

**FY 2022 NEW YORK STATE EXECUTIVE BUDGET
EDUCATION, LABOR AND FAMILY ASSISTANCE
ARTICLE VII LEGISLATION**

FY 2022 NEW YORK STATE EXECUTIVE BUDGET

**EDUCATION, LABOR AND FAMILY ASSISTANCE
ARTICLE VII LEGISLATION**

CONTENTS

| PART | DESCRIPTION | STARTING PAGE NUMBER |
|-------------|------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| A | School Aid | 7 |
| B | Allow Public Accounting Firms to Have Minority Ownership by Individuals Who Are Not Certified Public Accountants | 74 |
| C | Streamline new education program approval to meet workforce needs | 95 |
| D | Extend SUNY and CUNY procurement flexibility | 97 |
| E | Extend a predictable funding plan for SUNY and CUNY | 98 |
| F | Extend Financial Aid Eligibility for Certain Students Impacted by the Pandemic | 110 |
| G | Maintain Excelsior Scholarship Tuition Support Levels | 111 |
| H | Authorize the closure of four underutilized OCFS Youth Facilities in 2021 | 113 |
| I | Continue realigned financing for residential placements of children with special needs outside of New York City | 113 |
| J | Make Funding for the Youth Development Program Permanent | 114 |
| K | Make Permanent the Authority for the Office of Children and Family Services to Contract with BOCES | 114 |
| L | Comply with Federal Family First Prevention Services Act Requirements | 115 |
| M | Require Differential Response Programs for Child Protection and Assessments or Investigations | 150 |
| N | Ensure Statewide Access to Veterans Treatment Courts | 152 |
| O | Authorize Mortgage Insurance Fund (MIF) and Housing Finance Agency Resources (HFA) Utilization | 156 |
| P | Authorize the pass-through of any Federal Supplemental Security Income Cost of Living Adjustment | 160 |
| Q | Align the Gifts to Food Banks Tax Check-Off Fund with Related Programming | 162 |

| PART | DESCRIPTION | STARTING PAGE NUMBER |
|-------------|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| R | Expand the Human Rights Law to Include For-Profit Schools | 164 |
| S | Prohibit Discrimination Based on Citizenship | 165 |
| T | Encourage Part-Time Work through Partial Unemployment Insurance Benefits | 185 |
| U | Clarify Sales Tax Exemptions for Affordable Housing Development | 204 |
| V | Streamline Administrative Process for Transfer of Unclaimed Child Support Collections | 205 |
| W | Provide Paid Leave for COVID-19 Vaccination | 210 |
| X | Expand Homeownership through SONYMA Mortgage Programs | 212 |
| Y | Protect Tenants through the COVID-19 Emergency Residential Tenant Late Fee Suspension and Security Deposit Utilization Act of 2021 | 218 |
| Z | Expand Child Care Affordability and Ease Administrative Burdens on Child Care Providers | 220 |
| AA | Extend Prevailing Wage to Covered Renewable Energy Projects | 226 |

Legislative Bill Drafting Commission
12572-01-1

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

BUDGBI

(Enacts into law major components of
legislation necessary to implement
the state education, labor, housing
and family assistance budget for the
2021-2022 state fiscal year)

BUDGBI. ELFA Governor

AN ACT

to amend the education law, in
relation to school contracts for
excellence; to amend the education
law, in relation to the purchase and
use of school textbooks, school
library materials, and computers; to
amend the education law, in relation
to the apportionment of public
moneys to school districts employing
eight or more teachers; to amend the
education law, in relation to

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

| | | | | |
|--------------|---------------|---------------|---------------|---------------|
| s15 Addabbo | s17 Felder | s07 Kaplan | s58 O'Mara | s10 Sanders |
| s52 Akshar | s59 Gallivan | s26 Kavanagh | s62 Ortt | s23 Savino |
| s36 Bailey | s05 Gaughran | s63 Kennedy | s01 Palumbo | s32 Sepulveda |
| s30 Benjamin | s12 Gianaris | s28 Krueger | s21 Parker | s41 Serino |
| s34 Biaggi | s22 Gounardes | s24 Lanza | s19 Persaud | s29 Serrano |
| s57 Borrello | s47 Griffo | s11 Liu | s13 Ramos | s39 Skoufis |
| s04 Boyle | s40 Harckham | s50 Mannion | s61 Rath | s16 Stavisky |
| s44 Breslin | s54 Helming | s42 Martucci | s38 Reichlin- | s45 Stec |
| s25 Brisport | s46 Hinchey | s02 Mattera | Melnick | s35 Stewart- |
| s08 Brooks | s27 Hoylman | s53 May | s48 Ritchie | Cousins |
| s55 Brouk | s31 Jackson | s37 Mayer | s33 Rivera | s49 Tedisco |
| s14 Comrie | s43 Jordan | s20 Myrie | s60 Ryan | s06 Thomas |
| s56 Cooney | s09 Kaminsky | s51 Oberacker | s18 Salazar | s03 Weik |

