notwithstanding paragraphs a through d of this subdivision, the bureau shall forgive penalties or any portion of penalties imposed on a respondent for a violation of the rules of the authority or of the MTA bus company relating to the payment of fares on the condition that the respondent enrolls in the fair fares program administered by the city of New York and provides to the bureau proof of such enrollment.

12. Civil penalties relating to payment of railroad fare violations. Civil penalties imposed by the bureau in connection with a violation by a respondent of the rules of the authority or the metropolitan transportation authority or any of its subsidiaries relating to the payment of fares to the Metro-North railroad and Long Island rail road shall adhere to the following conditions:

a. In the case of a violation by a respondent who at the time of such violation is enrolled in the fair fares program administered by the city of New York and provides to the bureau proof of such enrollment, the penalty amount for such violation shall not exceed fifty percent of the penalty amount applicable to such violation pursuant to the schedule of such penalties as may from time to time be established by rules of the authority or metropolitan transportation authority or any of its subsidiaries.

b. Notwithstanding the rules of the authority or the metropolitan transportation authority or any of its subsidiaries, the bureau shall forgive penalties or any portion of penalties imposed on a respondent for a violation of the rules of the authority or of the metropolitan transportation authority or any of its subsidiaries relating to the payment of fares to the Metro-North railroad or Long Island rail road on the condition that the respondent enrolls in the fair fares program administered by the city of New York and provides to the bureau proof of such enrollment.

13. Reporting. Within two years of the effective date of this subdivision, the metropolitan transportation authority shall begin publishing through the open data website established under section twelve hundred seventy-nine-i of this article, data regarding fare evasion infractions adjudicated by the bureau, including without limitation the number of transit and railroad infractions issued by location including, to the extent ascertainable, the subway stop, bus route and/or stop if applicable, the number and percentage of transit or railroad infractions for which a written warning was issued broken down by location including, to the extent ascertainable, the subway stop, bus route and/or stop if applicable, the date and time of day of each infraction, the number and percentage of transit and railroad infractions issued wherein the infraction was a second or subsequent infraction alleged against the respondent, and such other information as the authority or bureau deem appropriate. No identifiable information about individual violations shall be published in such reporting.

§ 3. Subdivision 4 of section 1266 of the public authorities law, as amended by chapter 460 of the laws of 2015, is amended to read as follows:

4. The authority may establish and, in the case of joint service arrangements, join with others in the establishment of such schedules and standards of operations and such other rules and regulations including but not limited to rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of any transportation facility and related

services operated by the authority or under contract, lease or other arrangement, including joint service arrangements, with the authority. Such rules and regulations governing the conduct and safety of the public shall be filed with the department of state in the manner provided by section one hundred two of the executive law. In the case of any conflict between any such rule or regulation of the authority governing the conduct or the safety of the public and any local law, ordinance, rule or regulation, such rule or regulation of the authority shall prevail. Violation of any such rule or regulation of the authority **or any of its subsidiaries** governing the conduct or the safety of the public in or upon any facility of the authority **or any of its subsidiaries** shall constitute an offense and shall be punishable by a fine not exceeding fifty dollars or imprisonment for not more than thirty days or both or may be punishable by the imposition of a civil penalty by the transit adjudication bureau established pursuant to the provisions of title nine of this article**, except that civil penalties relating to the payment of fares may be punishable by the imposition of a civil penalty not to exceed one hundred fifty dollars, provided that civil penalties relating to the payment of fares to the MTA bus company and the Metro-North railroad and Long Island rail road shall be in accordance with the conditions set forth in subdivisions eleven and twelve of section twelve hundred nine-a of this article, as applicable**.

§ 4. The metropolitan transportation authority shall issue findings and a report on the effects of fare evasion on the authority, its subsidiaries and affiliates, including information about the quality of the bureau's adjudication process and recommendations for improvement of that process. Such report shall be published and delivered to the governor, temporary president of the senate, and the speaker of the assembly by January 1, 2028.

§ 5. This act shall take effect January 1, 2025. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART VV

Section 1. Study. The office of children and family services shall, within eighteen months from the effective date of this act, conduct and complete a study to evaluate the feasibility of providing after school programming during the academic year to every school-aged child in New York. Such study shall examine, at a minimum, the following:

(a) the costs of implementing an after school program, including but not limited to programming, facility, transportation, labor, and security costs. The study shall also examine the cost burdens borne by families, municipalities, New York state, and the federal government, and how those costs might more effectively be shared in a universal program;

(b) per-child pay rates for current after school providers;

(c) to the extent practicable, current accessibility to subsidized after school programming during the academic year;

(d) opportunities for inter- and intra-agency collaboration in delivering after school programming, including but not limited to opportunities for the department of education, division of criminal justice services, local youth bureaus, and provider agencies to share resources, best practices, and relevant information to deliver effective after school programming; and

(e) any other relevant topic areas deemed necessary to assist in delivering after school programming in New York state.

§ 2. Report. No later than ninety days after such study has been completed pursuant to section one of this act, the office of children and family services shall complete a report based on such study on the feasibility and costs to implement an after school program for every school-aged child within the state of New York, and shall deliver such report to the governor, the temporary president of the senate, and the speaker of the assembly. The commissioner of the office of children and family services may acquire directly from the head of any department, agency, or instrumentality of the state any available non-identifying information which the office considers useful in the discharge of their duties under this section and such departments, agencies, or instrumentalities of the state shall cooperate with the office with respect to such information and shall furnish all information requested by the office to the extent permitted by law.

§ 3. This act shall take effect immediately.

PART WW

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

SUBPART A

Section 1. Subparagraphs (i) and (ii) of paragraph (b) of subdivision 1 of section 402 of the vehicle and traffic law, as amended by chapter 451 of the laws of 2021, are amended and a new subparagraph (ii-a) is added to read as follows:

(i) Number plates shall be kept clean and in a condition so as to be easily readable [~~and shall not be covered by glass or any plastic material~~].

(ii) Number plates shall not be knowingly covered or coated with any [~~artificial or synthetic~~] material or substance that conceals or obscures such number plates or that distorts a recorded or photographic image of such number plates.

(ii-a) Number plates shall not be covered by glass or any plastic material, nor shall they be covered with a material appearing to be a number plate for display as proof of lawful registration but which has not been lawfully issued by the commissioner, the commissioner's agent, or the equivalent official or agents from another state, territory, district, province, nation or other jurisdiction.

§ 2. Subdivision 7 of section 402 of the vehicle and traffic law, as added by chapter 648 of the laws of 2006, is amended to read as follows:

7. It shall be unlawful for any person, firm, partnership, association, limited liability company or corporation to sell, offer for sale or distribute any:

(a) artificial or synthetic material or substance for the purpose of application to a number plate that will, upon application to a number plate, distort a recorded or photographic image of such number plate; or

(b) plate cover, material or device for the purpose of installation on, near or around a number plate that will, upon installation on, near or around a number plate, obstruct or obscure all or any part of the distinguishing number or other identification marks of such number plate; or

(c) a material appearing to be a number plate for display as proof of lawful registration but which has not been lawfully issued by the commissioner, the commissioner's agent, or the equivalent official or agents from another state, territory, district, province, nation or other jurisdiction.

§ 3. Subdivision 8 of section 402 of the vehicle and traffic law, as amended by chapter 451 of the laws of 2021, is amended to read as follows:

8. A violation of this section shall be punishable by a fine of not less than twenty-five nor more than two hundred dollars, except that [~~a~~] :

(a) A violation of subparagraph (ii), subparagraph (ii-a) or subparagraph (iii) of paragraph (b) of subdivision one of this section shall be punishable by a fine of not less than [~~fifty~~] one hundred nor more than [~~three~~] five hundred dollars.

(b) A person convicted of a violation of subparagraph (ii-a) of paragraph (b) of subdivision one of this section shall surrender the glass or plastic covering or material appearing to be a number plate, as applicable, to the court or administrative tribunal for delivery to the commissioner.

(c) Upon conviction of a violation of subparagraph (ii) of paragraph (b) of subdivision one of this section, the court or administrative tribunal having jurisdiction may, in addition to any penalty that may be imposed for such violation, order the removal of any material or substance that conceals or obscures such number plates or the replacement of such number plates.

§ 4. The vehicle and traffic law is amended by adding a new section 402-b to read as follows:

§ 402-b. Obscured and obstructed license plates. 1. If any vehicle is driven or operated on a public highway in violation of subparagraph (ii), (ii-a), or (iii) of paragraph (b) of subdivision one of section four hundred two of this article and is committed in their presence, a police officer, as defined in section one hundred thirty-two of this chapter, shall be authorized to take such actions as may be required or permitted by the provisions of this section.

2. If the vehicle is being driven or operated in violation of subparagraph (ii), (ii-a) or (iii) of paragraph (b) of subdivision one of section four hundred two of this article, such officer shall issue a summons, provided, however, that a summons shall not be issued if, in the discretion and at the request of such officer, the defect is corrected in the presence of such officer. The refusal of a police officer to permit the repair of any defect in their presence shall not be reviewable, and shall not be a defense to any violation charged in a summons issued pursuant to the provisions of this section.

3. Any complaint issued for any violation of subparagraph (ii), (ii-a) or (iii) of paragraph (b) of subdivision one of section four hundred two of this article may be dismissed by the court before which the summons is returnable if the violation as set forth in the summons is corrected

not later than one-half hour after sunset on the first full business day after the issuance of the summons and proof of such correction is submitted to the court or administrative tribunal. For the purposes of this subdivision, "business day" shall mean any calendar day except Saturday and Sunday, or the following business holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day.

§ 5. Section 510 of the vehicle and traffic law is amended by adding a new subdivision 4-h to read as follows:

4-h. Suspension of registration for covering license plates with a license plate cover or material appearing to be a number plate or obscuring license plates with any material or substance. (a) Upon receipt of a notification from a court or an administrative tribunal that an owner of a motor vehicle has been convicted three or more times within a period of five years of a violation of subparagraph (ii), (ii-a) or (iii) of paragraph (b) of subdivision one of section four hundred two of this chapter not arising out of the same incident, the commissioner or the commissioner's agent may suspend the registration of the motor vehicle involved in such violation for a period of ninety days. The commissioner may, in the commissioner's discretion, deny a registration or renewal application to any other person for the same vehicle and may deny a registration or renewal application for any other motor vehicle registered in the name of the applicant where the commissioner has determined that such registrant's intent has been to evade the purposes of this paragraph and where the commissioner has reasonable grounds to believe that such registration or renewal will have the effect of defeating the purposes of this paragraph. Such denial shall remain in effect only as long as the suspension entered pursuant to this paragraph remains in effect.

(b) Upon receipt of notification from a court or an administrative tribunal that an owner of a motor vehicle has failed to comply with paragraph (b) or (c) of subdivision eight of section four hundred two of this chapter, the commissioner or the commissioner's agent may suspend the registration of the motor vehicle involved in such violation and such suspension shall remain in effect until such time as the commissioner is advised that such owner has complied with such paragraphs, as applicable. The commissioner may, in the commissioner's discretion, deny a registration or renewal application to any other person for the same vehicle and may deny a registration or renewal application for any other motor vehicle registered in the name of the applicant where the commissioner has determined that such registrant's intent has been to evade the purposes of this paragraph and where the commissioner has reasonable grounds to believe that such registration or renewal will have the effect of defeating the purposes of this paragraph. Such denial shall remain in effect only as long as the suspension entered pursuant to this paragraph remains in effect.

§ 6. Subdivision 8 of section 2985 of the public authorities law, as added by chapter 379 of the laws of 1992, is amended to read as follows:

8. (a) Adjudication of the liability imposed upon owners by this section shall be by the entity having jurisdiction over violations of the rules and regulations of the public authority serving the notice of liability or where authorized by an administrative tribunal and all violations shall be heard and determined in the county in which the violation is alleged to have occurred, or in New York city and upon the consent of both parties, in any county within New York city in which the public authority operates or maintains a facility, and in the same

manner as charges of other regulatory violations of such public authority or pursuant to the rules and regulations of such administrative tribunal as the case may be.

(b) Upon exhaustion of remedies pursuant to this section or section twenty-nine hundred eighty-five-a of this title, as applicable, the New York state bridge authority, thruway authority, triborough bridge and tunnel authority, metropolitan transportation authority, and port authority of New York and New Jersey, a bi-state agency created by compact set forth in chapter one hundred fifty-four of the laws of nineteen hundred twenty-one, shall have the power to enter judgments for unpaid liabilities, provided that such unpaid liabilities include the failure to pay tolls, fees, or other charges or the failure to have such tolls, fees or other charges dismissed or transferred in response to three or more notices of violation issued within a five year period charging the registrant of a motor vehicle with a violation of toll collection regulations, and to enforce such judgments, without court proceedings, in the same manner as the enforcement of money judgments in civil actions in any court of competent jurisdiction or any other place provided for the entry of civil judgment within the state of New York, after a period of notice pursuant to paragraph (c) of this subdivision. The applicable tolling authority shall not enforce such judgments until thirty days have elapsed from issuing a notice pursuant to paragraph (c) of this subdivision.

(c) Prior to entering judgments for unpaid liabilities pursuant to paragraph (b) of this subdivision, the applicable tolling authority shall notify the person subject to such judgment, by first class mail, that such person is at risk of entry of a judgment against them if they fail to pay such unpaid liabilities. The form and content of such notice shall be prescribed by the applicable tolling authority, and shall contain a warning to advise the person that failure to pay the applicable unpaid liabilities within a period of not less than thirty days of such notice will result in the enforcement of a judgment against them, and shall further contain information about the process to dispute such liabilities, consistent with this section or section twenty-nine hundred eighty-five-a of this title, as applicable.

§ 7. This act shall take effect September 1, 2024; provided, however, that the provisions of sections one, two, three, four and five of this act shall apply to violations committed on and after such date. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.

SUBPART B

Section 1. This act shall be known and may be cited as the "toll by mail enhancement act".

§ 2. The public authorities law is amended by adding a new section 2985-a to read as follows:

§ 2985-a. Payment of tolls under the tolls by mail program. 1. This section shall not apply to the payment of tolls by means of an electronic toll device that transmits information through an electronic toll collection system as defined in subdivision twelve of section twenty-nine hundred eighty-five of this title.

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

(a) "Cashless tolling facility" shall mean a toll roadway, bridge or tunnel facility that does not provide for the immediate on-site payment in cash of a toll owed for the use of such facility.

