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Introduced by M. of A. SHRESTHA, GONZALEZ-ROJAS, GALLAGHER, REYES, RAGA, FORREST, EPSTEIN, SIMONE, BICHOTTE HERMELYN, MAMDANI, BURDICK -- read once and referred to the Committee on Housing

AN ACT to amend the state finance law, the public authorities law, the energy law, the emergency tenant protection act of nineteen seventy-four, the correction law, the tax law, the executive law and the labor law, in relation to enacting the Livable New York act; and making an appropriation therefor

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Livable New York act".

3 § 2. Legislative findings. The legislature hereby finds that all New
4 Yorkers deserve a livable future. To effectuate this future, New York
5 must act quickly to fight back against climate change and provide addi-
6 tional affordable housing.

7 § 3. The state finance law is amended by adding a new section 99-ss to
8 read as follows:

9 § 99-ss. Livable New York fund. 1. There is hereby established in the
10 joint custody of the commissioner of taxation and finance and the state
11 comptroller a special fund to be known as the "livable New York fund".

12 2. The comptroller shall establish the following separate and distinct
13 accounts within the livable New York fund:

14 (a) energy efficiency transition account; and

15 (b) housing and code enforcement account.

16 3. (a) The livable New York fund energy efficiency transition account
17 shall consist of moneys appropriated, credited, or transferred thereto
18 from any other fund or source pursuant to law. Moneys of the account
19 shall be expended for the purposes of providing benefits to help exist-
20 ing housing units transition to high energy efficiency appliances.

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

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1 (b) The livable New York fund housing and code enforcement account
2 shall consist of moneys appropriated, credited, or transferred thereto
3 from any other fund or source pursuant to law. Moneys of the account
4 shall be expended for the purposes of providing funding for a housing
5 development subsidy set forth pursuant to title two of article thirteen
6 of the executive law, as well as making funding available for localities
7 to use for code enforcement, and any other such purposes as provided for
8 by law.

9 4. Moneys in the livable New York fund shall be kept separate from and
10 shall not be commingled with any other moneys in the custody of the
11 comptroller or the commissioner of taxation and finance. Provided,
12 however, that any moneys of the fund not required for immediate use may,
13 at the discretion of the comptroller, in consultation with the director
14 of the division of budget, be invested by the comptroller in obligations
15 of the United States or the state. The proceeds of any such investment
16 shall be retained by the fund as assets to be used for the purposes of
17 the fund.

18 § 4. The public authorities law is amended by adding a new section
19 1885 to read as follows:

20 § 1885. Energy efficiency transition program. 1. The authority, in
21 consultation with the department of public service, shall establish a
22 program to aid in the transition of all existing housing units heating
23 and cooling from reliance on combusting oil and gas, to electric heat
24 pumps and other high energy efficiency upgrades, systems and services.

25 2. Using funds made available from the livable New York fund as set
26 forth in section ninety-nine-ss of the state finance law, the authority
27 shall ensure that any building or household existing in a disadvantaged
28 community, as such term is defined in section 75-0101 of the environ-
29 mental conservation law, or buildings housing formerly-incarcerated
30 individuals, with a priority to buildings owned by low-income homeowners
31 or rented to low-income tenants, shall be eligible for full-cost funding
32 for the procurement and installation of equipment to be compliant with
33 the energy efficiency standards set forth under section 11-104 of the
34 energy law, including the procurement and installation of non-fossil
35 fuel heating and cooling and hot water systems and other high energy
36 efficiency systems, including electrical panel and wiring upgrades and
37 induction or electric stoves. For purposes of this paragraph, installa-
38 tion shall also include bringing eligible housing into a state of good
39 repair.