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

| | | | | |
|------------------|-------------------|------------------|--------------------|-------------------|
| a049 Abbate | a063 Cusick | a021 Griffin | a051 Mitaynes | a111 Santabarbara |
| a092 Abinanti | a045 Cymbrowitz | a100 Gunther | a015 Montesano | a090 Sayegh |
| a031 Anderson | a018 Darling | a139 Hawley | a145 Morinello | a099 Schmitt |
| a122 Angelino | a053 Davila | a083 Heastie | a065 Niou | a076 Seawright |
| a107 Ashby | a072 De La Rosa | a028 Hevesi | a037 Nolan | a084 Septimo |
| a035 Aubry | a003 DeStefano | a128 Hunter | a144 Norris | a016 Sillitti |
| a120 Barclay | a070 Dickens | a029 Hyndman | a069 O'Donnell | a052 Simon |
| a030 Barnwell | a054 Dilan | a079 Jackson | a091 Otis | a114 Simpson |
| a106 Barrett | a081 Dinowitz | a104 Jacobson | a132 Palmesano | a005 Smith |
| a060 Barron | a147 DiPietro | a011 Jean-Pierre | a088 Paulin | a118 Smullen |
| a082 Benedetto | a009 Durso | a134 Jensen | a141 Peoples- | a022 Solages |
| a042 Bichotte | a048 Eichenstein | a115 Jones | Stokes | a057 Souffrant |
| Hermelyn | a004 Englebright | a077 Joyner | a058 Perry | Forrest |
| a117 Blankenbush | a074 Epstein | a125 Kelles | a023 Pheffer | a110 Steck |
| a098 Brabenc | a109 Fahy | a040 Kim | Amato | a010 Stern |
| a026 Braunstein | a061 Fall | a105 Lalor | a086 Pichardo | a127 Stirpe |
| a138 Bronson | a080 Fernandez | a013 Lavine | a089 Pretlow | a102 Tague |
| a012 Brown | a008 Fitzpatrick | a097 Lawler | a073 Quart | a064 Tannousis |
| a093 Burdick | a124 Friend | a126 Lemondes | a019 Ra | a071 Taylor |
| a085 Burgos | a046 Frontus | a135 Lunsford | a038 Rajkumar | a001 Thiele |
| a142 Burke | a095 Galef | a123 Lupardo | a006 Ramos | a033 Vanel |
| a119 Buttenschon | a050 Gallagher | a129 Magnarelli | a062 Reilly | a116 Walczyk |
| a094 Byrne | a131 Gallahan | a036 Mamdani | a087 Reyes | a055 Walker |
| a133 Byrnes | a007 Gandolfo | a130 Manktelow | a043 Richardson | a143 Wallace |
| a103 Cahill | a002 Giglio, J.A. | a108 McDonald | a078 Rivera, J. | a112 Walsh |
| a044 Carroll | a148 Giglio, J.M. | a014 McDonough | a149 Rivera, J.D. | a041 Weinstein |
| a136 Clark | a066 Glick | a146 McMahon | a068 Rodriguez | a024 Weprin |
| a047 Colton | a034 Gonzalez- | a137 Meeks | a027 Rosenthal, D. | a059 Williams |
| a140 Conrad | Rojas | a017 Mikulin | a067 Rosenthal, L. | a113 Woerner |
| a032 Cook | a150 Goodell | a101 Miller, B. | a025 Rozic | a096 Zebrowski |
| a039 Cruz | a075 Gottfried | a020 Miller, M. | a121 Salka | a056 Zinerman |

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and: in Assembly 2 copies of memorandum in support, in
Senate 4 copies of memorandum in support (single house); or 4 signed copies
of bill and 6 copies of memorandum in support (uni-bill).

special apportionments and grants-in-aid to school districts and to moneys apportioned for board of cooperative educational services aidable expenditures; to amend the education law, in relation to the local district funding adjustment; to amend the education law, in relation to pandemic adjustment payment reduction; to amend the education law, in relation to aidable transportation expense; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to moneys apportioned; to amend the education law, in relation to waivers from certain duties; to amend the education law, in relation to the New York state mentor teacher-internship program; to amend the education law, in relation to the teachers of tomorrow teacher recruitment and retention program; to amend the education law, in relation to the national board for professional teaching standards certification grant; to amend the education law, in relation to charter school aid; to amend chapter 507 of the laws of 1974, relating to providing for the apportionment of state monies to certain nonpublic schools, to reimburse them for their expenses in complying with certain state requirements for the administration of state testing and evaluation programs and for participation in state programs for the reporting of basic educational data, in relation to the calculation of nonpublic schools' eligibility to receive aid; 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 2021-2022 school year; 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 withholding a portion of employment

preparation education aid and in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; relates to school bus driver training; relates to special apportionment for salary expenses and public pension accruals; relates to authorizing the city school district of the city of Rochester to purchase certain services; relates to suballocations of appropriations; relating to the support of public libraries; to repeal section 3033 of the education law relating to the New York state mentor teacher-internship program; to repeal section 3612 of the education law relating to the teachers of tomorrow teacher recruitment and retention program; and to repeal section 3004-a of the education law relating to the national board for professional teaching standards certification grant (Part A); to amend the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part B); to amend the education law, in relation to registration of a new curriculum or program of study offered by a not-for-profit college or university (Part C); to amend the education law, in relation to extending state university of New York procurement flexibility and authorizing the state university of New York to purchase services from a consortium;

and to amend part D of chapter 58 of the laws of 2011 amending the education law relating to capital facilities in support of the state university and community colleges, procurement and the state university health care facilities, in relation to the effectiveness thereof (Part D); to amend the education law, in relation to predictable tuition allowing annual tuition increase for SUNY and CUNY schools; and 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 E); extending scholarship program eligibility for certain recipients affected by the COVID-19 pandemic (Part F); to amend the education law, in relation to establishing the amount awarded for the excelsior scholarship (Part G); to amend the executive law, in relation to facilities operated and maintained by the office of children and family services and to authorize the closure of certain facilities operated by such office; and to repeal certain provisions of such law relating thereto (Part H); 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 making such provisions permanent (Part I); to amend part G of chapter 57 of the laws of 2013, amending the executive law and the social services law relating to consolidating the youth development and delinquency prevention program and the special delinquency prevention program, in relation to making such provisions permanent (Part J); to amend part K of chapter 57 of the laws of 2012, amending the education law, relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, in

relation to the effectiveness thereof (Part K); to amend the social services law and the family court act, in relation to compliance with the Federal Family First Prevention Services Act (Part L); to amend the social services law, in relation to differential response programs for child protection assessments or investigations (Part M); to amend the judiciary law, in relation to authorizing the chief administrator of the courts to establish veterans treatment courts; and to amend the criminal procedure law, in relation to the removal of certain actions to veterans treatment courts (Part N); to utilize reserves in the mortgage insurance fund for various housing purposes (Part O); 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 P); to amend the state finance law, in relation to authorizing a tax check-off for gifts to food banks (Part Q); to amend the executive law, in relation to expanding the scope of the application of subdivision 4 of section 296 of such law to private educational institutions (Part R); to amend the executive law, in relation to prohibiting discrimination based on citizenship or immigration status (Part S); to amend the labor law, in relation to unemployment (Part T); to amend the private housing finance law, in relation to exempting certain projects from sales and compensating use taxes (Part U); to amend the social services law and the abandoned property law, in relation to the transfer of unclaimed support collections and unidentified payments; to amend the family court act and the domestic relations law, in relation to making conforming changes; to repeal certain provisions of social services law relating thereto; and to repeal paragraph (c) of subdivision 1 of section 600 and subdivision 3 of section 602 of the abandoned property law, relating to