(b) "Owner" shall mean any person, corporation, partnership, firm, agency, association, lessor or organization who, at the time of incurring an obligation to pay a toll at a cashless tolling facility, and with respect to the vehicle identified in the toll bill or notice of violation: (i) is the beneficial or equitable owner of such vehicle; or (ii) has title to such vehicle; or (iii) is the registrant or co-registrant of such vehicle which is registered with the department of motor vehicles of this state or any other state, territory, district, province, nation or other jurisdiction; or (iv) subject to the limitations set forth in subdivision ten of section twenty-nine hundred eighty-five of this title, uses such vehicle in its vehicle renting and/or leasing business; or (v) is a person entitled to the use and possession of a vehicle subject to a security interest in another person.

(c) "Toll bill" shall mean a notice sent to an owner notifying such owner that the owner's vehicle has been used or operated in or upon a cashless tolling facility and the owner has incurred an obligation to pay a toll.

(d) "Notice of violation" shall mean a notice sent to an owner notifying such owner that a toll incurred at a cashless tolling facility by the owner has not been paid at the place and time and in the manner established for collection of such toll in the toll bill and that an administrative violation fee is being imposed for each such unpaid toll.

(e) "Billing cycle" shall mean a period not to exceed thirty calendar days once tolls have posted for purposes of consolidated toll billing.

(f) "Initial billing cycle" shall mean a period not to exceed fifteen business days after identifying the owner or other party responsible for paying the toll for the purpose of consolidated toll billing for an obligation to pay a toll bill for the first time at a cashless tolling facility in a six-month period.

(g) "Tolls by mail program" shall mean any program operated by or on behalf of a public authority to send a toll bill to an owner whose vehicle crosses a cashless tolling facility without a valid electronic device that successfully transmits information through an electronic toll collection system as defined in subdivision twelve of section twenty-nine hundred eighty-five of this title.

(h) "Declaration of dispute" shall mean a submission by an owner disputing all or any portion of a toll, fee, penalty, or other obligation incurred by an owner whose vehicle crosses a cashless tolling facility, in such form as the public authority shall provide in regulations and through display on the authority's website.

3. In the case of an owner who incurs an obligation to pay a toll for the first time in six months under the tolls by mail program at a cashless tolling facility, a toll bill shall be sent within ten business days after the end of the initial billing cycle and of each subsequent billing cycle. In the case of all other owners incurring an obligation to pay a toll at a cashless tolling facility, a toll bill shall be sent at the end of the next billing cycle. Toll bills shall be sent to the owner by first class mail, and may additionally be sent by electronic means of communication upon the affirmative consent of the owner, by or on behalf of the public authority which operates such cashless tolling facility. The owner shall have thirty days from the date of the toll bill to pay the incurred toll. The toll bill shall include: (i) the total amount of the incurred tolls due, (ii) the date by which payment

of the incurred tolls is due, (iii) any administrative fees, (iv) the address for receipt of payment and methods of payment for the toll, (v) the procedure for contesting any toll and the contact information for the relevant toll payer advocate office and customer service center, (vi) information related to the failure to timely pay or respond to the notice of liability, in addition to the possibility that a judgment can be entered for repeat unpaid liabilities that could lead to a vehicle being towed or immobilized, (vii) a website address or hyperlink for the owner to access time-stamped photographs or footage of each toll incurred by electronic means, (viii) information related to the availability of the toll payer advocate to discuss payment options, and (ix) other information required by law or by the public authority. Each toll bill shall identify the date, time, location, license plate number, and jurisdiction of the license plate for each toll that has been incurred. Each toll bill shall include an image of the license plate of the vehicle being used or operated on the toll facility. If the owner fails to pay the initial toll bill, a second toll bill shall be sent in the next billing cycle, which shall also indicate the overdue toll or tolls and any administrative or late fees due.

4. In the case of an owner who does not pay a toll incurred under the tolls by mail program on a cashless facility at the place and time and in the manner established for collection of such toll in the second toll bill, a notice of violation shall be sent notifying the owner that the toll is unpaid and administrative violation fees are being imposed. The notice of violation shall be sent to the owner by first class mail, and may additionally be sent by electronic means of communication upon the affirmative consent of the owner, by or on behalf of the public authority which operates such cashless tolling facility. The notice of violation shall include: (i) the total amount of unpaid tolls and administrative violation fees due, (ii) the date by which payment of the tolls and administrative violation fees is due, (iii) the address for receipt of payment and methods of payment for the toll, (iv) the procedure for contesting any toll and the contact information for the relevant toll payer advocate office and customer service center, (v) information related to the failure to timely pay or respond to the notice of liability, in addition to the possibility that a judgment can be entered for repeat unpaid liabilities that could lead to a vehicle being towed or immobilized, (vi) a website address or hyperlink for the owner to access time-stamped photographs or footage of each toll incurred by electronic means, (vii) information related to the availability of the toll payer advocate to discuss payment options, and (viii) other information required by law or by the public authority. Each notice of violation shall identify the date, time, location, license plate number, and jurisdiction of the license plate for each unpaid toll that has been incurred.

5. Any fee or administrative violation fee that is assessed on a notice of violation pursuant to subdivision four of this section shall be dismissed if the notice of violation was not sent within ninety days of the second toll bill, provided that any toll or tolls incurred remain due and payable and provided further that such dismissal shall not apply in the event that exceptional circumstances, including but not limited to technological failures, have delayed the timely mailing of the notice of violation and the public authority has posted notice of such circumstances prominently on its website within a reasonable time of becoming aware of such circumstances, which shall be adequate record of such circumstances.

6. Any toll bill or notice of violation required to be sent pursuant to this section by first class mail may also be sent, with consent of the owner, by electronic means of communication by or on behalf of the public authority. It shall be the sole responsibility of the owner to provide and update the address used for electronic means of communication to the owner by the public authority. A manual or automatic record of electronic communications prepared in the ordinary course of business shall be adequate record of electronic notice.

7. Any owner who incurs an obligation to pay a toll under the tolls by mail program at a public authority's cashless tolling facility shall have an option to receive alerts by electronic means of communication that a toll has been incurred. Such alerts shall be provided to the owner who has elected to receive such alerts no more than seventy-two hours after the owner is identified. Each public authority shall create an online registration for an electronic means of communication alert that a toll has been incurred under the tolls by mail program at a cashless tolling facility. In the event an owner chooses to receive an electronic means of communication alert of a toll incurred, it shall be the owner's sole responsibility to provide and update any mobile numbers, electronic mail addresses, or any other addresses used for electronic means of communication to which alerts are sent. A manual or automatic record of electronic communications prepared in the ordinary course of business shall be adequate record of electronic notice.

8. If an owner receives a notice of violation pursuant to this section for any time period during which the vehicle was reported to the police department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of toll collection regulations that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. If an owner receives a notice of violation pursuant to this section for any time period during which the vehicle was stolen, but not as yet reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of toll collection regulations pursuant to this section that the vehicle was reported as stolen within two hours after the discovery of the theft by the owner. For purposes of asserting the defense provided by this subdivision it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent by first class mail to the court or other entity having jurisdiction.

9. An owner who is a lessor of a vehicle to which a notice of violation was issued pursuant to subdivision four of this section shall not be liable for the violation of the toll collection regulations provided the owner sends to the public authority serving the notice of violation and to the court or other entity having jurisdiction a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty days after receiving the original notice of violation. Failure to send such information within such thirty-day time period shall render the lessor liable for the penalty prescribed by this section. Where the lessor complies with the provisions of this subdivision, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section and shall be subject to liability for the violation of the toll collection regulations, provided that the public authority mails a notice of violation to the lessee within ten business days after the public authority deems the lessee to be the owner. For purposes of this

subdivision the term "lessor" shall mean any person, corporation, firm, partnership, agency, association or organization engaged in the business of renting or leasing vehicles to any lessee under a rental agreement, lease or otherwise wherein the said lessee has the exclusive use of said vehicle for any period of time. For purposes of this subdivision, the term "lessee" shall mean any person, corporation, firm, partnership, agency, association or organization that rents, leases or contracts for the use of one or more vehicles and has exclusive use thereof for any period of time.

10. Except as provided in subdivision nine of this section, if a person receives a notice of violation pursuant to this section it shall be a valid defense to an allegation of liability for a violation of toll collection regulations that the individual who received the notice of violation pursuant to this section was not the owner of the vehicle at the time the violation occurred. If the owner liable for a violation of toll collection regulations pursuant to this section was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

11. Any public authority that operates a cashless tolling facility shall: (i) maintain a website and toll-free phone number for any person to receive updated information on any tolls or fees which are outstanding; and (ii) establish procedures for owners to dispute any tolls and violation fees incurred in connection with toll bills, including a requirement that written determinations in such disputes shall be issued within forty-five days of receipt of the owner's declaration of dispute. Such information shall be prominently displayed on such public authority's toll bills, notices of violation and website.

12. Every public authority that operates a cashless tolling facility shall develop policies and procedures for the establishment on a case-by-case basis of a written payment plan agreement for an owner's unpaid tolls and administrative violation fees incurred at a cashless tolling facility, subject to the availability of sufficient resources for the public authority to administer such payment plans. Information related to payment plans shall be made available upon the owner's request to the public authority's customer service center. The public authority shall not charge any additional amount or fee for enrollment in a payment plan agreement. Owners shall fully comply with all payment plan agreement terms and conditions and shall be subject to payment plan agreement default provisions.

13. Every public authority that operates a cashless tolling facility shall establish an office of such authority's toll payer advocate, designed to further assist owners who remain unsatisfied after first attempting resolution in writing of their concern with, and receiving written determination from, such authority's customer service center. The office of the toll payer advocate shall also endeavor to identify any systemic issues and recommend reasonable improvements regarding the use of and process involved with the payment of tolls under the tolls by mail program at cashless tolling facilities to the public authority.

14. A public authority that operates a cashless tolling facility, including the officers, employees, contractors and agents of such public authority, shall not report to a consumer reporting agency, as defined in 15 U.S.C. § 1681a, any toll, fee, penalty or other obligation incurred by an owner related to use of a cashless tolling facility.

15. Nothing in this section shall prohibit a public authority from collecting any toll or fee in the event that an owner does not properly register a vehicle pursuant to the laws, rules and regulations of this

state, or any other state, territory, district, province, nation or other jurisdiction.

16. Nothing in this section shall require a public authority to perform any action or forbear from performing any action that would in the public authority's sole discretion impair any covenant with the holders of any of the public authority's bonds, notes or other obligations.

§ 3. No later than 90 days after the effective date of this act, every public authority that operates a cashless tolling facility shall undertake a public awareness campaign to educate motorists regarding the tolls by mail program, of their right to access the office of the relevant toll payer advocate and information related to the ability of that office to discuss payment options, of the importance of updating their license and vehicle registration information with the department of motor vehicles, the potential consequences for failure to pay tolls or respond to toll bills, of the benefits of becoming an E-ZPass customer and opportunities available to monitor tolls by mail balances, and potential options for unbanked individuals and individuals who do not have a credit card to obtain an E-ZPass. The outreach campaign may include, among other materials, print, electronic and mobile cellular technology resources, and may be made publicly available via public authority-sponsored communication methods.

§ 4. This act shall take effect September 1, 2024. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date. With respect to the Port Authority of New York and New Jersey, this act shall take effect upon the enactment into law by the state of New Jersey of legislation having an identical effect with this act upon the Port Authority of New York and New Jersey; but if the state of New Jersey shall have already enacted such legislation, this act shall take effect immediately; provided, that the chair of the port authority shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in section two of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

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

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

PART XX

Section 1. The state comptroller is hereby authorized and directed to loan money in accordance with the provisions set forth in subdivision 5

of section 4 of the state finance law to the following funds and/or accounts:

1. DOL-Child performer protection account (20401).
2. Local government records management account (20501).
3. Child health plus program account (20810).
4. EPIC premium account (20818).
5. Education - New (20901).
6. VLT - Sound basic education fund (20904).
7. Sewage treatment program management and administration fund (21000).
8. Hazardous bulk storage account (21061).
9. Utility environmental regulatory account (21064).
10. Federal grants indirect cost recovery account (21065).
11. Low level radioactive waste account (21066).
12. Recreation account (21067).
13. Public safety recovery account (21077).
14. Environmental regulatory account (21081).
15. Natural resource account (21082).
16. Mined land reclamation program account (21084).
17. Great lakes restoration initiative account (21087).
18. Environmental protection and oil spill compensation fund (21200).
19. Public transportation systems account (21401).
20. Metropolitan mass transportation (21402).
21. Operating permit program account (21451).
22. Mobile source account (21452).
23. Statewide planning and research cooperative system account (21902).
24. New York state thruway authority account (21905).
25. Financial control board account (21911).
26. Regulation of racing account (21912).
27. State university dormitory income reimbursable account (21937).
28. Criminal justice improvement account (21945).
29. Environmental laboratory reference fee account (21959).
30. Training, management and evaluation account (21961).
31. Clinical laboratory reference system assessment account (21962).
32. Indirect cost recovery account (21978).
33. Multi-agency training account (21989).
34. Bell jar collection account (22003).
35. Industry and utility service account (22004).
36. Real property disposition account (22006).
37. Parking account (22007).
38. Courts special grants (22008).
39. Asbestos safety training program account (22009).
40. Batavia school for the blind account (22032).
41. Investment services account (22034).
42. Surplus property account (22036).
43. Financial oversight account (22039).
44. Regulation of Indian gaming account (22046).
45. Rome school for the deaf account (22053).
46. Seized assets account (22054).
47. Administrative adjudication account (22055).
48. New York City assessment account (22062).
49. Cultural education account (22063).
50. Local services account (22078).
51. DHCR mortgage servicing account (22085).
52. Housing indirect cost recovery account (22090).