40 3. Using funds made available from the livable New York fund as set
41 forth in section ninety-nine-ss of the state finance law, the authority
42 shall create a program to pay up to fifty thousand dollars per unit for
43 any privately owned residential housing for the procurement and instal-
44 lation of equipment to be compliant with the energy efficiency standards
45 set forth under section 11-104 of the energy law, including the procure-
46 ment and installation of non-fossil fuel heating and cooling and hot
47 water systems and other high energy efficiency systems, including elec-
48 trical panel and wiring upgrades and induction or electric stoves, as
49 well as to ensure that such housing is in a state of good repair.

50 4. Using funds made available from the livable New York fund as set
51 forth in section ninety-nine-ss of the state finance law, the authority
52 shall subsidize the procurement and installation of equipment to be
53 compliant with the energy efficiency standards set forth under section
54 11-104 of the energy law, including the procurement and installation of
55 non-fossil fuel heating and cooling and hot water systems and other high
56 energy efficiency systems, for all public housing units throughout the

1 state, as well as to ensure that such housing is in a state of good
2 repair.

3 5. Using funds made available from the livable New York fund as set
4 forth in section ninety-nine-ss of the state finance law, the authority
5 shall establish affordability programs to pay any additional costs of
6 utility bills in order to ensure that no low-to-moderate income house-
7 holds face a higher cost for heating and cooling that may be incurred as
8 a result of conversion to electric heat pumps and/or other high energy
9 efficiency equipment for heating and cooling. For the purposes of this
10 paragraph "low-to-moderate income households" shall mean households with
11 annual incomes at or below eighty percent of the area median income of
12 the county or metro area where they reside.

13 6. (a) The authority shall promulgate requirements for eligibility to
14 receive funds under this program which prohibit buildings from initiat-
15 ing eviction proceedings, fail to renew a lease or otherwise seek to
16 remove a tenant from housing accommodation, except:

17 (i) in situations of non-payment of rent;

18 (ii) where the tenant is violating a substantial obligation of the
19 tenancy and has failed to cure such violation within ten days;

20 (iii) where the tenant is committing or permitting a nuisance in the
21 housing accommodation;

22 (iv) where the tenant's occupancy or use or permitted use of the hous-
23 ing accommodation is in violation of the law; or

24 (v) where the tenant has unreasonably refused the landlord's access to
25 the housing accommodation for the purpose of making repairs and improve-
26 ments.

27 (b) A rent increase is presumed to be unreasonable and, therefore, not
28 a basis for eviction, if it exceeds either three percent of the previous
29 rental amount or one and one-half times the annual percentage change in
30 the consumer price index for the relevant region, whichever is higher.

31 7. The authority shall promulgate requirements for eligibility to
32 receive funds under this program over fifty thousand dollars, which
33 include that all work done in the procurement and installation of non-
34 fossil fuel heating systems on state-owned properties or in properties
35 that receive subsidies from the state shall be considered public work,
36 subject to articles eight and nine of the labor law and shall utilize a
37 project labor agreement. For purposes of this subdivision, "project
38 labor agreement" shall mean a pre-hire collective bargaining agreement
39 between the authority, or a third party on behalf of the authority, and
40 a bona fide building and construction trade labor organization estab-
41 lishing the labor organization as the collective bargaining represen-
42 tative for all persons who will perform work on a public work project,
43 and which provides that only contractors and subcontractors who sign a
44 pre-negotiated agreement with the labor organization can perform project
45 work. All contractors and subcontractors associated with this work shall
46 be required to utilize apprenticeship agreements as defined by article
47 twenty-three of the labor law.

48 8. The authority, in consultation with the department of corrections
49 and community supervision, shall promulgate requirements for eligibility
50 to receive funds under this program over fifty thousand dollars, all
51 work done in the procurement and installation of non-fossil fuel heating
52 systems on state-owned properties or in properties that receive subsi-
53 dies from the state shall, to the greatest extent possible, provide
54 training and hiring of formerly incarcerated individuals.

55 9. (a) Nothing in this program shall alter the rights or benefits, and
56 privileges, including, but not limited to terms and conditions of

1 employment, civil service status, and collective bargaining unit member-
2 ship, of any current employees of the authority.