moneys paid to a support bureau of a family court (Part V); to allow employees to take paid time leave to obtain the COVID-19 vaccination (Part W); to amend the public authorities law, in relation to granting the state of New York mortgage agency authority to purchase mortgage loans from a broader pool of non-depository lenders, to purchase mortgages secured by new construction loans, and modify its mortgages to assist financially distressed homeowners (Part X); in relation to providing for the suspension of fees relating to the late payment of rent; and to permit tenants to use their security deposits as rent payments (Part Y); to amend the social services law, in relation to making child care more affordable for low-income families (Subpart A); and to amend the social services law, in relation to easing administrative burdens on child care programs and providers (Subpart B) (Part Z); and relating to prevailing wage requirements (Part AA)

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

1 Section 1. This act enacts into law major components of legislation
2 necessary to implement the state education, labor, housing and family
3 assistance budget for the 2021-2022 state fiscal year. Each component is
4 wholly contained within a Part identified as Parts A through AA. The
5 effective date for each particular provision contained within such Part
6 is set forth in the last section of such Part. Any provision in any
7 section contained within a Part, including the effective date of the
8 Part, which makes a reference to a section "of this act", when used in
9 connection with that particular component, shall be deemed to mean and
10 refer to the corresponding section of the Part in which it is found.
11 Section three of this act sets forth the general effective date of this
12 act.

13 PART A

14 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
15 tion law, as amended by section 1 of part A of chapter 56 of the laws of
16 2020, is amended to read as follows:

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

1 lence for the two thousand eleven--two thousand twelve school year which
2 shall, notwithstanding the requirements of subparagraph (vi) of para-
3 graph a of subdivision two of this section, provide for the expenditure
4 of an amount which shall be not less than the product of the amount
5 approved by the commissioner in the contract for excellence for the two
6 thousand nine--two thousand ten school year, multiplied by the
7 district's gap elimination adjustment percentage and provided further
8 that, a school district that submitted a contract for excellence for the
9 two thousand eleven--two thousand twelve school year, unless all schools
10 in the district are identified as in good standing, shall submit a
11 contract for excellence for the two thousand twelve--two thousand thir-
12 teen school year which shall, notwithstanding the requirements of
13 subparagraph (vi) of paragraph a of subdivision two of this section,
14 provide for the expenditure of an amount which shall be not less than
15 the amount approved by the commissioner in the contract for excellence
16 for the two thousand eleven--two thousand twelve school year and
17 provided further that, a school district that submitted a contract for
18 excellence for the two thousand twelve--two thousand thirteen school
19 year, unless all schools in the district are identified as in good
20 standing, shall submit a contract for excellence for the two thousand
21 thirteen--two thousand fourteen school year which shall, notwithstanding
22 the requirements of subparagraph (vi) of paragraph a of subdivision two
23 of this section, provide for the expenditure of an amount which shall be
24 not less than the amount approved by the commissioner in the contract
25 for excellence for the two thousand twelve--two thousand thirteen school
26 year and provided further that, a school district that submitted a
27 contract for excellence for the two thousand thirteen--two thousand
28 fourteen school year, unless all schools in the district are identified

1 as in good standing, shall submit a contract for excellence for the two
2 thousand fourteen--two thousand fifteen school year which shall,
3 notwithstanding the requirements of subparagraph (vi) of paragraph a of
4 subdivision two of this section, provide for the expenditure of an
5 amount which shall be not less than the amount approved by the commis-
6 sioner in the contract for excellence for the two thousand thirteen--two
7 thousand fourteen school year; and provided further that, a school
8 district that submitted a contract for excellence for the two thousand
9 fourteen--two thousand fifteen school year, unless all schools in the
10 district are identified as in good standing, shall submit a contract for
11 excellence for the two thousand fifteen--two thousand sixteen school
12 year which shall, notwithstanding the requirements of subparagraph (vi)
13 of paragraph a of subdivision two of this section, provide for the
14 expenditure of an amount which shall be not less than the amount
15 approved by the commissioner in the contract for excellence for the two
16 thousand fourteen--two thousand fifteen school year; and provided
17 further that a school district that submitted a contract for excellence
18 for the two thousand fifteen--two thousand sixteen school year, unless
19 all schools in the district are identified as in good standing, shall
20 submit a contract for excellence for the two thousand sixteen--two thou-
21 sand seventeen school year which shall, notwithstanding the requirements
22 of subparagraph (vi) of paragraph a of subdivision two of this section,
23 provide for the expenditure of an amount which shall be not less than
24 the amount approved by the commissioner in the contract for excellence
25 for the two thousand fifteen--two thousand sixteen school year; and
26 provided further that, a school district that submitted a contract for
27 excellence for the two thousand sixteen--two thousand seventeen school
28 year, unless all schools in the district are identified as in good