53. Voting Machine Examinations account (22099).
54. DHCR-HCA application fee account (22100).
55. Low income housing monitoring account (22130).
56. Restitution account (22134).
57. Corporation administration account (22135).
58. New York State Home for Veterans in the Lower-Hudson Valley account (22144).
59. Deferred compensation administration account (22151).
60. Rent revenue other New York City account (22156).
61. Rent revenue account (22158).
62. Transportation aviation account (22165).
63. Tax revenue arrearage account (22168).
64. New York State Campaign Finance Fund account (22211).
65. New York state medical indemnity fund account (22240).
66. Behavioral health parity compliance fund (22246).
67. Pharmacy benefit manager regulatory fund (22255).
68. State university general income offset account (22654).
69. Lake George park trust fund account (22751).
70. Highway safety program account (23001).
71. DOH drinking water program account (23102).
72. NYCCC operating offset account (23151).
73. Commercial gaming revenue account (23701).
74. Commercial gaming regulation account (23702).
75. Highway use tax administration account (23801).
76. New York state secure choice administrative account (23806).
77. New York state cannabis revenue fund (24800).
78. Fantasy sports administration account (24951).
79. Mobile sports wagering fund (24955).
80. Highway and bridge capital account (30051).
81. State university residence hall rehabilitation fund (30100).
82. State parks infrastructure account (30351).
83. Clean water/clean air implementation fund (30500).
84. Hazardous waste remedial cleanup account (31506).
85. Youth facilities improvement account (31701).
86. Housing assistance fund (31800).
87. Housing program fund (31850).
88. Highway facility purpose account (31951).
89. New York racing account (32213).
90. Capital miscellaneous gifts account (32214).
91. Information technology capital financing account (32215).
92. New York environmental protection and spill remediation account (32219).
93. Mental hygiene facilities capital improvement fund (32300).
94. Correctional facilities capital improvement fund (32350).
95. New York State Storm Recovery Capital Fund (33000).
96. OGS convention center account (50318).
97. Empire Plaza Gift Shop (50327).
98. Unemployment Insurance Benefit Fund, Interest Assessment Account (50651).
99. Centralized services fund (55000).
100. Archives records management account (55052).
101. Federal single audit account (55053).
102. Civil service administration account (55055).
103. Civil service EHS occupational health program account (55056).
104. Banking services account (55057).
105. Cultural resources survey account (55058).

106. Neighborhood work project account (55059).
107. Automation & printing chargeback account (55060).
108. OFT NYT account (55061).
109. Data center account (55062).
110. Intrusion detection account (55066).
111. Domestic violence grant account (55067).
112. Centralized technology services account (55069).
113. Labor contact center account (55071).
114. Human services contact center account (55072).
115. Tax contact center account (55073).
116. Department of law civil recoveries account (55074).
117. Executive direction internal audit account (55251).
118. CIO Information technology centralized services account (55252).
119. Health insurance internal service account (55300).
120. Civil service employee benefits division administrative account (55301).
121. Correctional industries revolving fund (55350).
122. Employees health insurance account (60201).
123. Medicaid management information system escrow fund (60900).
124. Virtual currency assessments account.
125. Animal shelter regulation account.
126. Department of financial services IT modernization capital account.

§ 2. The state comptroller is hereby authorized and directed to loan money in accordance with the provisions set forth in subdivision 5 of section 4 of the state finance law to any account within the following federal funds, provided the comptroller has made a determination that sufficient federal grant award authority is available to reimburse such loans:

1. Federal USDA-food and nutrition services fund (25000).
2. Federal health and human services fund (25100).
3. Federal education fund (25200).
4. Federal block grant fund (25250).
5. Federal miscellaneous operating grants fund (25300).
6. Federal unemployment insurance administration fund (25900).
7. Federal unemployment insurance occupational training fund (25950).
8. Federal emergency employment act fund (26000).
9. Federal capital projects fund (31350).

§ 3. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2025, up to the unencumbered balance or the following amounts:

Economic Development and Public Authorities:

1. $2,175,000 from the miscellaneous special revenue fund, underground facilities safety training account (22172), to the general fund.
2. An amount up to the unencumbered balance from the miscellaneous special revenue fund, business and licensing services account (21977), to the general fund.
3. $19,810,000 from the miscellaneous special revenue fund, code enforcement account (21904), to the general fund.
4. $3,000,000 from the general fund to the miscellaneous special revenue fund, tax revenue arrearage account (22168).

Education:

1. $2,807,000,000 from the general fund to the state lottery fund, education account (20901), as reimbursement for disbursements made from

such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.

2. $1,096,000,000 from the general fund to the state lottery fund, VLT education account (20904), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.

3. $121,900,000 from the general fund to the New York state commercial gaming fund, commercial gaming revenue account (23701), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 97-nnnn of the state finance law that are in excess of the amounts deposited in such fund for purposes pursuant to section 1352 of the racing, pari-mutuel wagering and breeding law.

4. $1,039,800,000 from the general fund to the mobile sports wagering fund, education account (24955), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1367 of the racing, pari-mutuel wagering and breeding law.

5. $46,000,000 from the interactive fantasy sports fund, fantasy sports education account (24950), to the state lottery fund, education account (20901), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law.

6. An amount up to the unencumbered balance in the fund on March 31, 2025 from the charitable gifts trust fund, elementary and secondary education account (24901), to the general fund, for payment of general support for public schools pursuant to section 3609-a of the education law.

7. Moneys from the state lottery fund (20900) up to an amount deposited in such fund pursuant to section 1612 of the tax law in excess of the current year appropriation for supplemental aid to education pursuant to section 92-c of the state finance law.

8. $300,000 from the New York state local government records management improvement fund, local government records management account (20501), to the New York state archives partnership trust fund, archives partnership trust maintenance account (20351).

9. $900,000 from the general fund to the miscellaneous special revenue fund, Batavia school for the blind account (22032).

10. $900,000 from the general fund to the miscellaneous special revenue fund, Rome school for the deaf account (22053).

11. $343,400,000 from the state university dormitory income fund (40350) to the miscellaneous special revenue fund, state university dormitory income reimbursable account (21937).

12. Intentionally omitted.

13. $24,000,000 from any of the state education department's special revenue and internal service funds to the miscellaneous special revenue fund, indirect cost recovery account (21978).

14. $4,200,000 from any of the state education department's special revenue or internal service funds to the capital projects fund (30000).

15. $30,013,000 from the general fund to the miscellaneous special revenue fund, HESC-insurance premium payments account (21960).

Environmental Affairs:

1. $16,000,000 from any of the department of environmental conservation's special revenue federal funds, and/or federal capital funds, to

the environmental conservation special revenue fund, federal indirect recovery account (21065).

2. $5,000,000 from any of the department of environmental conservation's special revenue federal funds, and/or federal capital funds, to the conservation fund (21150) or Marine Resources Account (21151) as necessary to avoid diversion of conservation funds.

3. $3,000,000 from any of the office of parks, recreation and historic preservation capital projects federal funds and special revenue federal funds to the miscellaneous special revenue fund, federal grant indirect cost recovery account (22188).

4. $1,000,000 from any of the office of parks, recreation and historic preservation special revenue federal funds to the miscellaneous capital projects fund, I love NY water account (32212).

5. $100,000,000 from the general fund to the environmental protection fund, environmental protection fund transfer account (30451).

6. $10,000,000 from the general fund to the hazardous waste remedial fund, hazardous waste oversight and assistance account (31506).

7. An amount up to or equal to the cash balance within the special revenue-other waste management & cleanup account (21053) to the capital projects fund (30000) for services and capital expenses related to the management and cleanup program as put forth in section 27-1915 of the environmental conservation law.

8. $1,800,000 from the miscellaneous special revenue fund, public service account (22011) to the miscellaneous special revenue fund, utility environmental regulatory account (21064).

9. $7,000,000 from the general fund to the enterprise fund, state fair account (50051).

10. $10,000,000 from the waste management & cleanup account (21053) to the general fund.

11. $3,000,000 from the waste management & cleanup account (21053) to the environmental protection fund transfer account (30451).

12. $10,000,000 from the general fund to the miscellaneous special revenue fund, patron services account (22163).

13. $15,000,000 from the enterprise fund, golf account (50332) to the state park infrastructure fund, state park infrastructure account (30351).

Family Assistance:

1. $7,000,000 from any of the office of children and family services, office of temporary and disability assistance, or department of health special revenue federal funds and the general fund, in accordance with agreements with social services districts, to the miscellaneous special revenue fund, office of human resources development state match account (21967).

2. $4,000,000 from any of the office of children and family services or office of temporary and disability assistance special revenue federal funds to the miscellaneous special revenue fund, family preservation and support services and family violence services account (22082).

3. $18,670,000 from any of the office of children and family services, office of temporary and disability assistance, or department of health special revenue federal funds and any other miscellaneous revenues generated from the operation of office of children and family services programs to the general fund.

4. $205,000,000 from any of the office of temporary and disability assistance or department of health special revenue funds to the general fund.

5. $2,500,000 from any of the office of temporary and disability assistance special revenue funds to the miscellaneous special revenue fund, office of temporary and disability assistance program account (21980).

6. $35,000,000 from any of the office of children and family services, office of temporary and disability assistance, department of labor, and department of health special revenue federal funds to the office of children and family services miscellaneous special revenue fund, multi-agency training contract account (21989).

7. $205,000,000 from the miscellaneous special revenue fund, youth facility per diem account (22186), to the general fund.

8. $621,850 from the general fund to the combined gifts, grants, and bequests fund, WB Hoyt Memorial account (20128).

9. $5,000,000 from the miscellaneous special revenue fund, state central registry (22028), to the general fund.

10. $900,000 from the general fund to the Veterans' Remembrance and Cemetery Maintenance and Operation account (20201).

11. $5,000,000 from the general fund to the housing program fund (31850).

12. $10,000,000 from any of the office of children and family services special revenue federal funds to the office of the court administration special revenue other federal iv-e funds account.

General Government:

1. $9,000,000 from the general fund to the health insurance revolving fund (55300).

2. $292,400,000 from the health insurance reserve receipts fund (60550) to the general fund.

3. $150,000 from the general fund to the not-for-profit revolving loan fund (20650).

4. $150,000 from the not-for-profit revolving loan fund (20650) to the general fund.

5. $3,000,000 from the miscellaneous special revenue fund, surplus property account (22036), to the general fund.

6. $19,000,000 from the miscellaneous special revenue fund, revenue arrearage account (22024), to the general fund.

7. $3,326,000 from the miscellaneous special revenue fund, revenue arrearage account (22024), to the miscellaneous special revenue fund, authority budget office account (22138).

8. $1,000,000 from the miscellaneous special revenue fund, parking account (22007), to the general fund, for the purpose of reimbursing the costs of debt service related to state parking facilities.

9. $11,460,000 from the general fund to the agencies internal service fund, central technology services account (55069), for the purpose of enterprise technology projects.

10. $10,000,000 from the general fund to the agencies internal service fund, state data center account (55062).

11. $12,000,000 from the miscellaneous special revenue fund, parking account (22007), to the centralized services, building support services account (55018).

12. $33,000,000 from the general fund to the internal service fund, business services center account (55022).

13. $8,000,000 from the general fund to the internal service fund, building support services account (55018).

14. $1,500,000 from the combined expendable trust fund, plaza special events account (20120), to the general fund.

15. $50,000,000 from the New York State cannabis revenue fund (24800) to the general fund.

16. A transfer from the general fund to the miscellaneous special revenue fund, New York State Campaign Finance Fund Account (22211), up to an amount equal to total reimbursements due to qualified candidates.

17. $6,000,000 from the miscellaneous special revenue fund, standards and purchasing account (22019), to the general fund.

18. $5,600,000 from the banking department special revenue fund (21970) funded by the assessment to defray operating expenses authorized by section 206 of the financial services law to the IT Modernization Capital Fund.

19. $8,400,000 from the insurance department special revenue fund (21994) funded by the assessment to defray operating expenses authorized by section 206 of the financial services law to the IT Modernization Capital Fund.

20. $500,000 from the pharmacy benefits bureau special revenue fund (22255) funded by the assessment to defray operating expenses authorized by section 206 of the financial services law, to the IT Modernization Capital Fund.

21. $500,000 from the virtual currency special revenue fund (22262) funded by the assessment to defray operating expenses authorized by section 206 of the financial services law, to the IT Modernization Capital Fund.

22. $250,000 from the general fund to the miscellaneous special revenue fund, authority budget office account (22138).

Health:

1. A transfer from the general fund to the combined gifts, grants and bequests fund, breast cancer research and education account (20155), up to an amount equal to the monies collected and deposited into that account in the previous fiscal year.

2. A transfer from the general fund to the combined gifts, grants and bequests fund, prostate cancer research, detection, and education account (20183), up to an amount equal to the moneys collected and deposited into that account in the previous fiscal year.

3. A transfer from the general fund to the combined gifts, grants and bequests fund, Alzheimer's disease research and assistance account (20143), up to an amount equal to the moneys collected and deposited into that account in the previous fiscal year.

4. $3,600,000 from the miscellaneous special revenue fund, certificate of need account (21920), to the miscellaneous capital projects fund, healthcare IT capital subfund (32216).

5. $4,000,000 from the miscellaneous special revenue fund, vital health records account (22103), to the miscellaneous capital projects fund, healthcare IT capital subfund (32216).

6. $6,000,000 from the miscellaneous special revenue fund, professional medical conduct account (22088), to the miscellaneous capital projects fund, healthcare IT capital subfund (32216).

7. $131,000,000 from the HCRA resources fund (20800) to the capital projects fund (30000).

8. $6,550,000 from the general fund to the medical cannabis trust fund, health operation and oversight account (23755).

9. An amount up to the unencumbered balance from the charitable gifts trust fund, health charitable account (24900), to the general fund, for payment of general support for primary, preventive, and inpatient health care, dental and vision care, hunger prevention and nutritional assistance, and other services for New York state residents with the overall

goal of ensuring that New York state residents have access to quality health care and other related services.

10. $500,000 from the miscellaneous special revenue fund, New York State cannabis revenue fund (24800), to the miscellaneous special revenue fund, environmental laboratory fee account (21959).

11. An amount up to the unencumbered balance from the public health emergency charitable gifts trust fund (23816), to the general fund, for payment of goods and services necessary to respond to a public health disaster emergency or to assist or aid in responding to such a disaster.

12. $1,000,000,000 from the general fund to the health care transformation fund (24850).

13. $2,590,000 from the miscellaneous special revenue fund, patient safety center account (22140), to the general fund.

14. $1,000,000 from the miscellaneous special revenue fund, nursing home receivership account (21925), to the general fund.

15. $130,000 from the miscellaneous special revenue fund, quality of care account (21915), to the general fund.

16. $2,200,000 from the miscellaneous special revenue fund, adult home quality enhancement account (22091), to the general fund.

17. $22,113,000 from the general fund, to the miscellaneous special revenue fund, helen hayes hospital account (22140).

18. $4,850,000 from the general fund, to the miscellaneous special revenue fund, New York city veterans' home account (22141).

19. $3,675,000 from the general fund, to the miscellaneous special revenue fund, New York state home for veterans' and their dependents at oxford account (22142).