3 (b) Nothing in this program shall result in: (i) the discharge,
4 displacement, or loss of position, including partial displacement such
5 as a reduction in the hours of non-overtime work, wages, or employment
6 benefits; (ii) the impairment of existing collective bargaining agree-
7 ments; or (iii) the transfer of existing duties and functions.

8 10. No later than December first, two thousand twenty-five, the
9 authority shall determine the minimum energy efficiency standards for
10 buildings.

11 11. The authority shall issue relevant guidance regarding changes set
12 forth in subdivisions seven and eight of section 11-104 of the energy
13 law, including programs offered by the authority that will provide fund-
14 ing to assist with compliance with such subdivisions. The authority
15 shall make such information available by engaging and paying for large-
16 scale advertising, mailings, door-to-door canvassing, community
17 outreach, programming in schools, and anything else the authority deems
18 necessary and reasonable to ensure the public is fully aware and that a
19 wide understanding that such programs exist is achieved in the public in
20 all regions and demographics of the state.

21 § 5. Subdivisions 2 and 4 of section 1-103 of the energy law, as
 22 amended by chapter 83 of the laws of 1995, are amended to read as
 23 follows:

24 2. "Office" as used in sections 5-108, 5-111, 5-113, and 5-117 of
 25 article five and articles six, seven, eight [~~and~~], ten and twenty-two of
 26 this chapter shall mean the New York state energy research and develop-
 27 ment authority established pursuant to article eight of the public
 28 authorities law.

29 4. "Commissioner" as used in sections 5-108, 5-111, 5-113, and 5-117
 30 of article five and articles six, seven, eight [~~and~~], ten and twenty-two
 31 of this chapter shall mean the president of the New York state energy
 32 research and development authority.

33 § 6. The energy law is amended by adding a new article 22 to read as
 34 follows:

ARTICLE 22

BUILDING ENERGY AND EMISSIONS LIMITS

Section 22-101. Purpose.

22-103. Emissions limits in buildings under ten thousand square
37 feet.

22-105. Emissions limits in buildings ten thousand square feet
40 and larger.

22-107. Exemptions.

43 § 22-101. Purpose. In furtherance of the policy set forth by the New
44 York state climate leadership and community protection act, the legisla-
45 ture hereby directs that building energy and emissions limits be adopted
46 to protect the health, safety and security of the people of the state
47 and to assure that clean energy is used in design and construction of
48 all public and private buildings in the state, as well as to further the
49 economic development of the state, including the creation of good,
50 career-supporting jobs and to lower utility bills through energy effi-
51 ciency.

52 § 22-103. Emissions limits in buildings under ten thousand square
53 feet. 1. After December thirty-first, two thousand thirty, no person
54 shall be permitted to replace systems using combustion of any substance
55 for heating or cooling or providing hot water for a building under ten

1 thousand square feet with anything that causes the combustion of any
2 substance that emits twenty-five kilograms or more of carbon dioxide per
3 million British thermal units of energy, as determined by the United
4 States energy information administration.

5 2. Notwithstanding the prohibition in subdivision one of this section,
6 combustion of a substance that emits twenty-five kilograms of carbon
7 dioxide per million British thermal units of energy or more shall be
8 permitted for use within such a building where the combustion of such
9 substance occurs in connection with a device that contains no connection
10 to a building's gas supply line or fuel oil piping system, is used on an
11 intermittent basis, and is not used to supply a building with heat,
12 cooling or hot water.

13 § 22-105. Emissions limits in buildings ten thousand square feet and
14 larger. 1. After December thirty-first, two thousand thirty-five, no
15 person shall be permitted to replace systems using combustion of any
16 substance for heating or cooling or providing hot water for a building
17 ten thousand square feet or larger with anything that causes the
18 combustion of any substance that emits twenty-five kilograms or more of
19 carbon dioxide per million British thermal units of energy, as deter-
20 mined by the United States energy information administration.