1 standing, shall submit a contract for excellence for the two thousand
2 seventeen--two thousand eighteen school year which shall, notwithstand-
3 ing the requirements of subparagraph (vi) of paragraph a of subdivision
4 two of this section, provide for the expenditure of an amount which
5 shall be not less than the amount approved by the commissioner in the
6 contract for excellence for the two thousand sixteen--two thousand
7 seventeen school year; and provided further that a school district that
8 submitted a contract for excellence for the two thousand seventeen--two
9 thousand eighteen school year, unless all schools in the district are
10 identified as in good standing, shall submit a contract for excellence
11 for the two thousand eighteen--two thousand nineteen school year which
12 shall, notwithstanding the requirements of subparagraph (vi) of para-
13 graph a of subdivision two of this section, provide for the expenditure
14 of an amount which shall be not less than the amount approved by the
15 commissioner in the contract for excellence for the two thousand seven-
16 teen--two thousand eighteen school year; and provided further that, a
17 school district that submitted a contract for excellence for the two
18 thousand eighteen--two thousand nineteen school year, unless all schools
19 in the district are identified as in good standing, shall submit a
20 contract for excellence for the two thousand nineteen--two thousand
21 twenty school year which shall, notwithstanding the requirements of
22 subparagraph (vi) of paragraph a of subdivision two of this section,
23 provide for the expenditure of an amount which shall be not less than
24 the amount approved by the commissioner in the contract for excellence
25 for the two thousand eighteen--two thousand nineteen school year; and
26 provided further that, a school district that submitted a contract for
27 excellence for the two thousand nineteen--two thousand twenty school
28 year, unless all schools in the district are identified as in good

1 standing, shall submit a contract for excellence for the two thousand
2 twenty--two thousand twenty-one school year which shall, notwithstanding
3 the requirements of subparagraph (vi) of paragraph a of subdivision two
4 of this section, provide for the expenditure of an amount which shall be
5 not less than the amount approved by the commissioner in the contract
6 for excellence for the two thousand nineteen--two thousand twenty school
7 year; and provided further that, a school district that submitted a
8 contract for excellence for the two thousand twenty--two thousand twen-
9 ty-one school year, unless all schools in the district are identified as
10 in good standing, shall submit a contract for excellence for the two
11 thousand twenty-one--two thousand twenty-two school year which shall,
12 notwithstanding the requirements of subparagraph (vi) of paragraph a of
13 subdivision two of this section, provide for the expenditure of an
14 amount which shall be not less than the amount approved by the commis-
15 sioner in the contract for excellence for the two thousand twenty--two
16 thousand twenty-one school year. For purposes of this paragraph, the
17 "gap elimination adjustment percentage" shall be calculated as the sum
18 of one minus the quotient of the sum of the school district's net gap
19 elimination adjustment for two thousand ten--two thousand eleven
20 computed pursuant to chapter fifty-three of the laws of two thousand
21 ten, making appropriations for the support of government, plus the
22 school district's gap elimination adjustment for two thousand eleven--
23 two thousand twelve as computed pursuant to chapter fifty-three of the
24 laws of two thousand eleven, making appropriations for the support of
25 the local assistance budget, including support for general support for
26 public schools, divided by the total aid for adjustment computed pursu-
27 ant to chapter fifty-three of the laws of two thousand eleven, making
28 appropriations for the local assistance budget, including support for

1 general support for public schools. Provided, further, that such amount
2 shall be expended to support and maintain allowable programs and activ-
3 ities approved in the two thousand nine--two thousand ten school year or
4 to support new or expanded allowable programs and activities in the
5 current year.

6 § 2. Section 701 of the education law, as amended by chapter 587 of
7 the laws of 1973, subdivision 2 as amended by section 1 of part A1 of
8 chapter 58 of the laws of 2011, subdivision 3 as amended by chapter 391
9 of the laws of 1989, subdivision 4 as amended by chapter 82 of the laws
10 of 1995, subdivision 6 as amended by section 6 of part B of chapter 57
11 of the laws of 2007, subdivision 7 as amended by section 2 of part A of
12 chapter 436 of the laws of 1997, and subdivision 8 as added by chapter
13 635 of the laws of 1984, is amended to read as follows:

14 § 701. Power to designate text-books; purchase and loan of text-books;
15 purchase of supplies. 1. In the several cities and school districts of
16 the state, boards of education, trustees or such body or officer as
17 perform the functions of such boards, shall designate text-books to be
18 used in the schools under their charge.

19 2. A text-book, for the purposes of this section shall mean: (i) any
20 book, or a book substitute, which shall include hard covered or paper-
21 back books, work books, or manuals and (ii) for expenses incurred after
22 July first, nineteen hundred ninety-nine, any courseware or other
23 content-based instructional materials in an electronic format, as such
24 terms are defined in the regulations of the commissioner, which a pupil
25 is required to use as a text, or a text-substitute, in a particular
26 class or program in the school he or she legally attends. For expenses
27 incurred on or after July first, two thousand eleven, and before July
28 first, two thousand twenty, a text-book shall also mean items of expend-

1 iture that are eligible for an apportionment pursuant to sections seven
2 hundred eleven, seven hundred fifty-one and/or seven hundred fifty-three
3 of this title, where such items are designated by the school district as
4 eligible for aid pursuant to this section, provided, however, that if
5 aided pursuant to this section, such expenses shall not be aidable
6 pursuant to any other section of law. Expenditures aided pursuant to
7 this section shall not be eligible for aid pursuant to any other section
8 of law. Courseware or other content-based instructional materials in an
9 electronic format included in the definition of textbook pursuant to
10 this subdivision shall be subject to the same limitations on content as
11 apply to books or book substitutes aided pursuant to this section.

12 3. In the several cities and school districts of the state, boards of
13 education, trustees or such body or officers as perform the function of
14 such boards shall have the power and duty to purchase and to loan upon
15 individual request, textbooks, to all children residing in such district
16 who are enrolled in a public school including children attending the
17 public schools of the district for whom the district is eligible to
18 receive reimbursement pursuant to [paragraph a of] subdivision eight of
19 section thirty-two hundred two of this chapter, provided, however, that
20 such children shall not be counted by any other school district, and to
21 all children residing in such district who are enrolled in a nonpublic
22 school. Textbooks loaned to children enrolled in said nonpublic schools
23 shall be textbooks which are designated for use in any public schools of
24 the state or are approved by any boards of education, trustees or other
25 school authorities. Such textbooks are to be loaned free to such chil-
26 dren subject to such rules and regulations as are or may be prescribed
27 by the board of regents and such boards of education, trustees or other

1 school authorities. Enrollment shall be as defined in subdivision one of
2 section thirty-six hundred two of this chapter.

