STATE OF NEW YORK

9612

IN SENATE

March 30, 2026

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to certificate of residence policies for community colleges

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

Section 1. Subdivisions 3 and 4 of section 6305 of the education law, subdivision 3 as amended by chapter 542 of the laws of 2022 and subdivision 4 as amended by section 2 of part V of chapter 57 of the laws of 2013, are amended and a new subdivision 4-a is added to read as follows:

3. The chief fiscal officer of each county, as defined in section 2.00 of the local finance law, shall, upon application and submission to such chief fiscal officer of satisfactory evidence in-person or electronically, issue to any person desiring to enroll in a community college as a non-resident student, a certificate of residence form showing that said person is a resident of said county. No such chief fiscal officer shall require a person desiring to enroll in a community college as a non-resident student to disclose or furnish his or her social security number. If the chief fiscal officer of a county refuses to issue such a certificate on the ground that the person applying therefor is not a resident of such county**, or that such person is not subject to rules or regulations promulgated under subdivision four-a of this section**, the person applying may appeal, in writing, electronically or by mail, to the chancellor of the state university. The chancellor of the state university, or such officers or employees thereof as shall be designated by the chancellor in a manner authorized by the state university trustees, shall make a determination after a hearing, upon ten days' notice to such chief fiscal officer of the county, and such determination shall be final and binding on the county. Such person shall, upon registration for each college year, file with the college such a certificate of residence form issued not earlier than two months prior thereto, and such certificate of residence form shall be valid for a period of one year from the date of issuance. The state university trustees shall be

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

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authorized to promulgate regulations to effectuate the provisions of this subdivision.

4. If, pursuant to subdivision two of this section, a community college elects to charge to and collect an allocable portion of the operating costs and a further sum on account of capital costs of such college from each county which has issued a certificate form or certificates of residence forms pursuant to subdivision three of this section, on the basis of which non-resident students are attending such community college, the president of such community college shall, within forty-five days after the commencement of each college term or program, **or as otherwise provided by rules or regulations promulgated pursuant to subdivision four-a of this section,** submit to the chief fiscal officer of each county a list of non-resident students attending such college on the basis of such certificates of residence form and a voucher for the amount payable by each county for these students. Such list and voucher shall be determined on the basis of non-resident students enrolled in the program as of the end (or last day) of the third week of the commencement for a program scheduled for one semester, the end of the second for a program scheduled for an academic quarter and the end of the first week for any program scheduled to be completed in thirty days or less. The chancellor of the state university, or such officers or employees thereof as shall be designated by the chancellor in the manner authorized by the state university trustees, shall notify the chief fiscal officers of each county of the approved annual operating and capital charge-back rate for each community college. The amount billed to the chief fiscal officer of each county by the president of such community college as a charge for the allocable portion of the operating costs and a further sum on account of capital costs of such college for non-resident students shall be paid to the chief fiscal officer of such college by the billed county no later than sixty days after the county receives said billing.

4-a. Notwithstanding any provision of law, rule, or regulation to the contrary, the state university trustees are authorized and directed to promulgate rules or regulations setting forth: (a) a schedule of late fees and exceptions thereof for a student submitting a certificate of residence form after the deadline otherwise prescribed by subdivision four of this section for such submission, but within the relevant semester or term; and (b) a reconciliation process for valid forms received after the list of non-resident students was sent to a county pursuant to subdivision four of this section.

§ 2. This act shall take effect immediately.