20. $2,055,000 from the general fund, to the miscellaneous special revenue fund, western New York veterans' home account (22143).

21. $6,451,000 from the general fund, to the miscellaneous special revenue fund, New York state for veterans in the lower-hudson valley account (22144).

22. $6,600,000 from the general fund, to the New York state medical indemnity fund (22240).

23. $350,000,000 from the general fund, to the miscellaneous special revenue fund, healthcare stability fund account.

24. $5,000,000 from the general fund to the occupational health clinics account (22177).

Labor:

1. $600,000 from the miscellaneous special revenue fund, DOL fee and penalty account (21923), to the child performer's protection fund, child performer protection account (20401).

2. $11,700,000 from the unemployment insurance interest and penalty fund, unemployment insurance special interest and penalty account (23601), to the general fund.

3. $50,000,000 from the DOL fee and penalty account (21923), unemployment insurance special interest and penalty account (23601), and public work enforcement account (21998), to the general fund.

4. $850,000 from the miscellaneous special revenue fund, DOL elevator safety program fund (22252) to the miscellaneous special revenue fund, DOL fee and penalty account (21923).

Mental Hygiene:

1. $3,800,000 from the general fund, to the agencies internal service fund, civil service EHS occupational health program account (55056).

2. $2,000,000 from the general fund, to the mental hygiene facilities capital improvement fund (32300).

3. $20,000,000 from the opioid settlement fund (23817) to the miscellaneous capital projects fund, opioid settlement capital account (32200).

4. $20,000,000 from the miscellaneous capital projects fund, opioid settlement capital account (32200) to the opioid settlement fund (23817).

Public Protection:

1. $1,350,000 from the miscellaneous special revenue fund, emergency management account (21944), to the general fund.

2. $2,587,000 from the general fund to the miscellaneous special revenue fund, recruitment incentive account (22171).

3. $23,773,000 from the general fund to the correctional industries revolving fund, correctional industries internal service account (55350).

4. $2,000,000,000 from any of the division of homeland security and emergency services special revenue federal funds to the general fund.

5. $115,420,000 from the state police motor vehicle law enforcement and motor vehicle theft and insurance fraud prevention fund, state police motor vehicle enforcement account (22802), to the general fund for state operation expenses of the division of state police.

6. $138,272,000 from the general fund to the correctional facilities capital improvement fund (32350).

7. $5,000,000 from the general fund to the dedicated highway and bridge trust fund (30050) for the purpose of work zone safety activities provided by the division of state police for the department of transportation.

8. $10,000,000 from the miscellaneous special revenue fund, statewide public safety communications account (22123), to the capital projects fund (30000).

9. $9,830,000 from the miscellaneous special revenue fund, legal services assistance account (22096), to the general fund.

10. $1,000,000 from the general fund to the agencies internal service fund, neighborhood work project account (55059).

11. $7,980,000 from the miscellaneous special revenue fund, fingerprint identification & technology account (21950), to the general fund.

12. $1,100,000 from the state police motor vehicle law enforcement and motor vehicle theft and insurance fraud prevention fund, motor vehicle theft and insurance fraud account (22801), to the general fund.

13. $38,938,000 from the general fund to the miscellaneous special revenue fund, criminal justice improvement account (21945).

14. $6,000,000 from the general fund to the miscellaneous special revenue fund, hazard mitigation revolving loan account.

15. $234,000,000 from the indigent legal services fund, indigent legal services account (23551) to the general fund.

Transportation:

1. $20,000,000 from the general fund to the mass transportation operating assistance fund, public transportation systems operating assistance account (21401), of which $12,000,000 constitutes the base need for operations.

2. $727,500,000 from the general fund to the dedicated highway and bridge trust fund (30050).

3. $244,250,000 from the general fund to the MTA financial assistance fund, mobility tax trust account (23651).

4. $5,000,000 from the miscellaneous special revenue fund, transportation regulation account (22067) to the dedicated highway and bridge trust fund (30050), for disbursements made from such fund for motor

carrier safety that are in excess of the amounts deposited in the dedicated highway and bridge trust fund (30050) for such purpose pursuant to section 94 of the transportation law.

5. $477,000 from the miscellaneous special revenue fund, traffic adjudication account (22055), to the general fund.

6. $5,000,000 from the miscellaneous special revenue fund, transportation regulation account (22067) to the general fund, for disbursements made from such fund for motor carrier safety that are in excess of the amounts deposited in the general fund for such purpose pursuant to section 94 of the transportation law.

Miscellaneous:

1. $250,000,000 from the general fund to any funds or accounts for the purpose of reimbursing certain outstanding accounts receivable balances.

2. $500,000,000 from the general fund to the debt reduction reserve fund (40000).

3. $450,000,000 from the New York state storm recovery capital fund (33000) to the revenue bond tax fund (40152).

4. $15,500,000 from the general fund, community projects account GG (10256), to the general fund, state purposes account (10050).

5. $100,000,000 from any special revenue federal fund to the general fund, state purposes account (10050).

6. $3,650,000,000 from the special revenue federal fund, ARPA-Fiscal Recovery Fund (25546) to the general fund, state purposes account (10050) to cover eligible costs incurred by the state.

7. $1,000,000,000 from the general fund to the hazardous waste oversight and assistance account (31506), State parks infrastructure account (30351), environmental protection fund transfer account (30451), the correctional facilities capital improvement fund (32350), housing program fund (31850), or the Mental hygiene facilities capital improvement fund (32300), up to an amount equal to certain outstanding accounts receivable balances.

§ 4. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, on or before March 31, 2025:

1. Upon request of the commissioner of environmental conservation, up to $12,745,400 from revenues credited to any of the department of environmental conservation special revenue funds, including $4,000,000 from the environmental protection and oil spill compensation fund (21200), and $1,834,600 from the conservation fund (21150), to the environmental conservation special revenue fund, indirect charges account (21060).

2. Upon request of the commissioner of agriculture and markets, up to $3,000,000 from any special revenue fund or enterprise fund within the department of agriculture and markets to the general fund, to pay appropriate administrative expenses.

3. Upon request of the commissioner of the division of housing and community renewal, up to $6,221,000 from revenues credited to any division of housing and community renewal federal or miscellaneous special revenue fund to the miscellaneous special revenue fund, housing indirect cost recovery account (22090).

4. Upon request of the commissioner of the division of housing and community renewal, up to $5,500,000 may be transferred from any miscellaneous special revenue fund account, to any miscellaneous special revenue fund.

5. Upon request of the commissioner of health up to $13,694,000 from revenues credited to any of the department of health's special revenue

funds, to the miscellaneous special revenue fund, administration account (21982).

6. Upon the request of the attorney general, up to $4,000,000 from revenues credited to the federal health and human services fund, federal health and human services account (25117) or the miscellaneous special revenue fund, recoveries and revenue account (22041), to the miscellaneous special revenue fund, litigation settlement and civil recovery account (22117).

§ 5. On or before March 31, 2025, the comptroller is hereby authorized and directed to deposit earnings that would otherwise accrue to the general fund that are attributable to the operation of section 98-a of the state finance law, to the agencies internal service fund, banking services account (55057), for the purpose of meeting direct payments from such account.

§ 6. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2025, up to $16,000,000 from the state university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Buffalo.

§ 7. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2025, up to $6,500,000 from the state university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Albany.

§ 8. Notwithstanding any law to the contrary, the state university chancellor or his or her designee is authorized and directed to transfer estimated tuition revenue balances from the state university collection fund (61000) to the state university income fund, state university general revenue offset account (22655) on or before March 31, 2025.

§ 8-a. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, a total of up to $100,000,000 from the general fund to the state university income fund, state university general revenue offset account (22655) and/or the state university income fund, state university hospitals income reimbursable account (22656) during the period July 1, 2024 through June 30, 2025 to pay costs attributable to the state university health science center at Brooklyn and/or the state university of New York hospital at Brooklyn, respectively, pursuant to a plan approved by the director of the budget.

§ 9. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $1,388,664,500 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2024 through June 30, 2025 to support operations at the state university.

§ 10. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $103,000,000 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of April 1, 2024 through June 30, 2024 to support operations at the state university.

§ 11. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $54,700,000 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2024 to June 30, 2025 for general fund operating support pursuant to subparagraph (4-b) of paragraph h of subdivision 2 of section three hundred fifty-five of the education law.

§ 12. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $20,000,000 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2024 to June 30, 2025 to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of the education law.

§ 13. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the state university chancellor or his or her designee, up to $55,000,000 from the state university income fund, state university hospitals income reimbursable account (22656), for services and expenses of hospital operations and capital expenditures at the state university hospitals; and the state university income fund, Long Island veterans' home account (22652) to the state university capital projects fund (32400) on or before June 30, 2025.

§ 14. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller, after consultation with the state university chancellor or his or her designee, is hereby authorized and directed to transfer moneys, in the first instance, from the state university collection fund, Stony Brook hospital collection account (61006), Brooklyn hospital collection account (61007), and Syracuse hospital collection account (61008) to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals. Notwithstanding any law to the contrary, the comptroller is also hereby authorized and directed, after consultation with the state university chancellor or his or her designee, to transfer moneys from the state university income fund to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to pay hospital operating costs or to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals on or before March 31, 2025.

§ 15. Notwithstanding any law to the contrary, upon the direction of the director of the budget and the chancellor of the state university of

New York or his or her designee, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer monies from the state university dormitory income fund (40350) to the state university residence hall rehabilitation fund (30100), and from the state university residence hall rehabilitation fund (30100) to the state university dormitory income fund (40350), in an amount not to exceed $100 million from each fund.

§ 16. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $700,000,000 from the unencumbered balance of any special revenue fund or account, agency fund or account, internal service fund or account, enterprise fund or account, or any combination of such funds and accounts, to the general fund. The amounts transferred pursuant to this authorization shall be in addition to any other transfers expressly authorized in the 2024-25 budget. Transfers from federal funds, debt service funds, capital projects funds, the community projects fund, or funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

§ 17. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $100 million from any non-general fund or account, or combination of funds and accounts, to the miscellaneous special revenue fund, technology financing account (22207), the miscellaneous capital projects fund, the federal capital projects account (31350), information technology capital financing account (32215), or the centralized technology services account (55069), for the purpose of consolidating technology procurement and services. The amounts transferred to the miscellaneous special revenue fund, technology financing account (22207) pursuant to this authorization shall be equal to or less than the amount of such monies intended to support information technology costs which are attributable, according to a plan, to such account made in pursuance to an appropriation by law. Transfers to the technology financing account shall be completed from amounts collected by non-general funds or accounts pursuant to a fund deposit schedule or permanent statute, and shall be transferred to the technology financing account pursuant to a schedule agreed upon by the affected agency commissioner. Transfers from funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

§ 18. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $400 million from any non-general fund or account, or combination of funds and accounts, to the general fund for the purpose of consolidating technology procurement and services. The amounts transferred pursuant to this authorization shall be equal to or less than the amount of such monies intended to support information technology costs which are attributable, according to a plan, to such account made in pursuance to an appropriation by law. Transfers to the general fund shall be completed from amounts collected by non-general funds or accounts pursuant to a fund deposit schedule. Transfers from funds that would result

in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

§ 19. Notwithstanding any provision of law to the contrary, as deemed feasible and advisable by its trustees, the power authority of the state of New York is authorized and directed to transfer to the state treasury to the credit of the general fund up to $20,000,000 for the state fiscal year commencing April 1, 2024, the proceeds of which will be utilized to support energy-related state activities.

§ 20. Notwithstanding any provision of law to the contrary, as deemed feasible and advisable by its trustees, the power authority of the state of New York is authorized to transfer to the state treasury to the credit of the general fund up to $25,000,000 for the state fiscal year commencing April 1, 2024, the proceeds of which will be utilized to support programs established or implemented by or within the department of labor, including but not limited to the office of just energy transition and programs for workforce training and retraining, to prepare workers for employment for work in the renewable energy field.

§ 21. Notwithstanding any provision of law, rule or regulation to the contrary, the New York state energy research and development authority is authorized and directed to contribute $913,000 to the state treasury to the credit of the general fund on or before March 31, 2025.

§ 22. Notwithstanding any provision of law, rule or regulation to the contrary, the New York state energy research and development authority is authorized and directed to transfer five million dollars to the credit of the Environmental Protection Fund on or before March 31, 2025 from proceeds collected by the authority from the auction or sale of carbon dioxide emission allowances allocated by the department of environmental conservation.

§ 23. Subdivision 5 of section 97-rrr of the state finance law, as amended by section 21 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

5. Notwithstanding the provisions of section one hundred seventy-one-a of the tax law, as separately amended by chapters four hundred eighty-one and four hundred eighty-four of the laws of nineteen hundred eighty-one, and notwithstanding the provisions of chapter ninety-four of the laws of two thousand eleven, or any other provisions of law to the contrary, during the fiscal year beginning April first, two thousand [~~twenty-three~~] twenty-four, the state comptroller is hereby authorized and directed to deposit to the fund created pursuant to this section from amounts collected pursuant to article twenty-two of the tax law and pursuant to a schedule submitted by the director of the budget, up to [~~$1,716,913,000~~] $1,575,393,000 as may be certified in such schedule as necessary to meet the purposes of such fund for the fiscal year beginning April first, two thousand [~~twenty-three~~] twenty-four.

§ 24. Notwithstanding any law to the contrary, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2025, the following amounts from the following special revenue accounts to the capital projects fund (30000), for the purposes of reimbursement to such fund for expenses related to the maintenance and preservation of state assets:

1. $43,000 from the miscellaneous special revenue fund, administrative program account (21982).

2. $1,537,000 from the miscellaneous special revenue fund, helen hayes hospital account (22140).

3. $474,000 from the miscellaneous special revenue fund, New York city veterans' home account (22141).

4. $593,000 from the miscellaneous special revenue fund, New York state home for veterans' and their dependents at oxford account (22142).

5. $177,000 from the miscellaneous special revenue fund, western New York veterans' home account (22143).

6. $336,000 from the miscellaneous special revenue fund, New York state for veterans in the lower-hudson valley account (22144).

7. $2,550,000 from the miscellaneous special revenue fund, patron services account (22163).

8. $9,173,000 from the miscellaneous special revenue fund, state university general income reimbursable account (22653).

9. $150,218,000 from the miscellaneous special revenue fund, state university revenue offset account (22655).

10. $50,197,000 from the state university dormitory income fund, state university dormitory income fund (40350).