3 4. No school district shall be required to purchase or otherwise
4 acquire textbooks, the cost of which shall exceed an amount equal to the
5 [apportionment] textbook factor pursuant to subdivision six of this
6 section plus a minimum lottery grant determined pursuant to subdivision
7 four of section ninety-two-c of the state finance law multiplied by the
8 [number of children residing in such district and so enrolled in the
9 base year] sum of the enrollments in grades kindergarten through twelve
10 in the base year calculated pursuant to subparagraphs four, five and six
11 of paragraph n of subdivision one of section thirty-six hundred two of
12 this chapter; and no school district shall be required to loan textbooks
13 in excess of the textbooks owned or acquired by such district; provided,
14 however that all textbooks owned or acquired by such district shall be
15 loaned to children residing in the district and so enrolled in public
16 and nonpublic schools on an equitable basis.

17 5. In the several cities and school districts of the state, boards of
18 education, trustees or other school authorities may purchase supplies
19 and either rent, sell or loan the same to the pupils attending the
20 public schools in such cities and school districts upon such terms and
21 under such rules and regulations as may be prescribed by such boards of
22 education, trustees or other school authorities.

23 6. The commissioner, in addition to the annual apportionment of public
24 monies pursuant to other articles of this chapter, in the two thousand
25 twenty--two thousand twenty-one school year and prior, shall apportion
26 to each school district an amount equal to the cost of the textbooks
27 purchased and loaned by the district pursuant to this section in the
28 base year, but in no case shall the aid apportioned to the district

1 exceed the product of the textbook factor plus a minimum lottery grant,
2 determined pursuant to subdivision four of section ninety-two-c of the
3 state finance law, and the sum of the enrollments in grades kindergarten
4 through twelve in the base year calculated pursuant to subparagraphs
5 four, five, and six of paragraph n of subdivision one of section thir-
6 ty-six hundred two of this chapter. Aid payable pursuant to this section
7 shall be deemed final and not subject to change after April thirtieth of
8 the school year for which payment was due.

9 For aid payable in the two thousand seven--two thousand eight school
10 year [and thereafter] through the two thousand twenty--two thousand
11 twenty-one school year, the textbook factor shall equal forty-three
12 dollars and twenty-five cents. For purposes of determining loans pursu-
13 ant to subdivisions three and four of this section in the two thousand
14 twenty-one--two thousand twenty-two school year and thereafter, the
15 textbook factor shall equal fifty-eight dollars and twenty-five cents.

16 7. The apportionment provided for in this section shall be paid, at
17 such times as may be determined by the commissioner and approved by the
18 director of the budget, during the school year in which the expenditures
19 are reported to the department prior to such apportionment, provided
20 that for the two thousand twenty--two thousand twenty-one school year,
21 such apportionment shall not exceed the amount set forth for each school
22 district as "2020-21 TEXTBOOK AID" in the school aid computer listing
23 produced by the commissioner in support of the executive budget request
24 for the 2021--2022 school year and entitled "BT212-2". Expenditures by a
25 school district in excess of the product of the textbook factor plus a
26 minimum lottery grant determined pursuant to subdivision four of section
27 ninety-two-c of the state finance law and the sum of the enrollments in
28 grades kindergarten through twelve in the base year calculated pursuant

1 to subparagraphs four, five, and six of paragraph n of subdivision one
2 of section thirty-six hundred two of this chapter in any school year
3 shall be deemed approved operating expense of the district for the
4 purpose of computation of state aid pursuant to section thirty-six
5 hundred two of this chapter, but expenditures up to such product shall
6 not be deemed approved operating expenses for such purpose.

7 8. In its discretion, a board of education may adopt regulations spec-
8 ifying the date by which requests for the purchase and loan of textbooks
9 must be received by the district. Notice of such date shall be given to
10 all non-public schools. Such date shall not be earlier than the first
11 day of June of the school year prior to that for which such textbooks
12 are being requested, provided, however, that a parent or guardian of a
13 child not attending a particular non-public school prior to June first
14 of the school year may submit a written request for textbooks within
15 thirty days after such child is enrolled in such non-public school. In
16 no event however shall a request made later than the times otherwise
17 provided pursuant to this subdivision be denied where a reasonable
18 explanation is given for the delay in making the request.

19 § 3. Subdivision 4 of section 711 of the education law, as amended by
20 section 4 of part C of chapter 58 of the laws of 1998, is amended to
21 read as follows:

22 4. Commencing July first, nineteen hundred ninety eight through June
23 thirtieth, two thousand twenty-one, the commissioner, in addition to the
24 annual apportionment of public monies pursuant to other articles of this
25 chapter, shall apportion to each school district an amount equal to the
26 cost of the school library materials purchased by the district pursuant
27 to this section in the base year, but in no case shall the aid appor-
28 tioned to the district exceed the product of the library materials

1 factor and the sum of public school district enrollment, nonpublic
2 school enrollment, and additional public enrollment as defined in
3 subparagraphs two, three, and six of paragraph n of subdivision one of
4 section thirty-six hundred two of this chapter. Aid payable pursuant to
5 this section shall be deemed final and not subject to change after April
6 thirtieth of the school year for which payment was due, provided that
7 for the two thousand twenty--two thousand twenty-one school year, such
8 apportionment shall not exceed the amount set forth for each school
9 district as "2020-21 LIBRARY MATERIALS AID" in the school aid computer
10 listing produced by the commissioner in support of the executive budget
11 request for the 2021--2022 school year and entitled "BT212-2".

12 § 4. Subdivision 2 of section 712 of the education law, as added by
13 chapter 53 of the laws of 1985, is amended to read as follows:

14 2. No school district shall be required to loan school library materi-
15 als in excess of the school library materials owned [or], acquired, or
16 designated by such district pursuant to section seven hundred eleven of
17 this article, provided that such designated amount shall not exceed the
18 product of the library materials factor and the sum of public school
19 district enrollment, nonpublic school enrollment, and additional public
20 enrollment as defined in subparagraphs two, three and six of paragraph n
21 of subdivision one of section thirty-six hundred two of this chapter for
22 the base year. Such school library materials shall be loaned on an equi-
23 table basis to children defined in subdivision three of section seven
24 hundred eleven of this article attending in the current year. The
25 payment of tuition under article eighty-nine of this chapter is deemed
26 to be an equitable loan to children for whom such tuition is paid.