21 2. Notwithstanding the prohibition in subdivision one of this section,
22 combustion of a substance that emits twenty-five kilograms of carbon
23 dioxide per million British thermal units of energy or more shall be
24 permitted for use within such a building where the combustion of such
25 substance occurs in connection with a device that contains no connection
26 to a building's gas supply line or fuel oil piping system, is used on an
27 intermittent basis, and is not used to supply a building with heat,
28 cooling or hot water.

29 § 22-107. Exemptions. 1. Notwithstanding the provisions of this arti-
30 cle, the state fire prevention and building code council may exempt
31 systems for emergency back-up heating, but in doing so shall seek to
32 minimize emissions and maximize health, safety, and fire-protection. In
33 such cases, the New York state uniform fire prevention and building code
34 shall limit the infrastructure, building systems, or equipment used for
35 the combustion of fossil fuels to the system and area of a building for
36 which a prohibition on infrastructure, building systems, or equipment
37 used for the combustion of fossil fuels is infeasible. To the fullest
38 extent feasible, the code shall require that the area or service within
39 the project where infrastructure, building systems, or equipment used
40 for the combustion of fossil fuels are installed shall be all-electric
41 ready. Financial considerations shall not be sufficient basis to deter-
42 mine physical or technical infeasibility. Exemptions or waivers
43 provided under this subdivision shall be reviewed during each major code
44 update cycle to determine whether they are still needed.

45 2. The provisions set forth in sections 22-103 and 22-105 of this
46 article shall not be construed as applying to generation of emergency
47 back-up power and standby power systems, or in a building or part of a
48 building that is used as a manufacturing facility, commercial food
49 establishment, laboratory, car wash, laundromat, hospital, other medical
50 facility, critical infrastructure, including but not limited to emergen-
51 cy management facilities, wastewater treatment facilities, and water
52 treatment and pumping facilities, agricultural building, fuel cell
53 system, or crematorium, as such terms are defined by the state fire
54 prevention and building code council.

55 3. Nothing in this section shall be interpreted or otherwise construed
56 as preempting a municipality from prohibiting fossil-fuel heating

1 systems or setting their own emissions standards, provided that any such
2 municipal standard require deeper reductions in emissions at equivalent
3 or earlier dates.

4 § 7. Subdivision (a) of section 10-b of section 4 of chapter 576 of
5 the laws of 1974, constituting the emergency tenant protection act of
6 nineteen seventy-four, is amended by adding a new paragraph 14 to read
7 as follows:

8 14. prohibit temporary major capital improvement increases and indi-
9 vidual apartment improvement increases for buildings undertaking energy
10 efficiency, boiler, furnace, stove replacements, electrical panel, elec-
11 trical wiring or related work stemming from adherence to requirements
12 pursuant to article twenty-two of the energy law.

13 § 8. Subdivision 3 of section 170 of the correction law, as amended by
14 chapter 322 of the laws of 2021, is amended to read as follows:

15 3. Notwithstanding any other provision of law, an incarcerated indi-
16 vidual may be permitted to leave the institution under guard to volun-
17 tarily perform work for a nonprofit organization; provided that each
18 incarcerated individual who volunteers to perform work for a nonprofit
19 organization shall be paid a minimum hourly wage of not less than three
20 dollars. The department shall be entitled to charge the nonprofit organ-
21 ization a reasonable hourly rate for meals and housing of such incarcer-
22 ated individuals, if any. As used in this section, the term "nonprofit
23 organization" means an organization operated exclusively for religious,
24 charitable, or educational purposes, no part of the net earnings of
25 which inures to the benefit of any private shareholder or individual.

