STATE OF NEW YORK

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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:

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

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

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

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

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

(a) energy efficiency transition account; and

(b) housing and code enforcement account.

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

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

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

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

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

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

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

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

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

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

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

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

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

(iv) where the tenant's occupancy or use or permitted use of the housing accommodation is in violation of the law; or

(v) where the tenant has unreasonably refused the landlord's access to the housing accommodation for the purpose of making repairs and improvements.

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

7. The authority shall promulgate requirements for eligibility to receive funds under this program over fifty thousand dollars, which include that all work done in the procurement and installation of non-fossil fuel heating systems on state-owned properties or in properties that receive subsidies from the state shall be considered public work, subject to articles eight and nine of the labor law and shall utilize a project labor agreement. For purposes of this subdivision, "project labor agreement" shall mean a pre-hire collective bargaining agreement between the authority, or a third party on behalf of the authority, 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 work on a public work project, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform project work. All contractors and subcontractors associated with this work shall be required to utilize apprenticeship agreements as defined by article twenty-three of the labor law.

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

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

employment, civil service status, and collective bargaining unit membership, of any current employees of the authority.

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

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

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

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

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

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

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

ARTICLE 22
BUILDING ENERGY AND EMISSIONS LIMITS

Section 22-101. Purpose.
22-103. Emissions limits in buildings under ten thousand square feet.
22-105. Emissions limits in buildings ten thousand square feet and larger.
22-107. Exemptions.

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

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

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

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

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

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

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

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

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

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

§ 7. 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, is amended by adding a new paragraph 14 to read as follows:

14. prohibit temporary major capital improvement increases and individual apartment improvement increases for buildings undertaking energy efficiency, boiler, furnace, stove replacements, electrical panel, electrical wiring or related work stemming from adherence to requirements pursuant to article twenty-two of the energy law.

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

3. Notwithstanding any other provision of law, an incarcerated individual may be permitted to leave the institution under guard to voluntarily perform work for a nonprofit organization; provided that each incarcerated individual who volunteers to perform work for a nonprofit organization shall be paid a minimum hourly wage of not less than three dollars. The department shall be entitled to charge the nonprofit organization a reasonable hourly rate for meals and housing of such incarcerated individuals, if any. As used in this section, the term "nonprofit organization" means an organization operated exclusively for religious, charitable, or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) seven thousand five hundred dollars for any formerly incarcerated individual employed in a part-time position for at least one thousand forty hours but not more than one thousand eight hundred nineteen hours in one twelve-month period.

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

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

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

(a) All health and safety protections required to be provided to employees under federal and state labor law shall be provided to incarcerated individuals engaged in labor programs; and

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

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

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

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

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

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

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

d. Encourage local governments to exercise their full powers to administer and enforce the uniform code; [~~and~~]

e. Provide for a uniform, statewide approach to the training and qualification of personnel engaged in the administration and enforcement of the uniform code[~~.~~]; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(k) to foster partnerships and relationships with high schools, community colleges, and nonprofits to recruit apprentices from disadvantaged groups;

(l) to create a mentorship program to pair apprentices with journeyperson professionals;

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

DIVISION OF HOUSING AND COMMUNITY RENEWAL

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

TITLE 2

HOUSING DEVELOPMENT SUBSIDY PROGRAM

Section 260-a. Definitions.
260-b. Development subsidy.
260-c. Eligibility.
260-d. Severability.

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

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

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

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

2. Using funds made available from the livable New York fund established pursuant to section ninety-nine-ss of the state finance law, the division is hereby authorized to provide grants and subsidies, to eligible projects across the state to achieve the housing creation goals of the housing development subsidy program set forth in subdivision one of this section.

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

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

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

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

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

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

authority, 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 work on a project, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform project work. All contractors and subcontractors associated with this work shall be required to utilize apprenticeship agreements as defined by article twenty-three of the labor law;

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

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

§ 260-d. Severability. If any clause, sentence, paragraph, subdivision, section or part of this title 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.

§ 27. Severability. 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.

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

§ 29. This act shall take effect immediately.