1 § 5. Subdivision 4 of section 751 of the education law, as amended by
2 section 3 of part H of chapter 83 of the laws of 2002, is amended to
3 read as follows:

4 4. The commissioner, in addition to the annual apportionment of public
5 monies pursuant to other articles of this chapter, in the two thousand
6 twenty--two thousand twenty-one school year and prior, shall apportion
7 to each school district an amount equal to the cost of the software
8 programs purchased by the district pursuant to this section in the base
9 year, but in no case shall the aid apportioned to the district exceed
10 the product of the software factor and the sum of public school district
11 enrollment, nonpublic school enrollment, and additional public enroll-
12 ment as defined in subparagraphs two, three, and six of paragraph n of
13 subdivision one of section thirty-six hundred two of this chapter,
14 provided that for the two thousand twenty--two thousand twenty-one
15 school year, such apportionment shall not exceed the amount set forth
16 for each school district as "2020-21 SOFTWARE AID" in the school aid
17 computer listing produced by the commissioner in support of the execu-
18 tive budget request for the 2021--2022 school year and entitled
19 "BT212-2".

20 For aid payable in the nineteen hundred ninety-seven--ninety-eight and
21 nineteen hundred ninety-eight--ninety-nine school years, the software
22 factor shall equal four dollars and fifty-eight cents. For aid payable
23 in the nineteen hundred ninety-nine--two thousand school year, the soft-
24 ware factor shall equal seven dollars and fifty-five cents. For aid
25 payable in the two thousand--two thousand one school year, the software
26 factor shall equal fourteen dollars and ninety-eight cents. For aid
27 payable in the two thousand one--two thousand two school year, the soft-
28 ware factor shall equal twenty-three dollars and ninety cents. For aid

1 payable in the two thousand two--two thousand three school year and
2 thereafter, the software factor shall equal fourteen dollars and nine-
3 ty-eight cents. The apportionment provided for in this section shall be
4 paid at such times as may be determined by the commissioner and approved
5 by the director of the budget. Aid payable pursuant to this section
6 shall be deemed final and not subject to change after April thirtieth of
7 the school year for which payment was due.

8 § 6. Subdivision 2 of section 752 of the education law, as amended by
9 chapter 257 of the laws of 1984, is amended to read as follows:

10 2. No school district shall be required to loan software programs in
11 excess of the software programs owned [or], acquired, or designated by
12 such district pursuant to section seven hundred fifty-one of this arti-
13 cle provided that such designated amount shall not exceed the product of
14 the software factor and the sum of public school district enrollment,
15 nonpublic school enrollment, and additional public enrollment as defined
16 in subparagraphs two, three and six of paragraph n of subdivision one of
17 section thirty-six hundred two of this chapter for the base year. Such
18 software programs shall be loaned on an equitable basis to children
19 defined in subdivision three of section seven hundred fifty-one of this
20 article attending in the current year. The payment of tuition under
21 article eighty-nine of this chapter is deemed to be an equitable loan to
22 children for whom such tuition is paid.

23 § 7. Section 753 of the education law, as added by section 7-a of part
24 B of chapter 57 of the laws of 2007, subdivision 1 as amended by section
25 4 of part A1 of chapter 58 of the laws of 2011, is amended to read as
26 follows:

27 § 753. Instructional computer hardware and technology equipment appor-
28 tionment. 1. In addition to any other apportionment under this chapter,

1 a school district shall be eligible for an apportionment under the
2 provisions of this section in the two thousand twenty--two thousand
3 twenty-one school year and prior for approved expenses for (i) the
4 purchase or lease of micro and/or mini computer equipment or terminals
5 for instructional purposes or (ii) technology equipment, as defined in
6 paragraph c of subdivision two of this section, used for instructional
7 purposes, or (iii) for the repair of such equipment and training and
8 staff development for instructional purposes as provided hereinafter, or
9 (iv) for expenses incurred on or after July first, two thousand eleven
10 and before July first, two thousand twenty, any items of expenditure
11 that are eligible for an apportionment pursuant to sections seven
12 hundred one, seven hundred eleven and/or seven hundred fifty-one of this
13 title, where such items are designated by the school district as eligi-
14 ble for aid pursuant to this section, provided, however, that if aided
15 pursuant to this section, such expenses shall not be aidable pursuant to
16 any other section of law, provided further that for the two thousand
17 twenty--two thousand twenty-one school year, such apportionment shall
18 not exceed the amount set forth for each school district as "2020-21
19 HARDWARE & TECHNOL AID" in the school aid computer listing produced by
20 the commissioner in support of the executive budget request for the
21 2021--2022 school year and entitled "BT212-2". Such aid shall be
22 provided pursuant to a plan developed by the district which demonstrates
23 to the satisfaction of the commissioner that the instructional computer
24 hardware needs of the district's public school students have been
25 adequately met and that the school district has provided for the loan of
26 instructional computer hardware to students legally attending nonpublic
27 schools pursuant to section seven hundred fifty-four of this article.
28 The apportionment shall equal the lesser of such approved expense in the

1 base year or, the product of (i) the technology factor, (ii) the sum of
2 the public school district enrollment and the nonpublic school enroll-
3 ment in the base year as defined in subparagraphs two and three of para-
4 graph n of subdivision one of section thirty-six hundred two of this
5 chapter, and (iii) the building aid ratio, as defined in subdivision
6 four of section thirty-six hundred two of this chapter. For aid payable
7 in the two thousand seven--two thousand eight school year and thereaft-
8 er, the technology factor shall be twenty-four dollars and twenty cents.
9 A school district may use up to twenty percent of the product of (i) the
10 technology factor, (ii) the sum of the public school district enrollment
11 and the nonpublic school enrollment in the base year as defined in
12 subparagraphs two and three of paragraph n of subdivision one of section
13 thirty-six hundred two of this chapter, and (iii) the building aid ratio
14 for the repair of instructional computer hardware and technology equip-
15 ment and training and staff development for instructional purposes
16 pursuant to a plan submitted to the commissioner.