26 § 9. Section 171 of the correction law is amended by adding a new
27 subdivision 3 to read as follows:

28 3. Any incarcerated individual performing labor as described in this
29 section shall be compensated for their labor in accordance with the
30 provisions of subdivision five of section one hundred eighty-seven of
31 this article.

32 § 10. Subdivision 7 of section 177 of the correction law, as renum-
33 bered by chapter 256 of the laws of 2010, is renumbered subdivision 8
34 and a new subdivision 7 is added to read as follows:

35 7. Any incarcerated individual performing labor as described in this
36 section shall be compensated for their labor in accordance with the
37 provisions of subdivision five of section one hundred eighty-seven of
38 this article.

39 § 11. Section 178 of the correction law, as amended by chapter 322 of
40 the laws of 2021, is amended to read as follows:

41 § 178. Participation in work release and other community activities.
42 1. Nothing contained in this article shall be construed or applied so as
43 to prohibit private employment of incarcerated individuals in the commu-
44 nity under a work release program, or a residential treatment facility
45 program formulated pursuant to any provision of this chapter.

46 2. Any incarcerated individual who is employed under a work release
47 program or a residential treatment facility program formulated pursuant
48 to any provision of this chapter shall be compensated for their labor in
49 accordance with the provisions of subdivision five of section one
50 hundred eighty-seven of this article.

51 § 12. Section 184 of the correction law is amended by adding a new
52 subdivision 3 to read as follows:

53 3. Any incarcerated individual performing work as described in this
54 section shall be compensated for their labor in accordance with the
55 provisions of subdivision five of section one hundred eighty-seven of
56 this article.

1 § 13. Section 186 of the correction law is amended by adding a new
2 subdivision 5 to read as follows:

3 5. Any service performed by an incarcerated individual as described in
4 this section shall be compensated in accordance with the provisions of
5 subdivision five of section one hundred eighty-seven of this article.

6 § 14. Section 187 of the correction law is amended by adding a new
7 subdivision 5 to read as follows:

8 5. Notwithstanding any provision of law, rule or regulation to the
9 contrary, no incarcerated individual shall be compensated an amount that
10 is less than the minimum wage as set forth in article nineteen of the
11 labor law for work performed or work for which a wage is paid. As used
12 in this subdivision, "work for which a wage is paid" includes any task
13 assigned to an incarcerated individual for which a wage would have been
14 due except for such person's status as an incarcerated individual.

15 § 15. The correction law is amended by adding a new section 628 to
16 read as follows:

17 § 628. Real-world experience job training. 1. The department shall
18 promulgate regulations to create work release programs as such programs
19 are defined under article six-A and article twenty-seven of this chapter
20 that facilitate on-the-job training and certification in those fields
21 and industries that are in the highest demand. Such programs shall
22 target those individuals who are eligible for release within two years.

23 2. To the greatest extent possible the department shall work with
24 local community partnerships for work release programs as created under
25 article six-A and article twenty-seven of this chapter.

26 § 16. The correction law is amended by adding a new section 629 to
27 read as follows:

28 § 629. Formerly incarcerated wage subsidy program. Using funds made
29 available from the livable New York fund established pursuant to section
30 ninety-nine-ss of the state finance law, the department, in conjunction
31 with the department of labor, shall promulgate regulations creating a
32 wage subsidy program for businesses in New York that hire and employ for
33 not less than twelve continuous and uninterrupted months, persons who
34 have recently been released from the department's custody.

35 § 17. Section 606 of the tax law is amended by adding a new subsection
36 (qqq) to read as follows:

37 (qqq) Formerly incarcerated training program credit. (1) Allowance of
38 credit. For taxable years beginning on or after January first, two thou-
39 sand twenty-six, a taxpayer shall be allowed a credit, to be computed as
40 provided in this subsection, for hiring, training, and employing for not
41 less than twelve continuous and uninterrupted months (hereinafter
42 referred to as the twelve-month period) in a full-time or part-time
43 position, a formerly incarcerated individual within the state. The
44 taxpayer may claim the credit in the year in which the incarcerated
45 individual completes the twelve-month period of employment by the
46 taxpayer.