11. $1,000,000 from the miscellaneous special revenue fund, litigation settlement and civil recovery account (22117).

§ 25. Subdivision 6 of section 4 of the state finance law, as amended by section 24 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

6. Notwithstanding any law to the contrary, at the beginning of the state fiscal year, the state comptroller is hereby authorized and directed to receive for deposit to the credit of a fund and/or an account such monies as are identified by the director of the budget as having been intended for such deposit to support disbursements from such fund and/or account made in pursuance of an appropriation by law. As soon as practicable upon enactment of the budget, the director of the budget shall, but not less than three days following preliminary submission to the chairs of the senate finance committee and the assembly ways and means committee, file with the state comptroller an identification of specific monies to be so deposited. Any subsequent change regarding the monies to be so deposited shall be filed by the director of the budget, as soon as practicable, but not less than three days following preliminary submission to the chairs of the senate finance committee and the assembly ways and means committee.

All monies identified by the director of the budget to be deposited to the credit of a fund and/or account shall be consistent with the intent of the budget for the then current state fiscal year as enacted by the legislature.

The provisions of this subdivision shall expire on March thirty-first, [~~two thousand twenty-four~~] two thousand twenty-seven.

§ 26. Subdivision 4 of section 40 of the state finance law, as amended by section 25 of part FFF of chapter 56 of the laws of 2022, is amended to read as follows:

4. Every appropriation made from a fund or account to a department or agency shall be available for the payment of prior years' liabilities in such fund or account for fringe benefits, indirect costs, and telecommunications expenses and expenses for other centralized services fund programs without limit. Every appropriation shall also be available for the payment of prior years' liabilities other than those indicated above, but only to the extent of one-half of one percent of the total amount appropriated to a department or agency in such fund or account.

The provisions of this subdivision shall expire March thirty-first, [~~two thousand twenty-four~~] two thousand twenty-seven.

§ 26-a. Subdivision 4 of section 18 of the state finance law, as amended by section 30 of subpart D of part V-1 of chapter 57 of the laws of 2009, is amended to read as follows:

4. Unless provided otherwise by contract, statute or regulation, a debtor that fails to make payment of a debt within the period set forth in subdivision three of this section shall pay, in addition to the amount of debt, [~~the greater of: (a)~~] interest on the outstanding balance of the debt, accruing on the date on which the receipt of the first billing invoice or first notice occurs, computed at the underpayment rate which is in effect on the date which the receipt of the first billing invoice or first billing notice occurs[~~; or (b) a late payment charge of ten dollars~~]. For the purposes of this section, the underpayment rate shall be that rate set by the commissioner of taxation and finance and published in the state register pursuant to subsection (e) of section one thousand ninety-six of the tax law minus four percentage points. With respect to specific classes of debt collected by a state agency, the director of the budget or official of a state agency so designated by the director of the budget may approve the assessment of interest [~~or late payment charges~~] at a date later than the thirtieth day following such debtor's receipt of any billing invoice or notice sent by the state agency.

§ 27. Notwithstanding any other law, rule, or regulation to the contrary, the state comptroller is hereby authorized and directed to use any balance remaining in the mental health services fund debt service appropriation, after payment by the state comptroller of all obligations required pursuant to any lease, sublease, or other financing arrangement between the dormitory authority of the state of New York as successor to the New York state medical care facilities finance agency, and the facilities development corporation pursuant to chapter 83 of the laws of 1995 and the department of mental hygiene for the purpose of making payments to the dormitory authority of the state of New York for the amount of the earnings for the investment of monies deposited in the mental health services fund that such agency determines will or may have to be rebated to the federal government pursuant to the provisions of the internal revenue code of 1986, as amended, in order to enable such agency to maintain the exemption from federal income taxation on the interest paid to the holders of such agency's mental services facilities improvement revenue bonds. Annually on or before each June 30th, such agency shall certify to the state comptroller its determination of the amounts received in the mental health services fund as a result of the investment of monies deposited therein that will or may have to be rebated to the federal government pursuant to the provisions of the internal revenue code of 1986, as amended.

§ 28. Subdivision 1 of section 16 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 27 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed [~~nine billion eight hundred sixty-five million eight hundred fifty-nine thousand dollars $9,865,859,000~~] ten billion two hundred ninety-nine million three hundred fifty-nine thousand dollars $10,299,359,000, and shall include

all bonds, notes and other obligations issued pursuant to chapter 56 of the laws of 1983, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the correctional facilities capital improvement fund to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the department of corrections and community supervision from the correctional facilities capital improvement fund for capital projects. The aggregate amount of bonds, notes or other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the department of corrections and community supervision; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than [~~nine billion eight hundred sixty-five million eight hundred fifty-nine thousand dollars $9,865,859,000~~] ten billion two hundred ninety-nine million three hundred fifty-nine thousand dollars $10,299,359,000, only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

§ 29. Paragraph (a) of subdivision 2 of section 47-e of the private housing finance law, as amended by section 42 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

(a) Subject to the provisions of chapter fifty-nine of the laws of two thousand, in order to enhance and encourage the promotion of housing programs and thereby achieve the stated purposes and objectives of such housing programs, the agency shall have the power and is hereby authorized from time to time to issue negotiable housing program bonds and notes in such principal amount as shall be necessary to provide sufficient funds for the repayment of amounts disbursed (and not previously reimbursed) pursuant to law or any prior year making capital appropriations or reappropriations for the purposes of the housing program; provided, however, that the agency may issue such bonds and notes in an aggregate principal amount not exceeding [~~thirteen billion six hundred thirty-five million four hundred twenty-five thousand dollars $13,635,425,000~~] fourteen billion five hundred twenty-six million eighty-nine thousand dollars $14,526,089,000, plus a principal amount of bonds issued to fund the debt service reserve fund in accordance with the debt service reserve fund requirement established by the agency and to fund any other reserves that the agency reasonably deems necessary

for the security or marketability of such bonds and to provide for the payment of fees and other charges and expenses, including underwriters' discount, trustee and rating agency fees, bond insurance, credit enhancement and liquidity enhancement related to the issuance of such bonds and notes. No reserve fund securing the housing program bonds shall be entitled or eligible to receive state funds apportioned or appropriated to maintain or restore such reserve fund at or to a particular level, except to the extent of any deficiency resulting directly or indirectly from a failure of the state to appropriate or pay the agreed amount under any of the contracts provided for in subdivision four of this section.

§ 30. Paragraph (b) of subdivision 1 of section 385 of the public authorities law, as amended by section 45 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

(b) The authority is hereby authorized, as additional corporate purposes thereof solely upon the request of the director of the budget: (i) to issue special emergency highway and bridge trust fund bonds and notes for a term not to exceed thirty years and to incur obligations secured by the moneys appropriated from the dedicated highway and bridge trust fund established in section eighty-nine-b of the state finance law; (ii) to make available the proceeds in accordance with instructions provided by the director of the budget from the sale of such special emergency highway and bridge trust fund bonds, notes or other obligations, net of all costs to the authority in connection therewith, for the purposes of financing all or a portion of the costs of activities for which moneys in the dedicated highway and bridge trust fund established in section eighty-nine-b of the state finance law are authorized to be utilized or for the financing of disbursements made by the state for the activities authorized pursuant to section eighty-nine-b of the state finance law; and (iii) to enter into agreements with the commissioner of transportation pursuant to section ten-e of the highway law with respect to financing for any activities authorized pursuant to section eighty-nine-b of the state finance law, or agreements with the commissioner of transportation pursuant to sections ten-f and ten-g of the highway law in connection with activities on state highways pursuant to these sections, and (iv) to enter into service contracts, contracts, agreements, deeds and leases with the director of the budget or the commissioner of transportation and project sponsors and others to provide for the financing by the authority of activities authorized pursuant to section eighty-nine-b of the state finance law, and each of the director of the budget and the commissioner of transportation are hereby authorized to enter into service contracts, contracts, agreements, deeds and leases with the authority, project sponsors or others to provide for such financing. The authority shall not issue any bonds or notes in an amount in excess of [~~twenty billion six hundred forty-eight million five hundred seven thousand dollars $20,648,507,000~~] twenty-one billion four hundred fifty-eight million three hundred nine thousand dollars $21,458,309,000, plus a principal amount of bonds or notes: (A) to fund capital reserve funds; (B) to provide capitalized interest; and, (C) to fund other costs of issuance. In computing for the purposes of this subdivision, the aggregate amount of indebtedness evidenced by bonds and notes of the authority issued pursuant to this section, as amended by a chapter of the laws of nineteen hundred ninety-six, there shall be excluded the amount of bonds or notes issued that would constitute interest under the United States Internal Revenue Code of 1986, as

amended, and the amount of indebtedness issued to refund or otherwise repay bonds or notes.

§ 31. Paragraph (c) of subdivision 14 of section 1680 of the public authorities law, as amended by section 32 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, (i) the dormitory authority shall not deliver a series of bonds for city university community college facilities, except to refund or to be substituted for or in lieu of other bonds in relation to city university community college facilities pursuant to a resolution of the dormitory authority adopted before July first, nineteen hundred eighty-five or any resolution supplemental thereto, if the principal amount of bonds so to be issued when added to all principal amounts of bonds previously issued by the dormitory authority for city university community college facilities, except to refund or to be substituted in lieu of other bonds in relation to city university community college facilities will exceed the sum of four hundred twenty-five million dollars and (ii) the dormitory authority shall not deliver a series of bonds issued for city university facilities, including community college facilities, pursuant to a resolution of the dormitory authority adopted on or after July first, nineteen hundred eighty-five, except to refund or to be substituted for or in lieu of other bonds in relation to city university facilities and except for bonds issued pursuant to a resolution supplemental to a resolution of the dormitory authority adopted prior to July first, nineteen hundred eighty-five, if the principal amount of bonds so to be issued when added to the principal amount of bonds previously issued pursuant to any such resolution, except bonds issued to refund or to be substituted for or in lieu of other bonds in relation to city university facilities, will exceed [~~eleven billion three hundred fourteen million three hundred fifty-two thousand dollars $11,314,352,000~~] eleven billion seven hundred sixty-three million twenty-two thousand dollars $11,763,022,000. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the city university, and the fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

§ 32. Subdivision 1 of section 1689-i of the public authorities law, as amended by section 39 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

1. The dormitory authority is authorized to issue bonds, at the request of the commissioner of education, to finance eligible library construction projects pursuant to section two hundred seventy-three-a of the education law, in amounts certified by such commissioner not to exceed a total principal amount of [~~three hundred sixty-seven million dollars $367,000,000~~] four hundred eleven million dollars $411,000,000.

§ 33. Paragraph (c) of subdivision 19 of section 1680 of the public authorities law, as amended by section 31 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, the dormitory authority shall not issue any bonds for state university educational facilities purposes if the principal amount of bonds to be issued when added to the aggregate principal amount of bonds issued by the dormitory authority on and after July first, nineteen hundred eighty-eight for state university educational facilities will exceed [~~eighteen billion one hundred ten million nine hundred sixty-four thousand dollars $18,110,964,000~~] eighteen billion nine hundred eighty-

eight million one hundred sixty-four thousand dollars $18,988,164,000; provided, however, that bonds issued or to be issued shall be excluded from such limitation if: (1) such bonds are issued to refund state university construction bonds and state university construction notes previously issued by the housing finance agency; or (2) such bonds are issued to refund bonds of the authority or other obligations issued for state university educational facilities purposes and the present value of the aggregate debt service on the refunding bonds does not exceed the present value of the aggregate debt service on the bonds refunded thereby; provided, further that upon certification by the director of the budget that the issuance of refunding bonds or other obligations issued between April first, nineteen hundred ninety-two and March thirty-first, nineteen hundred ninety-three will generate long term economic benefits to the state, as assessed on a present value basis, such issuance will be deemed to have met the present value test noted above. For purposes of this subdivision, the present value of the aggregate debt service of the refunding bonds and the aggregate debt service of the bonds refunded, shall be calculated by utilizing the true interest cost of the refunding bonds, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding bonds from the payment dates thereof to the date of issue of the refunding bonds to the purchase price of the refunding bonds, including interest accrued thereon prior to the issuance thereof. The maturity of such bonds, other than bonds issued to refund outstanding bonds, shall not exceed the weighted average economic life, as certified by the state university construction fund, of the facilities in connection with which the bonds are issued, and in any case not later than the earlier of thirty years or the expiration of the term of any lease, sublease or other agreement relating thereto; provided that no note, including renewals thereof, shall mature later than five years after the date of issuance of such note. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the state university of New York, and the state university construction fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

§ 34. Subdivision 10-a of section 1680 of the public authorities law, as amended by section 33 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

10-a. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any other provision of the law to the contrary, the maximum amount of bonds and notes to be issued after March thirty-first, two thousand two, on behalf of the state, in relation to any locally sponsored community college, shall be [~~one billion two hundred twenty-seven million ninety-five thousand dollars $1,227,095,000~~] **one billion three hundred sixty-five million three hundred eight thousand dollars $1,365,308,000**. Such amount shall be exclusive of bonds and notes issued to fund any reserve fund or funds, costs of issuance and to refund any outstanding bonds and notes, issued on behalf of the state, relating to a locally sponsored community college.