17 2. As used in this article:

18 a. "Current year" shall have the same meaning as that term is defined
19 in subdivision one of section thirty-six hundred two of this chapter;

20 b. "Base year" shall have the same meaning as that term is defined in
21 subdivision one of section thirty-six hundred two of this article; and

22 c. "Technology equipment", for the purposes of this article, shall
23 mean equipment with a useful life used in conjunction with or in support
24 of educational programs including but not limited to video, solar ener-
25 gy, robotic, satellite, laser and such other equipment as the commis-
26 sioner shall approve provided that expenses for the purchase or lease of
27 such equipment shall not be eligible for aid under any other provisions
28 of this chapter.

1 3. No school district shall be required to purchase or otherwise
2 acquire instructional computer hardware or technology equipment, the
3 cost of which exceeds, for the two thousand twenty--two thousand twen-
4 ty-one school year and prior, the amount of state aid provided pursuant
5 to this section, and for the two thousand twenty-one--two thousand twen-
6 ty-two school year and thereafter, the product of (i) the technology
7 factor, (ii) the sum of the public school district enrollment and the
8 nonpublic school enrollment in the base year as defined in subparagraphs
9 two and three of paragraph n of subdivision one of section thirty-six
10 hundred two of this chapter, and (iii) the building aid ratio.

11 4. The apportionment provided for in this section shall be paid at
12 such times as may be determined by the commissioner and approved by the
13 director of the budget, during the school year in which the expenditures
14 are reported to the department prior to such apportionment, but not
15 earlier than the school year after the school year in which expenses are
16 incurred.

17 5. Expenses aided pursuant to this section shall not be eligible for
18 aid pursuant to any other provision of this chapter.

19 § 8. Paragraphs a, g and h of subdivision 5 of section 1950 of the
20 education law, paragraph a as amended by section 4 and paragraph g as
21 amended by section 5 of part C of chapter 57 of the laws of 2004, and
22 paragraph h as added by section 1 of part L of chapter 57 of the laws of
23 2005, are amended to read as follows:

24 a. Upon application by a board of cooperative educational services, in
25 the two thousand twenty--two thousand twenty-one school year and prior,
26 there shall be apportioned and paid from state funds to each board of
27 cooperative educational services an amount which shall be the product of
28 the approved cost of services actually incurred during the base year

1 multiplied by the sharing ratio for cooperative educational services aid
2 which shall equal the greater of: (i) an amount equal to one minus the
3 quotient expressed as a decimal to three places without rounding of
4 eight mills divided by the tax rate of the local district computed upon
5 the actual valuation of taxable property, as determined pursuant to
6 subdivision one of section thirty-six hundred two of this chapter [and
7 notwithstanding section three thousand six hundred three], expressed in
8 mills to the nearest tenth as determined by the commissioner, provided,
9 however, that where services are provided to a school district which is
10 included within a central high school district or to a central high
11 school district, such amount shall equal one minus the quotient
12 expressed as a decimal to three places without rounding of three mills
13 divided by the tax rates, expressed in mills to the nearest tenth, of
14 such districts, as determined by the commissioner or (ii) the aid ratio
15 of each school district for the current year, which shall be such compo-
16 nent school district's board of cooperative educational services aid
17 ratio and which shall be not less than thirty-six percent converted to
18 decimals and shall be not more than ninety percent converted to
19 decimals, provided that for the two thousand twenty--two thousand twen-
20 ty-one school year, such apportionment shall not exceed the amount set
21 forth for each school district as "2020-21 BOCES AID" in the school aid
22 computer listing produced by the commissioner in support of the execu-
23 tive budget request for the 2021--2022 school year and entitled
24 "BT212-2". For the purposes of this paragraph, the tax rate of the local
25 district computed upon the actual valuation of taxable property shall be
26 the sum of the amount of tax raised by the school district plus any
27 payments in lieu of taxes received by the school district pursuant to
28 section four hundred eighty-five of the real property tax law, divided

1 by the actual valuation of the school district, provided, however that
2 the tax rate for a central high school district shall be the sum of the
3 amount of tax raised by the common and union free school districts
4 included within the central high school district for the support of the
5 central high school district plus any payments in lieu of taxes received
6 for the support of the central high school district pursuant to section
7 four hundred eighty-five of the real property tax law, divided by the
8 actual valuation of the central high school district. The tax rate for
9 each common or union free school district which is included within a
10 central high school district shall be the sum of the amount raised for
11 the support of such common or union free school district plus any
12 payments in lieu of taxes received for the support of the school
13 district pursuant to section four hundred eighty-five of the real prop-
14 erty tax law, exclusive of the amount raised for the central high school
15 district, divided by the actual valuation of such common or union free
16 school district.

17 g. Any payment required by a board of cooperative educational services
18 to the dormitory authority or any payment required by a board of cooper-
19 ative educational services to acquire or construct a school facility of
20 the board of cooperative educational services, and any payments for
21 rental of facilities by a board of cooperative educational services
22 shall, for the purposes of apportionment of public moneys to the board
23 of cooperative educational services by the state of New York, be deemed
24 to be an administrative or capital expense, as designated by the commis-
25 sioner, but the entire amount of such payment shall be utilized in
26 making such apportionment and the limitation of ten percent of the total
27 expenses contained in this subdivision shall not be applicable. Any
28 expense designated by the commissioner as a capital expense shall be

1 included in the capital budget of the board of cooperative educational
2 services and, except as otherwise provided in this paragraph, shall be
3 aided in the same manner as an administrative expense, provided, howev-
4 er, that such aid shall not be provided commencing with the two thousand
5 twenty-one--two thousand twenty-two school year. Any such payment shall
6 not be considered part of the total expenses of the board for purposes
7 of determining the administrative and clerical expenses not to exceed
8 ten percent otherwise eligible for aid under this subdivision, and such
9 payments shall be considered for the purpose of apportionment during the
10 current school year such payment is made. The apportionment for such
11 payments shall be determined by multiplying the amount of such payment
12 allocated to each component school district in the board of cooperative
13 educational services by the aid ratio, and shall be not more than ninety
14 percent converted to decimals, of each such component computed pursuant
15 to subdivision three of section thirty-six hundred two of this chapter
16 and used to apportion aid to that district in that current school year;
17 provided, however, the apportionment for the construction, acquisition,
18 reconstruction, rehabilitation, or improvement of board of cooperative
19 educational services facilities, including payments to the dormitory
20 authority and payments under any lease agreement, shall be based upon
21 the cost of the board of cooperative educational services school facili-
22 ties but not to exceed the cost allowance set forth in subdivision six
23 of section thirty-six hundred two of [the education law] this chapter
24 and payments for rental facilities shall be subject to the approval of
25 the commissioner.