47 (2) Incarcerated individuals. A formerly incarcerated individual is
48 any person who has been released from the custody of the New York state
49 or New York city department of correction in the previous twelve months.

50 (3) Employer prohibition. An employer shall not discharge an employee
51 and hire a formerly incarcerated individual solely for the purpose of
52 qualifying for this credit.

53 (4) Amount of credit. The amount of the credit shall be fifteen
54 percent of the total amount of wages paid to the formerly incarcerated
55 individual during the individual's first twelve-month period of employ-

1 ment. The credit allowed pursuant to this subsection shall not exceed in
2 any taxable year:

3 (i) fifteen thousand dollars for any formerly incarcerated individual,
4 employed in a full-time position for one thousand eight hundred
5 twenty or more hours in one twelve-month period; and

6 (ii) seven thousand five hundred dollars for any formerly incarcer-
7 ated individual employed in a part-time position for at least one thou-
8 sand forty hours but not more than one thousand eight hundred nineteen
9 hours in one twelve-month period.

10 (5) Carryover. If the amount of credit allowable under this subsection
11 for any taxable year exceeds the taxpayer's tax for such year, any
12 amount of credit not deductible in such taxable year may be carried over
13 to the following three years and may be deducted from the taxpayer's tax
14 for such year or years.

15 § 18. The correction law is amended by adding a new section 195 to
16 read as follows:

17 § 195. Labor programs. 1. All labor programs shall comply with the
18 following:

19 (a) All health and safety protections required to be provided to
20 employees under federal and state labor law shall be provided to incar-
21 cerated individuals engaged in labor programs; and

22 (b) All other workplace protections, including protections regarding
23 discrimination, found under federal and state labor law shall apply and
24 be provided to incarcerated individuals engaged in labor programs.

25 2. The department of labor shall exercise the same supervision over
26 conditions of employment for incarcerated individuals participating in
27 labor programs as such department does over conditions of employment for
28 non-incarcerated individuals.

29 § 19. Subdivision 2 of section 171 of the correction law, as amended
30 by chapter 364 of the laws of 1983, is amended and a new subdivision 3
31 is added to read as follows:

32 2. Such labor shall be either for the purpose of the production of
33 supplies for said institutions, or for the state, or any political
34 subdivision thereof, or for any public institution owned or managed and
35 controlled by the state, or any political subdivision thereof; or for
36 the purpose of industrial training and instruction, or partly for one,
37 and partly for the other of such purposes. To the extent possible,
38 incarcerated individuals shall be provided on-the-job vocational train-
39 ing at the correctional facility.

40 3. (a) Incarcerated individuals shall be provided vocational programs
41 that meet the labor market needs of either; (i) the county in which the
42 facility is located; or (ii) the county of the incarcerated individual's
43 last known address.

44 (b) To the extent possible, facilities shall provide virtual reality
45 job training simulations for incarcerated individuals.

46 § 20. Paragraphs d and e of subdivision 2 of section 371 of the execu-
47 tive law, as amended by section 2 of part RR of chapter 56 of the laws
48 of 2023, are amended and a new paragraph f is added to read as follows:

49 d. Encourage local governments to exercise their full powers to admin-
50 ister and enforce the uniform code; ~~and~~

51 e. Provide for a uniform, statewide approach to the training and qual-
52 ification of personnel engaged in the administration and enforcement of
53 the uniform code~~[-]~~; ~~and~~

54 f. Ensure that every building used in whole or in part as a home or
55 residence by one or more persons shall conform to the requirements of
56 this enforcement, inclusive, irrespective of the class to which such

1 building may otherwise belong and irrespective of when such building may
2 have been altered or repaired.