§ 35. Paragraph b of subdivision 2 of section 9-a of section 1 of chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, as amended by section 35 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

b. The agency shall have power and is hereby authorized from time to time to issue negotiable bonds and notes in conformity with applicable provisions of the uniform commercial code in such principal amount as, in the opinion of the agency, shall be necessary, after taking into account other moneys which may be available for the purpose, to provide sufficient funds to the facilities development corporation, or any successor agency, for the financing or refinancing of or for the design, construction, acquisition, reconstruction, rehabilitation or improvement of mental health services facilities pursuant to paragraph a of this subdivision, the payment of interest on mental health services improvement bonds and mental health services improvement notes issued for such purposes, the establishment of reserves to secure such bonds and notes, the cost or premium of bond insurance or the costs of any financial mechanisms which may be used to reduce the debt service that would be payable by the agency on its mental health services facilities improvement bonds and notes and all other expenditures of the agency incident to and necessary or convenient to providing the facilities development corporation, or any successor agency, with funds for the financing or refinancing of or for any such design, construction, acquisition, reconstruction, rehabilitation or improvement and for the refunding of mental hygiene improvement bonds issued pursuant to section 47-b of the private housing finance law; provided, however, that the agency shall not issue mental health services facilities improvement bonds and mental health services facilities improvement notes in an aggregate principal amount exceeding [~~twelve billion four hundred eighteen million three hundred thirty-seven thousand dollars $12,418,337,000~~] twelve billion nine hundred twenty-one million seven hundred fifty-six thousand dollars $12,921,756,000, excluding mental health services facilities improvement bonds and mental health services facilities improvement notes issued to refund outstanding mental health services facilities improvement bonds and mental health services facilities improvement notes; provided, however, that upon any such refunding or repayment of mental health services facilities improvement bonds and/or mental health services facilities improvement notes the total aggregate principal amount of outstanding mental health services facilities improvement bonds and mental health facilities improvement notes may be greater than [~~twelve billion four hundred eighteen million three hundred thirty-seven thousand dollars $12,418,337,000~~] twelve billion nine hundred twenty-one million seven hundred fifty-six thousand dollars $12,921,756,000, only if, except as hereinafter provided with respect to mental health services facilities bonds and mental health services facilities notes issued to refund mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law, the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds to be refunded or repaid. For purposes hereof, the present values of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations

and to the price bid including estimated accrued interest or proceeds received by the authority including estimated accrued interest from the sale thereof. Such bonds, other than bonds issued to refund outstanding bonds, shall be scheduled to mature over a term not to exceed the average useful life, as certified by the facilities development corporation, of the projects for which the bonds are issued, and in any case shall not exceed thirty years and the maximum maturity of notes or any renewals thereof shall not exceed five years from the date of the original issue of such notes. Notwithstanding the provisions of this section, the agency shall have the power and is hereby authorized to issue mental health services facilities improvement bonds and/or mental health services facilities improvement notes to refund outstanding mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law and the amount of bonds issued or outstanding for such purposes shall not be included for purposes of determining the amount of bonds issued pursuant to this section. The director of the budget shall allocate the aggregate principal authorized to be issued by the agency among the office of mental health, office for people with developmental disabilities, and the office of addiction services and supports, in consultation with their respective commissioners to finance bondable appropriations previously approved by the legislature.

§ 36. Subdivision (a) of section 48 of part K of chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, as amended by section 30 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000 but notwithstanding the provisions of section 18 of the urban development corporation act, the corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~five hundred one million five hundred thousand dollars $501,500,000~~] five hundred twenty-two million five hundred thousand dollars $522,500,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital costs related to homeland security and training facilities for the division of state police, the division of military and naval affairs, and any other state agency, including the reimbursement of any disbursements made from the state capital projects fund, and is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~one billion seven hundred thirteen million eighty-six thousand dollars $1,713,086,000~~] one billion eight hundred fifty-five million two hundred eighty-six thousand dollars $1,855,286,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing improvements to State office buildings and other facilities located statewide, including the reimbursement of any disbursements made from the state capital projects fund. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to

subdivision (b) of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

§ 37. Subdivision 1 of section 47 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 44 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the office of information technology services, department of law, and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~one billion three hundred fifty-three million eight hundred fifty-two thousand dollars $1,353,852,000~~] **one billion seven hundred forty-two million seven hundred twelve thousand dollars $1,742,712,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 38. Subdivision (b) of section 11 of chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, as amended by section 38 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

(b) Any service contract or contracts for projects authorized pursuant to sections 10-c, 10-f, 10-g and 80-b of the highway law and section 14-k of the transportation law, and entered into pursuant to subdivision (a) of this section, shall provide for state commitments to provide annually to the thruway authority a sum or sums, upon such terms and conditions as shall be deemed appropriate by the director of the budget, to fund, or fund the debt service requirements of any bonds or any obligations of the thruway authority issued to fund or to reimburse the state for funding such projects having a cost not in excess of [~~thirteen billion nine hundred forty-nine million two hundred thirty-four thousand dollars $13,949,234,000~~] **fourteen billion eight hundred forty-four million five hundred eighty-seven thousand dollars $14,844,587,000** cumulatively by the end of fiscal year [~~2023-24~~] **2024-25**. For purposes of this subdivision, such projects shall be deemed to include capital grants to cities, towns and villages for the reimbursement of eligible capital costs of local highway and bridge projects within such municipality, where allocations to cities, towns and villages are based on the total number of New York or United States or interstate signed touring route miles for which such municipality has capital maintenance responsibility, and where such eligible capital costs include the costs of construction and repair of highways, bridges, highway-railroad crossings, and other transportation facilities for projects with a service life of ten years or more.

§ 39. Section 53 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 37 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

§ 53. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the acquisition of equipment, including but not limited to the creation or modernization of information technology systems and related research and development equipment, health and safety equipment, heavy equipment and machinery, the creation or improvement of security systems, and laboratory equipment and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~four hundred ninety-three million dollars $493,000,000~~] five hundred ninety-three million dollars $593,000,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the urban development corporation in undertaking the financing for project costs for the acquisition of equipment, including but not limited to the creation or modernization of information technology systems and related research and development equipment, health and safety equipment, heavy equipment and machinery, the creation or improvement of security systems, and laboratory equipment and other state costs associated with such capital projects, the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the urban development corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the urban development corporation agree, so as to annually provide to the dormitory authority and the urban development corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged by the dormitory authority and the urban development corporation as security for its bonds and notes, as authorized by this section.

§ 40. Subdivision 3 of section 1285-p of the public authorities law, as amended by section 29 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

3. The maximum amount of bonds that may be issued for the purpose of financing environmental infrastructure projects authorized by this section shall be [~~nine billion three hundred thirty-five million seven hundred ten thousand dollars $9,335,710,000~~] ten billion eight hundred sixty-six million five hundred sixty thousand dollars $10,866,560,000, exclusive of bonds issued to fund any debt service reserve funds, pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay bonds or notes previously issued. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision one of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

§ 41. Subdivision 1 of section 17 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 34 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed [~~one billion fourteen million seven hundred thirty-five thousand dollars $1,014,735,000~~] one billion sixty-six million seven hundred fifty-five thousand dollars $1,066,755,000, which authorization increases the aggregate principal amount of bonds, notes and other obligations authorized by section 40 of chapter 309 of the laws of 1996, and shall include all bonds, notes and other obligations issued pursuant to chapter 211 of the laws of 1990, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the youth facilities improvement fund or the capital projects fund, to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the office of children and family services from the youth facilities improvement fund for capital projects. The aggregate amount of bonds, notes and other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the office of children and family services; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than [~~one billion fourteen million seven hundred thirty-five thousand dollars $1,014,735,000~~] one billion sixty-six million seven hundred fifty-five thousand dollars $1,066,755,000, only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or

other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

§ 42. Subdivision 1 of section 386-b of the public authorities law, as amended by section 41 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

1. Notwithstanding any other provision of law to the contrary, the authority, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of financing peace bridge projects and capital costs of state and local highways, parkways, bridges, the New York state thruway, Indian reservation roads, and facilities, and transportation infrastructure projects including aviation projects, non-MTA mass transit projects, and rail service preservation projects, including work appurtenant and ancillary thereto. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~twelve billion three hundred eight million three hundred eleven thousand dollars $12,308,311,000~~] **fifteen billion two hundred forty million six hundred sixty-nine thousand dollars $15,240,669,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the authority, the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the authority, the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 43. Section 44 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 40 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

§ 44. Issuance of certain bonds or notes. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, projects at nano Utica, onondaga county revitalization projects, Binghamton university

school of pharmacy, New York power electronics manufacturing consortium, regional infrastructure projects, high tech innovation and economic development infrastructure program, high technology manufacturing projects in Chautauqua and Erie county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative projects, downstate revitalization initiative, market New York projects, fairground buildings, equipment or facilities used to house and promote agriculture, the state fair, the empire state trail, the moynihan station development project, the Kingsbridge armory project, strategic economic development projects, the cultural, arts and public spaces fund, water infrastructure in the city of Auburn and town of Owasco, a life sciences laboratory public health initiative, not-for-profit pounds, shelters and humane societies, arts and cultural facilities improvement program, restore New York's communities initiative, heavy equipment, economic development and infrastructure projects, Roosevelt Island operating corporation capital projects, Lake Ontario regional projects, Pennsylvania station and other transit projects, athletic facilities for professional football in Orchard Park, New York**, Rush - NY, New York AI Consortium, New York Creates UEV Tool,** and other state costs associated with such projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [**seventeen billion six hundred fifty-five million six hundred two thousand dollars $17,655,602,000**] **twenty billion eight hundred seventy-eight million one hundred ninety-four thousand dollars $20,878,194,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the corporation in undertaking the financing for project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, projects at nano Utica, onondaga county revitalization projects, Binghamton university school of pharmacy, New York power electronics manufacturing consortium, regional infrastructure projects, New York State Capital Assistance Program for Transportation, infrastructure, and economic development, high tech innovation and economic development infrastructure program, high technology manufacturing projects in Chautauqua and Erie county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative projects, downstate revitalization initiative, market New York projects, fairground buildings, equipment or facilities

used to house and promote agriculture, the state fair, the empire state trail, the moynihan station development project, the Kingsbridge armory project, strategic economic development projects, the cultural, arts and public spaces fund, water infrastructure in the city of Auburn and town of Owasco, a life sciences laboratory public health initiative, not-for-profit pounds, shelters and humane societies, arts and cultural facilities improvement program, restore New York's communities initiative, heavy equipment, economic development and infrastructure projects, Roosevelt Island operating corporation capital projects, Lake Ontario regional projects, Pennsylvania station and other transit projects, athletic facilities for professional football in Orchard Park, New York, Rush - NY, New York AI Consortium, New York Creates UEV Tool, and other state costs associated with such projects the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the corporation agree, so as to annually provide to the dormitory authority and the corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged by the dormitory authority and the corporation as security for its bonds and notes, as authorized by this section.

§ 44. Subdivision (a) of section 28 of part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, as amended by section 36 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding any provisions of law to the contrary, one or more authorized issuers as defined by section 68-a of the state finance law are hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~two hundred forty-seven million dollars $247,000,000~~] two hundred ninety-seven million dollars $297,000,000, excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital projects for public protection facilities in the Division of Military and Naval Affairs, debt service and leases; and to reimburse the state general fund for disbursements made therefor. Such bonds and notes of such authorized issuer shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuer for debt service and related expenses pursuant to any service contract executed pursuant to subdivision (b) of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest

income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 45. Subdivision 1 of section 50 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 43 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs undertaken by or on behalf of the state education department, special act school districts, state-supported schools for the blind and deaf, approved private special education schools, non-public schools, community centers, day care facilities, residential camps, day camps, Native American Indian Nation schools, and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~three hundred twenty-one million seven hundred ninety-nine thousand dollars $321,799,000~~] **three hundred ninety-six million eight hundred ninety-eight thousand dollars $396,898,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 46. Subdivision 1 of section 1680-k of the public authorities law, as amended by section 47 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

1. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any provisions of law to the contrary, the dormitory authority is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~forty million nine hundred forty-five thousand dollars $40,945,000~~] **forty-one million sixty thousand dollars $41,060,000**, excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing the construction of the New York state agriculture and markets food laboratory. Eligible project costs may include, but not be limited to the cost of design, financing, site investigations, site acquisition and preparation, demolition, construction, rehabilitation, acquisition of machinery and equipment, and infrastructure improvements. Such bonds and notes of such authorized issuers shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuers for debt service and related expenses pursuant to any service contract executed pursuant to subdivision two of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any

interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 47. Paragraph (b) of subdivision 3 and clause (B) of subparagraph (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, as amended by section 48 of part PP of chapter 56 of the laws of 2023, are amended to read as follows:

(b) Within amounts appropriated therefor, the board is hereby authorized and directed to award matching capital grants totaling [~~three hundred eighty-five million dollars, $385,000,000~~] four hundred twenty-five million dollars $425,000,000. Each college shall be eligible for a grant award amount as determined by the calculations pursuant to subdivision five of this section. In addition, such colleges shall be eligible to compete for additional funds pursuant to paragraph (h) of subdivision four of this section.

(B) The dormitory authority shall not issue any bonds or notes in an amount in excess of [~~three hundred eighty-five million dollars, $385,000,000~~] four hundred twenty-five million dollars $425,000,000 for the purposes of this section; excluding bonds or notes issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Except for purposes of complying with the internal revenue code, any interest on bond proceeds shall only be used to pay debt service on such bonds.

§ 48. Paragraph a of subdivision 1 of section 9-a of section 1 of chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, as amended by chapter 479 of the laws of 2022, is amended to read as follows:

a. "Mental health services facility" shall mean a building, a unit within a building, a laboratory, a classroom, a housing unit, a dining hall, an activities center, a library, real property of any kind or description, or any structure on or improvement to real property of any kind or description, including fixtures and equipment which may or may not be an integral part of any such building, unit, structure or improvement, a walkway, a roadway or a parking lot, and improvements and connections for water, sewer, gas, electrical, telephone, heating, air conditioning and other utility services, or a combination of any of the foregoing, whether for patient care and treatment or staff, staff family or service use, located at or related to any psychiatric center, any developmental center, or any state psychiatric or research institute or other facility now or hereafter established under the state department of mental hygiene. A mental health services facility shall also mean and include a residential care center for adults, a community residence, a "community mental health and developmental disabilities facility", and a state or voluntary operated treatment facility for use in the conduct of an alcoholism or substance abuse treatment program as defined in the mental hygiene law, unless such residential care center for adults, community mental health and developmental disabilities facility or alcoholism or substance abuse facility is expressly excepted or the context clearly requires otherwise. The definition contained in this subdivision shall not be construed to exclude therefrom a facility, whether or not owned or leased by a voluntary agency, to be made available under lease, or sublease, from the facilities development corporation to a voluntary agency at the request of the commissioners of the offices and directors of the divisions of the department of mental hygiene having jurisdiction

thereof for use in providing services in a residential care center for adults, community mental health and developmental disabilities services, or for use in the conduct of an alcoholism or substance abuse treatment program. For purposes of this section mental health services facility shall also mean mental hygiene facility as defined in subdivision ten of section three of the facilities development corporation act **and shall also include facilities for: (i) comprehensive psychiatric emergency programs and/or psychiatric inpatient programs or other similar programs, including but not limited to residential treatment facilities, under the auspice of municipalities and other public and not-for-profit agencies, licensed pursuant to article thirty-one of the mental hygiene law and/or article twenty-eight of the public health law; and (ii) licensed or unlicensed permanent, transitional, or emergency housing for mentally ill persons under the auspice of municipalities and other public and not-for-profit agencies, approved by the commissioner of the office of mental health, pursuant to article forty-one of the mental hygiene law**.