3 § 21. Section 376 of the executive law is amended by adding two new
4 subdivisions 7 and 8 to read as follows:

5 7. To develop and implement a public education and outreach program to
6 inform the public of new code requirements and how the enforcement of
7 codes operates and for what purpose. In developing such education and
8 outreach program, the secretary shall work with localities, advocacy
9 groups, elected officials, and anyone else the secretary deems relevant.

10 8. To issue, in conjunction with the attorney general, a "renter's
11 bill of rights", that will focus on a person's right to rent a residence
12 that is free from code violations and meets the basic standards of
13 living.

14 § 22. Section 382 of the executive law is amended by adding two new
15 subdivisions 5 and 6 to read as follows:

16 5. The secretary shall promulgate regulations requiring local govern-
17 ments and their authorized agents, to the greatest extent practicable,
18 to perform inspections and write and enforce notices to remedy in lieu
19 of ordering tenants to vacate residences.

20 6. (a) In addition to any other applicable remedy or penalty, where a
21 building has been found to be in violation of any provision of the
22 uniform code or any lawful order obtained thereunder, and the building
23 is occupied by a tenant legally occupying the building, a rent rebate
24 may be offered to a tenant residing in the building where an individual
25 (i) tampered with or otherwise obstructed or attempted to obstruct an
26 inspection, or (ii) where the violation was not remedied within a
27 reasonable time frame, or (iii) where a person in violation is subject
28 to a civil penalty.

29 (b) In instances where a violation of the code endangers the health or
30 well-being of a person occupying the building, or the general public,
31 and in addition to any other applicable remedy or penalty, the owner of
32 the building may be forced to pay fines associated with any compulsory
33 cleaning or repair.

34 (c) Municipal and local agencies shall have the authority to act under
35 an emergency to clear or repair a residence whose material violation
36 endangers or impairs the health, safety, or wellbeing of a resident of
37 the building or the general public, at a cost borne by the owner of such
38 building.

39 § 23. The labor law is amended by adding a new section 219-b to read
40 as follows:

41 § 219-b. Restrictions on use of employment verification system for
42 apprenticeships. 1. Except as required by federal law or as a condition
43 of receiving federal funds, it shall be unlawful for an apprenticeship
44 program, to use the federal electronic employment verification system
45 known as E-Verify and any other succeeding electronic employment verifi-
46 cation system to check the employment authorization status of an indi-
47 vidual currently in the apprenticeship program or who is an applicant to
48 the apprenticeship program.

49 2. Apprenticeship programs may use alternative options to declare work
50 eligibility status including affidavit forms, or any other method as
51 determined by the department.

52 § 24. Paragraphs (k) and (l) of subdivision 1 of section 811 of the
53 labor law, as relettered by chapter 825 of the laws of 2021, are relet-
54 tered paragraphs (m) and (n) and two new paragraphs (k) and (l) are
55 added to read as follows:

1 (k) to foster partnerships and relationships with high schools, commu-
2 nity colleges, and nonprofits to recruit apprentices from disadvantaged
3 groups;

4 (l) to create a mentorship program to pair apprentices with journey-
5 person professionals;

6 § 25. Section 260 of article 13 of the executive law is designated
7 title 1 and a new title heading is added to read as follows:

8 DIVISION OF HOUSING AND COMMUNITY RENEWAL

9 § 26. Article 13 of the executive law is amended by adding a new title
10 2 to read as follows:

11 TITLE 2

12 HOUSING DEVELOPMENT SUBSIDY PROGRAM

13 Section 260-a. Definitions.

14 260-b. Development subsidy.

15 260-c. Eligibility.

16 260-d. Severability.

17 § 260-a. Definitions. When used in this title:

18 1. The term "division" shall refer to the division of housing and
19 community renewal.

20 2. The term "AMI" shall refer to area median income as defined by the
21 U.S. department of housing and urban development ("HUD").

22 § 260-b. Development subsidy. 1. The division shall oversee grants and
23 subsidies for the development of housing projects which shall create, at
24 a minimum, ten thousand new units a year.

25 2. Using funds made available from the livable New York fund estab-
26 lished pursuant to section ninety-nine-ss of the state finance law, the
27 division is hereby authorized to provide grants and subsidies, to eligi-
28 ble projects across the state to achieve the housing creation goals of
29 the housing development subsidy program set forth in subdivision one of
30 this section.

31 § 260-c. Eligibility. To be eligible for subsidies under this program,
32 projects shall:

33 1. be built at an average of forty percent of the AMI, adjusted for
34 family size;

35 2. agree that rent increases on such projects shall be limited to only
36 cover increases in maintenance and operating expenses, and shall not
37 exceed more than two percent per annum;

38 3. ensure that all workers, laborers, and mechanics employed on
39 projects funded under this action shall receive not less than the
40 prevailing rate of wage and benefits for the classification of work
41 performed by each upon such project pursuant to the labor law. Nothing
42 under this paragraph shall limit the ability of labor agreements to
43 afford a wage higher than the prevailing wage for all workers, laborers,
44 and mechanics employed on projects funded under this action;

45 4. follow tenant protections that prevent eviction except in situ-
46 ations of non-payment of rent; the tenant is violating a substantial
47 obligation of the tenancy and has failed to cure such violation within
48 ten days; or the tenant is committing or permitting a nuisance in the
49 housing accommodation; or the tenant's occupancy or use or permitted use
50 of the housing accommodation is in violation of the law; or the tenant
51 has unreasonably refused the landlord's access to the housing accommo-
52 modation for the purpose of making repairs and improvements;

53 5. utilize a project labor agreement. For purposes of this paragraph,
54 "project labor agreement" shall mean a pre-hire collective bargaining
55 agreement between the authority, or a third party on behalf of the

1 authority, and a bona fide building and construction trade labor organ-
2 ization establishing the labor organization as the collective bargaining
3 representative for all persons who will perform work on a project, and
4 which provides that only contractors and subcontractors who sign a pre-
5 negotiated agreement with the labor organization can perform project
6 work. All contractors and subcontractors associated with this work shall
7 be required to utilize apprenticeship agreements as defined by article
8 twenty-three of the labor law;

9 6. to the greatest extent possible, provide training and hiring of
10 formerly incarcerated individuals; and

11 7. include an affordability covenant which shall specify that rents in
12 any unit in such residential projects receiving subsidies pursuant to
13 this section shall not exceed twenty-five percent of a household's
14 income in such unit.

15 § 260-d. Severability. If any clause, sentence, paragraph, subdivi-
16 sion, section or part of this title shall be adjudged by any court of
17 competent jurisdiction to be invalid, such judgment shall not affect,
18 impair or invalidate the remainder thereof, but shall be confined in its
19 operation to the clause, sentence, paragraph, subdivision, section or
20 part thereof directly involved in the controversy in which such judgment
21 shall have been rendered.

22 § 27. Severability. If any clause, sentence, paragraph, subdivision,
23 section or part of this act shall be adjudged by any court of competent
24 jurisdiction to be invalid, such judgment shall not affect, impair or
25 invalidate the remainder thereof, but shall be confined in its operation
26 to the clause, sentence, paragraph, subdivision, section or part thereof
27 directly involved in the controversy in which such judgment shall have
28 been rendered.

29 § 28. The sum of three billion dollars (\$3,000,000,000), or so much
30 thereof as may be necessary, is hereby appropriated to the livable New
31 York fund as established pursuant to section 99-ss of the state finance
32 law from any moneys in the state treasury not otherwise appropriated and
33 made immediately available for the purposes of carrying out the
34 provisions of this act. Such moneys shall be payable on the audit and
35 warrant of the comptroller on vouchers certified or approved by the
36 commissioner of criminal justice services in the manner prescribed by
37 law.

38 § 29. This act shall take effect immediately.