§ 49. Notwithstanding any law to the contrary, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2025 the following amounts from the following special revenue accounts or enterprise funds to the general fund, for the purposes of offsetting principal and interest costs, incurred by the state pursuant to section 386-a of the public authorities law, provided that the annual amount of the transfer shall be no more than the principal and interest that would have otherwise been due to the power authority of the state of New York, from any state agency, in a given state fiscal year. Amounts pertaining to special revenue accounts assigned to the state university of New York shall be considered interchangeable between the designated special revenue accounts as to meet the requirements of this section and section 386-a of the public authorities law:

1. $15,000,000 from the miscellaneous special revenue fund, state university general income reimbursable account (22653).

2. $5,000,000 from state university dormitory income fund, state university dormitory income fund (40350).

3. $5,000,000 from the enterprise fund, city university senior college operating fund (60851).

§ 50. Subdivision 6-a of section 2 of the state finance law, as added by chapter 837 of the laws of 1983, is amended to read as follows:

6-a. "Fixed assets". **(i)** Assets of a long-term, tangible character which are intended to continue to be held or used, such as land, buildings, improvements, machinery**,** and equipment**, and (ii) assets that provide a long-term interest in land, including conservation easements**.

§ 51. Subdivision 2 of section 2976 of the public authorities law, as amended by section 1 of part FF of chapter 59 of the laws of 2009, is amended to read as follows:

2. The bond issuance charge shall be computed by multiplying the principal amount of bonds issued by the percentage set forth in the schedule below, provided that: (a) the charge applicable to the principal amount of single family mortgage revenue bonds shall be seven one-hundredths of one percent; (b) the issuance of bonds shall not include the remarketing of bonds; and (c) the issuance of bonds shall not include the [~~current~~] refunding of [~~short term~~] bonds, notes or other obligations [~~for which the bond issuance charge provided by this section has been paid, provided that such current refunding (i) occurs within one year from the issuance of the refunded obligations, or (ii) is part of a program~~

~~created by a single indenture or bond resolution that provides for the periodic issuance and refunding of short term obligations~~].

SCHEDULE

Principal Amount of Bonds Issued	Percentage Charge
a. [~~$1,000,000~~] $20,000,000 or less	[~~.168%~~] 0%
b. [~~$1,000,001 to $5,000,000~~	~~.336%~~
~~c. $5,000,001 to $10,000,000~~	~~.504%~~
~~d. $10,000,001 to $20,000,000~~	~~.672%~~
~~e.~~] More than $20,000,000	[~~.84%~~] .35%

§ 52. Subdivision 5 of section 68-b of the state finance law, as added by section 2 of part I of chapter 383 of the laws of 2001, is amended to read as follows:

5. The authorized issuers, subject to such agreements with holders of revenue bonds as may then exist, or with the providers of any applicable bond or note or other financial or agreement facility, shall have power out of any funds available therefor to purchase revenue bonds of the authorized issuers, which may or may not thereupon be canceled, at a price not exceeding:

(a) if the revenue bonds are then redeemable, the redemption price then applicable, including any accrued interest; or

(b) if the revenue bonds are not then redeemable, the redemption price and accrued interest applicable on the first date after such purchase upon which the revenue bonds become subject to redemption; or

(c) whether or not the revenue bonds are then redeemable, at a redemption price that provides present value savings to the state, as certified in writing by an independent financial advisor.

No later than seven days after a redemption pursuant to paragraph (c) of this subdivision, the director of the budget shall provide such written certification to the chair of the senate finance committee and the chair of the assembly ways and means committee.

§ 53. Subdivision 5 of section 69-n of the state finance law, as added by section 58 of part HH of chapter 57 of the laws of 2013, is amended to read as follows:

5. The authorized issuers, subject to such agreements with holders of revenue bonds as may then exist, or with the providers of any applicable bond or note or other financial or agreement facility, shall have power out of any funds available therefor to purchase revenue bonds of the authorized issuers, which may or may not thereupon be canceled, at a price not exceeding:

(a) If the revenue bonds are then redeemable, the redemption price then applicable, including any accrued interest; or

(b) If the revenue bonds are not then redeemable, the redemption price and accrued interest applicable on the first date after such purchase upon which the revenue bonds become subject to redemption; or

(c) Whether or not the revenue bonds are then redeemable, at a redemption price that provides present value savings to the state, as certified in writing by an independent financial advisor.

No later than seven days after a redemption pursuant to paragraph (c) of this subdivision, the director of the budget shall provide such written certification to the chair of the senate finance committee and the chair of the assembly ways and means committee.

§ 54. Paragraph (b) of subdivision 1 of section 54-b of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as amended by section 49 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

(b) Notwithstanding any other provision of law to the contrary, including, specifically, the provisions of chapter 59 of the laws of 2000 and section sixty-seven-b of the state finance law, the dormitory authority of the state of New York and the corporation are hereby authorized to issue personal income tax revenue anticipation notes with a maturity no later than March 31, [~~2024~~] 2025, in one or more series in an aggregate principal amount for each fiscal year not to exceed three billion dollars, and to pay costs of issuance of such notes, for the purpose of temporarily financing budgetary needs of the state. Such purpose shall constitute an authorized purpose under subdivision two of section sixty-eight-a of the state finance law for all purposes of article five-C of the state finance law with respect to the notes authorized by this paragraph. Such notes shall not be renewed, extended or refunded. For so long as any notes authorized by this paragraph shall be outstanding, the restrictions, limitations and requirements contained in article five-B of the state finance law shall not apply.

§ 55. Subdivision 1 of section 386-a of the public authorities law, as amended by section 54 of part PP of chapter 56 of the laws of 2023, is amended to read as follows:

1. Notwithstanding any other provision of law to the contrary, the authority, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of assisting the metropolitan transportation authority in the financing of transportation facilities as defined in subdivision seventeen of section twelve hundred sixty-one of this chapter or other capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed twelve billion five hundred fifteen million eight hundred fifty-six thousand dollars $12,515,856,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the authority, the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the authority, the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds. Notwithstanding any other provision of law to the contrary, including the limitations contained in subdivision four of section sixty-seven-b of the state finance law, (A) any bonds and notes issued prior to April first, two thousand [~~twenty-four~~] twenty-seven pursuant to this section may be issued with a maximum maturity of fifty years, and (B) any bonds issued to refund such bonds and notes may be issued with a maximum maturity of fifty years from the respective date of original issuance of such bonds and notes.

§ 56. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2024; provided, however, that the provisions of sections one, two, three, four, five, six, seven, eight, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four of this act shall expire March 31, 2025; and provided, further, that sections twenty-five and twenty-six of this act shall expire March 31,

2027, when upon such dates the provisions of such sections shall be deemed repealed.

PART YY

Section 1. Section 13 of chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, as amended by section 1 of part DD of chapter 55 of the laws of 2023, is amended to read as follows:

§ 13. This act shall take effect immediately and shall be deemed to have been in full force and effect as of April 1, 1994, provided that, the provisions of section 5-a of the legislative law as amended by sections two and two-a of this act shall take effect on January 1, 1995, and provided further that, the provisions of article 5-A of the legislative law as added by section eight of this act shall expire June 30, [~~2024~~] 2025 when upon such date the provisions of such article shall be deemed repealed; and provided further that section twelve of this act shall be deemed to have been in full force and effect on and after April 10, 1994.

§ 2. This act shall not supersede the findings and determinations made by the compensation committee as authorized pursuant to part HHH of chapter 59 of the laws of 2018 unless a court of competent jurisdiction determines that such findings and determinations are invalid or otherwise not applicable or in force.

§ 3. This act shall take effect immediately, provided, however, if this act shall take effect on or after June 30, 2024, this act shall be deemed to have been in full force and effect on and after June 30, 2024.

PART ZZ

Section 1. Subparagraph 1 of paragraph (a) of subdivision 1 of section 2590-b of the education law is amended by adding a new clause (D) to read as follows:

(D) Commencing on July first, two thousand twenty-four, the board of education shall consist of twenty-four voting members: one member to be appointed by each borough president of the city of New York; five members, one from each borough of the city of New York, to be elected by community district education council presidents; one independent member who shall serve as chair of the board and who shall be selected as established in subparagraph three of this paragraph; and thirteen members to be appointed by the mayor of the city of New York. The initial term of the chair selected pursuant to subparagraph three of this paragraph shall commence on September fifteenth, two thousand twenty-four and shall end on September fourteenth, two thousand twenty-five; thereafter the chair shall serve for a one-year term commencing on September fifteenth. The chancellor shall continue regulations promulgated under clause (C) of this subparagraph establishing a process for community district education council presidents to elect members of the board, and processes for removal of such members and for the filling of such positions in the event of a vacancy. Appointed members and members elected by community district education council presidents pursuant to clause (C) of this subparagraph and commencing a term on July first, two thousand twenty-four shall serve a term that ends on June thirtieth, two thousand twenty-five. Thereafter, appointed members and the members elected by community district education council presidents shall serve for a one-year term commencing on July first.

§ 2. Subparagraph 3 of paragraph (a) of subdivision 1 of section 2590-b of the education law, as amended by chapter 364 of the laws of 2022, is amended to read as follows:

(3) The [~~city board~~] **independent member who** shall [~~elect its own chairperson from among its voting members~~] **serve as chair of the board shall be selected by the mayor of the city of New York from among three qualified candidates, one nominated by the speaker of the assembly, one nominated by the majority leader of the senate, and one nominated by the chancellor of the board of regents. If the mayor of the city of New York shall not accept any of the three candidates, up to two additional groups of three will be submitted to the mayor of the city of New York for consideration. The mayor of the city of New York must select a candidate from among the nominees no later than September fifteenth of each year. An individual selected to serve as chair may be reappointed by the mayor of the city of New York to serve an additional one-year term, provided such reappointment will be made on or before June thirtieth of each year, and provided further that no individual may serve as chair for more than two terms consecutively. If the individual serving as chair is not reappointed by the mayor of the city of New York, is term limited pursuant to this subparagraph, or the role of chair becomes vacant for any reason, the selection of a new member to serve as chair will be completed through the process as established in this subparagraph.**

§ 3. Subparagraph 2 of paragraph c of subdivision 8 of section 2590-c of the education law, as amended by section 43-c of part YYY of chapter 59 of the laws of 2019, is amended to read as follows:

(2) after reviewing the recommendations of the task force described in subdivision nine of this section, develop election procedures for community council members which shall attempt to ensure membership that reflects a representative cross-section of the communities within the school district and diversity of the student population including those with particular educational needs, shall include consideration of the enrollment figures within each community district and the potential disparity of such enrollment from school to school within the district, and shall ensure that, to the extent possible, a school may have no more than one parent representative on the community council. Such measures shall ensure that at least one position on the community council is filled by a parent of a current student who is or has been at any time an English language learner, and at least one position is filled by a parent of a student who has or has at any time had an individualized education program, and shall allow for the seven remaining positions to be filled by parents who are otherwise eligible. **Such election procedures shall ensure that no candidate is elected by a margin of less than one vote.**

§ 4. Paragraph b of subdivision 5-a of section 2576 of the education law, as added by chapter 91 of the laws of 2002, is amended and a new paragraph c is added to read as follows:

b. The city amount **in a budget adopted by the council pursuant to section two hundred fifty-four of the New York city charter** shall not be less than the city amount appropriated in the base year as determined at the time of adoption of the budget for the ensuing fiscal year **and shall be consistent with the requirements of the certification described in subdivision six of section two hundred eleven-d of this chapter**. Provided, however, in the event the total amount of city funds relied upon to balance such budget is lower than the total amount of city funds appropriated in the base year, determined at the time of adoption of

such budget **pursuant to a process developed by the department in consultation with the city of New York and the labor organization representing teachers that identifies a methodology for the allocation of appropriations between fiscal years and prescribes a form upon the approval of the director of budget for the certifications required by this subdivision**, the city amount may be reduced by up to the same percentage as the overall percentage decrease in city funds between the base year and the ensuing fiscal year. **Before such budget may be certified pursuant to section two hundred fifty-six of the New York city charter, the mayor of the city of New York and an independent certified public accountant shall certify to the commissioner, in a form prescribed by the commissioner upon the approval of the director of budget, that the city amount appropriated in such budget is (i) in compliance with this paragraph; (ii) consistent with the requirements of subdivision six of section two hundred eleven-d of this chapter; and (iii) sufficient to ensure individual schools can meet the class size compliance targets set forth in subdivision two of section two hundred eleven-d of this chapter. If a budget is adopted pursuant to section two hundred fifty-four of the New York city charter or certified pursuant to section two hundred fifty-six of such charter in violation of this paragraph, the council shall have sixty days to adopt a budget compliant with this paragraph and have such budget certified in accordance with the provisions of this paragraph. Should the budget not be adopted and certified within sixty days, the amount by which the budget is non-compliant shall be withheld from the foundation aid allotment until such time as the budget is certified as compliant with this paragraph.**

c. Actual budget expenditures shall be certified in October following the close of the fiscal year to ensure compliance with paragraph b of this subdivision. If the budget expenditures are not compliant with paragraph b of this subdivision, the council will appropriate funds in the amount of the discrepancy as part of the November modification, pursuant to subdivision b of section one hundred seven of the New York city charter.

§ 5. Subdivision 6 of section 211-d of the education law, as added by section 12 of part A of chapter 57 of the laws of 2007, is amended to read as follows:

6. [~~The~~] **(a) Increases in total foundation aid and supplemental educational improvement plan grants shall be used to supplement, and not supplant funds allocated by the district in the base year for all purposes set forth in subdivision three of this section. In a city of one million or more, the city school district will provide the collective bargaining unit for teachers with the list of budget codes in which funding provided under this section is utilized for a budget that would begin July first, two thousand twenty-five and after. Except in a city of one million or more, the** school district audit report certified to the commissioner by an independent certified public accountant[~~,~~] **or** an independent accountant [~~**or the comptroller of the city of New York**~~] pursuant to section twenty-one hundred sixteen-a of this chapter shall include a certification by such accountant [~~**or comptroller**~~] in a form prescribed by the commissioner [~~**and that the increases in total foundation aid and supplemental educational improvement plan grants have been used to supplement, and not supplant funds allocated by the district in the base year for such purposes**~~] **of compliance with the first sentence of this subdivision**.

(b) Within ten days of adoption of a budget by the city of New York, an independent certified public accountant, or an independent accountant

or the comptroller of such city shall certify in a form prescribed by the commissioner that (i) an audit by such office has confirmed that increases in total foundation aid and supplemental improvement grants in the base year were used to supplement, and not supplant funds allocated by the district in the previous year and (ii) in the adopted budget, increases in total foundation aid and supplemental improvement grants supplement, not supplant funds allocated by the district in the base year for such purposes.

Upon a determination that either (i) increases in total foundation aid and supplemental improvement grants in the base year were used to supplant funds allocated by the district, or (ii) increases in total foundation aid and supplemental improvement grants as appropriated will supplant funds allocated by the district in the base year, the district shall be ordered to restore funds in such amounts as to eliminate the violation.

§ 6. Section 34 of 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, as amended by chapter 364 of the laws of 2022, is amended to read as follows:

§ 34. This act shall take effect July 1, 2002; provided, that sections one through twenty, twenty-four, and twenty-six through thirty of this act shall expire and be deemed repealed June 30, [~~2024~~] 2026 provided, further that subdivision 5-a of section 2576 of the education law, as added by section five of this act, shall not expire therewith, and provided, further, that notwithstanding any provision of article 5 of the general construction law, on June 30, [~~2024~~] 2026 the provisions of subdivisions 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs b, d, and e of subdivision 15, and subdivisions 17 and 21 of section 2554 of the education law as repealed by section three of this act, subdivision 1 of section 2590-b of the education law as repealed by section six of this act, paragraph (a) of subdivision 2 of section 2590-b of the education law as repealed by section seven of this act, section 2590-c of the education law as repealed by section eight of this act, paragraph c of subdivision 2 of section 2590-d of the education law as repealed by section twenty-six of this act, subdivision 1 of section 2590-e of the education law as repealed by section twenty-seven of this act, subdivision 28 of section 2590-h of the education law as repealed by section twenty-eight of this act, subdivision 30 of section 2590-h of the education law as repealed by section twenty-nine of this act, subdivision 30-a of section 2590-h of the education law as repealed by section thirty of this act shall be revived and be read as such provisions existed in law on the date immediately preceding the effective date of this act; provided, however, that sections seven and eight of this act shall take effect on November 30, 2003; provided further that the amendments to subdivision 25 of section 2554 of the education law made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 12 of chapter 147 of the laws of 2001, as amended, when upon such date the provisions of section four of this act shall take effect.

§ 7. Subdivision 12 of section 17 of 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, as amended by chapter 364 of the laws of 2022, is amended to read as follows:

12. any provision in sections one, two, three, four, five, six, seven, eight, nine, ten and eleven of this act not otherwise set to expire pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or section 17 of chapter 123 of the laws of 2003, as amended, shall expire and be deemed repealed June 30, [~~2024~~] **2026**.

§ 8. This act shall take effect immediately; provided, however, that the amendments to section 2590-b of the education law made by sections one and two of this act, and the amendments to section 2590-c of the education law made by section three of this act, shall not affect the expiration of such sections and shall expire and be deemed repealed therewith.

PART AAA

Section 1. Short title. This act shall be known and may be cited as the "newspaper and broadcast media jobs program".

§ 2. The economic development law is amended by adding a new article 27 to read as follows:

ARTICLE 27

NEWSPAPER AND BROADCAST MEDIA JOBS PROGRAM

Section 490. Short title.
491. Statement of legislative findings and declaration.
492. Definitions.
493. Eligibility criteria.
494. Application and approval process.
495. Newspaper and broadcast media jobs tax credit.
496. Powers and duties of the commissioner.

§ 490. Short title. This article shall be known and may be cited as the "newspaper and broadcast media jobs program".

§ 491. Statement of legislative findings and declaration. It is hereby found and declared that New York state needs, as a matter of public policy, to provide financial support and incentives for businesses which operate as newspaper and broadcast media, to sustain a productive and effective industry.

§ 492. Definitions. For the purposes of this article:

1. "Average full-time employment" shall mean the average number of full-time positions employed by a business entity in an eligible industry during a given period.

2. "Average starting full-time employment" shall be calculated as the average number of full-time positions employed by a business entity in an eligible industry during a timeframe to be determined by the department of economic development.

3. "Average ending full-time employment" shall be calculated as the average number of full-time positions employed by a business entity in an eligible industry during a timeframe to be determined by the department of economic development.

4. "Certificate of tax credit" means the document issued to a business entity by the department after the department has verified that the business entity has met all applicable eligibility criteria in this article. The certificate shall specify the exact amount of the tax credit under this article that a business entity may claim, pursuant to section four hundred ninety-five and section four hundred ninety-six of this article.

5. "Commissioner" shall mean commissioner of economic development.

6. "Department" shall mean the department of economic development.

7. "Eligible business" shall mean a print media or broadcast media business operating within an eligible industry, which also carries media liability insurance.

8. "Eligible employee" shall mean an employee working full-time at an eligible business, as determined by the department.

9. "Eligible industry" means a business entity operating predominantly in the newspaper publishing sector or the broadcast media sector, as determined by the department.

10. "Net employee increase" means an increase of at least one full-time employee between the average starting full-time employment and the average ending full-time employment of a business entity, as defined by the department.

11. "Newspaper and broadcast media jobs tax credit" shall mean a tax credit which shall provide a credit to eligible businesses operating within eligible industries. The newspaper and broadcast media jobs tax credit shall have two components. The newspaper and broadcast media new job creation component shall allow a credit of five-thousand dollars per net new job created at eligible businesses operating within eligible industries. The newspaper and broadcast media existing jobs component shall allow a tax credit available to support the costs related to retention of existing jobs at eligible businesses operating within eligible industries.

12. (a)"Broadcast media business" means any broadcast station which:

(i) has been broadcasting for at least one year prior to the tax year for which it is applying for a credit;

(ii) owns or operates a broadcast station, as defined by section three of the federal communications act of 1934; and

(iii) discloses its ownership to the public at such times and in such manner as identified by the commissioner.

(b) For purposes of this paragraph each FCC licensed broadcast station serving a separate market shall be treated as a separate broadcast media business.

13. "Independently owned" shall mean a business entity that is not: (a) a publicly traded entity or no more than five percent of the beneficial ownership of which is owned, directly or indirectly by a publicly traded entity; (b) a subsidiary; and (c) any other criteria that the department shall determine via regulations to ensure the business is not controlled by another business entity.

§ 493. Eligibility criteria. To be eligible for the tax credit established under this section, a business entity must:

1. be an eligible business operating within an eligible industry;

2. be independently owned or, in the case of a print media business, demonstrate a reduction in circulation or in the number of full-time equivalent employees of at least twenty percent over the previous five years; and

3. operate predominantly in an eligible industry, and be located within the state of New York. The department, in its regulations promulgated pursuant to this article, shall have the authority to list certain types of establishments as ineligible.

§ 494. Application and approval process. 1. A business entity must submit a complete application as prescribed by the commissioner.

2. The commissioner shall establish procedures and a timeframe for business entities to submit applications. As part of the application, each business entity must:

(a) provide evidence in a form and manner prescribed by the commissioner of their business eligibility;

(b) agree to allow the department of taxation and finance to share the business entity's tax information with the department;

(c) agree to allow the department of labor to share its tax and employer information with the department. However, any information shared as a result of this program shall not be available for disclosure or inspection under the state freedom of information law;

(d) allow the department and its agents access to any and all books and records the department may require to monitor compliance; and

(e) agree to provide any additional information required by the department relevant to this article.

3. After reviewing a business entity's completed final application and determining that the business entity meets the eligibility criteria as set forth in this article, the department may issue to that business entity a certificate of tax credit. A business entity may claim the tax credit.

§ 495. Newspaper and broadcast media jobs tax credit. 1. A business entity that meets the eligibility requirements of section four hundred ninety-three of this article, and meets any additional eligibility criteria as articulated in regulations established pursuant to this section, and demonstrates a net employee increase, may be eligible to claim a credit equal to five thousand dollars per each full-time net employee increase as defined in section four hundred ninety-two of this article. A business entity, including a partnership, limited liability company and subchapter S corporation, may not receive in excess of twenty thousand dollars in tax credits under this program.

2. A business entity that meets the eligibility requirements of section four hundred ninety-three of this article, and meets any additional eligibility criteria as articulated in regulations established pursuant to this section, may be eligible to claim a credit equal to fifty percent of annual wages of an eligible employee. The calculation of such a credit shall only be applied to up to fifty thousand dollars in wages paid annually per eligible employee. A business entity, including a partnership, limited liability company and subchapter S corporation, may not receive in excess of three hundred thousand dollars in tax credits under this program.

3. The total amount of tax credits listed on certificates of tax credit issued by the commissioner pursuant to this article may not exceed thirty million dollars for each year the credit is available. Within this amount, the newspaper and broadcast media new job creation component of the credit may not exceed four million dollars per year and the newspaper and broadcast media existing jobs component of the credit may not exceed twenty-six million dollars per year. Fifty percent of the newspaper and broadcast media existing jobs component credits will be set-aside for eligible business entities with one hundred or fewer employees. Fifty percent of the newspaper and broadcast media existing jobs component credits will be set-aside for eligible business entities with over one hundred employees. In both instances the cap will be three hundred thousand dollars under this program.

4. The credit shall be allowed as provided in section forty-nine of the tax law.

§ 496. Powers and duties of the commissioner. 1. The commissioner shall promulgate regulations establishing an application process and eligibility criteria, that will be applied consistent with the purposes of this article, so as not to exceed the annual cap on tax credits set forth in section four hundred ninety-five of this article which,

notwithstanding any provisions to the contrary in the state administrative procedure act, may be adopted on an emergency basis.

2. The commissioner shall, in consultation with the department of taxation and finance, develop a certificate of tax credit that shall be issued by the commissioner to eligible businesses. Such certificate shall contain such information as required by the department of taxation and finance.

3. The commissioner shall solely determine the eligibility of any applicant applying for entry into the program and shall remove any business entity from the program for failing to meet any of the requirements set forth in section four hundred ninety-three of this article, or for failing to meet the requirements set forth in subdivision one of section four hundred ninety-four of this article.

§ 3. The tax law is amended by adding a new section 49 to read as follows:

§ 49. Newspaper and broadcast media jobs tax credit. (a) Allowance of credit. A taxpayer subject to tax under article nine-A or twenty-two of this chapter shall be allowed a credit against such tax, pursuant to the provisions referenced in subdivision (e) of this section. The amount of the credit is equal to the amount determined pursuant to article twenty-seven of the economic development law. A taxpayer that is a partner in a partnership, member of a limited liability company or shareholder in a subchapter S corporation shall be allowed its pro-rata share of the credit allowed for the partnership, limited liability company or subchapter S corporation. No cost or expense paid or incurred that is included as part of the calculation of this credit shall be the basis of any other tax credit allowed under this chapter.

(b) Eligibility. To be eligible to claim the newspaper and broadcast media jobs tax credit the taxpayer shall have been issued a certificate of tax credit by the department of economic development pursuant to article twenty-seven of the economic development law, which certificate shall set forth the amount of the credit that may be claimed for the taxable year. The taxpayer shall be allowed to claim only the amount listed on the certificate of tax credit for that taxable year.

(c) Tax return requirement. The taxpayer shall be required to attach to its tax return, in the form prescribed by the commissioner, proof of receipt of its certificate of tax credit issued by the commissioner of the department of economic development.

(d) Credit recapture. If a certificate of tax credit issued by the department of economic development under article twenty-seven of the economic development law is revoked by such department, the amount of credit described in this section and claimed by the taxpayer prior to that revocation shall be added back to tax in the taxable year in which any such revocation becomes final.

(e) Cross references. For application of the credit provided in this section see the following provisions of this chapter:

(1) article 9-A: section 210-B, subdivision 60.

(2) article 22: section 606, subsection (ppp).

§ 4. Section 210-B of the tax law is amended by adding a new subdivision 60 to read as follows:

60. Newspaper and broadcast media jobs tax credit. (a) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section forty-nine of this chapter, against the taxes imposed by this article.

(b) Application of credit. The credit allowed under this subdivision for the taxable year shall not reduce the tax due for such year to less

than the amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. However, if the amount of credit allowable under this subdivision for the taxable year reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum amount, any amount of credit thus not deductible in such taxable year shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter. Provided, however, the provisions of subsection (c) of section one thousand eighty-eight of this chapter notwithstanding, no interest will be paid thereon.

§ 5. Section 606 of the tax law is amended by adding a new subsection (ppp) to read as follows:

(ppp) Newspaper and broadcast media jobs tax credit. (1) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section forty-nine of this chapter, against the tax imposed by this article.

(2) Application of credit. If the amount of the credit allowed under this subsection for the taxable year exceeds the taxpayer's tax for such year, the excess shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section six hundred eighty-six of this article, provided, however, that no interest will be paid thereon.

§ 6. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (li) to read as follows:

(li) Newspaper and broadcast media jobs tax credit under subsection (ppp)	Amount of credit under subdivision sixty of section two hundred ten-B

§ 7. This act shall take effect immediately and shall apply to tax years beginning on or after January 1, 2025 and ending before January 1, 2028.

PART BBB

Section 1. Subsection (c-1) of section 606 of the tax law is amended by adding a new paragraph 5 to read as follows:

(5) (A) For tax year two thousand twenty-three, the commissioner shall issue a payment of a supplemental empire state child credit in the amount of (i) one hundred percent of the empire state child credit calculated and allowed pursuant to this subsection to taxpayers whose federal adjusted gross income was less than ten thousand dollars; (ii) seventy-five percent of the empire state child credit calculated and allowed pursuant to this subsection to taxpayers whose federal adjusted gross income was greater than or equal to ten thousand dollars but less than twenty-five thousand dollars; (iii) fifty percent of the empire state child credit calculated and allowed pursuant to this subsection to taxpayers whose federal adjusted gross income was greater than or equal to twenty-five thousand dollars but less than fifty thousand dollars; and (iv) twenty-five percent of the empire state child credit calculated and allowed pursuant to this subsection to taxpayers whose federal adjusted gross income was greater than or equal to fifty thousand dollars. Provided, however, that no payment shall be issued if it is less than twenty-five dollars.

(B) The supplemental payment pursuant to this paragraph shall be allowed to taxpayers who timely filed returns pursuant to section six

hundred fifty-one of this article, determined with regard to extensions pursuant to section six hundred fifty-seven of this article.

§ 2. This act shall take effect immediately.

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

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