26 h. Each board of cooperative educational services receiving a payment
27 pursuant to paragraph a of this subdivision and section thirty-six
28 hundred nine-d of this chapter, in the two thousand twenty--two thousand

1 twenty-one school year and prior, shall be required to set aside from
2 such payment an amount not less than the amount of state aid received
3 pursuant to paragraph a of this subdivision in the base year that was
4 attributable to cooperative services agreements (CO-SERs) for career
5 education, as determined by the commissioner, and shall be required to
6 use such amount to support career education programs in the current
7 year.

8 § 9. Subdivision 1 of section 3602 of the education law is amended by
9 adding a new paragraph kk to read as follows:

10 kk. The "federal COVID-19 supplemental stimulus" shall be equal to the
11 sum of (1) ninety percent of the funds from the elementary and secondary
12 school emergency relief made available to school districts pursuant to
13 the Coronavirus Response and Relief Supplemental Appropriations Act,
14 2021 in the same proportion as such district's share of funds provided
15 under Title I of the Elementary and Secondary Education Act of 1965 plus
16 (2) the base federal allocation. For eligible districts, the base
17 federal allocation shall be equal to the product of nine hundred fifty-
18 two dollars and fifteen cents (\$952.15) and public school district
19 enrollment in the base year as computed pursuant to paragraph n of this
20 subdivision less ninety percent of the funds from the elementary and
21 secondary school emergency relief made available to school districts
22 pursuant to the Coronavirus Response and Relief Supplemental Appropri-
23 ations Act, 2021 in the same proportion as such district's share of
24 funds provided under Title I of the Elementary and Secondary Education
25 Act of 1965, but not less than zero. Districts shall be eligible for
26 the base federal allocation if their combined wealth ratio for the
27 current year computed pursuant to subparagraph one of paragraph c of

1 subdivision three of this section is less than one and five tenths (1.5)
2 and the district is not a central high school district.

3 § 10. Paragraph h of subdivision 4 of section 3602 of the education
4 law, as added by section 14-a of part A of chapter 56 of the laws of
5 2020, is amended to read as follows:

6 h. Foundation aid payable in the two thousand twenty--two thousand
7 twenty-one through the two thousand twenty-one--two thousand twenty-two
8 school [year] years. Notwithstanding any provision of law to the contra-
9 ry, foundation aid payable in the two thousand twenty--two thousand
10 twenty-one through two thousand twenty-one--two thousand twenty-two
11 school [year] years shall equal the apportionment for foundation aid in
12 the base year.

13 § 11. Subdivision 10 of section 3602 of the education law, as added by
14 chapter 57 of the laws of 1993 and renumbered by section 16 of part B of
15 chapter 57 of the laws of 2007, the subdivision heading and paragraphs a
16 and c as amended by section 32 of part H of chapter 83 of the laws of
17 2002, paragraph b as amended by section 16 of part B of chapter 57 of
18 the laws of 2007, paragraph d as added by section 17 of part B of chap-
19 ter 57 of the laws of 2008, and paragraph e as added by chapter 357 of
20 the laws of 2018, is amended to read as follows:

21 10. Special services aid for large city school districts and other
22 school districts which were not components of a board of cooperative
23 educational services in the base year. a. [The] In the two thousand
24 twenty--two thousand twenty-one school year and prior, the city school
25 districts of those cities having populations in excess of one hundred
26 twenty-five thousand and any other school district which was not a
27 component of a board of cooperative educational services in the base

1 year shall be entitled to an apportionment under the provisions of this
2 section.

3 b. Aid for career education. There shall be apportioned to such city
4 school districts and other school districts which were not components of
5 a board of cooperative educational services in the base year for pupils
6 in grades ten through twelve in attendance in career education programs
7 as such programs are defined by the commissioner, subject for the
8 purposes of this paragraph to the approval of the director of the budg-
9 et, an amount for each such pupil to be computed by multiplying the
10 career education aid ratio by three thousand nine hundred dollars,
11 provided that such apportionments for the two thousand twenty--two thou-
12 sand twenty-one school year shall not exceed the amount set forth for
13 each school district as "2020-21 CAREER EDUCATION AID" under the heading
14 "CAREER EDUCATION AID" in the school aid computer listing produced by
15 the commissioner in support of the executive budget request for the
16 2021--2022 school year and entitled "BT212-2". Such aid will be payable
17 for weighted pupils attending career education programs operated by the
18 school district and for weighted pupils for whom such school district
19 contracts with boards of cooperative educational services to attend
20 career education programs operated by a board of cooperative educational
21 services. Weighted pupils for the purposes of this paragraph shall mean
22 the sum of the attendance of students in grades ten through twelve in
23 career education sequences in trade, industrial, technical, agricultural
24 or health programs plus the product of sixteen hundredths multiplied by
25 the attendance of students in grades ten through twelve in career educa-
26 tion sequences in business and marketing as defined by the commissioner
27 in regulations. The career education aid ratio shall be computed by
28 subtracting from one the product obtained by multiplying fifty-nine

1 percent by the combined wealth ratio. This aid ratio shall be expressed
2 as a decimal carried to three places without rounding, but not less than
3 thirty-six percent.

4 Any school district that receives aid pursuant to this paragraph shall
5 be required to use such amount to support career education programs in
6 the current year.

7 A board of education which spends less than its local funds as defined
8 by regulations of the commissioner for career education in the base year
9 during the current year shall have its apportionment under this subdivi-
10 sion reduced in an amount equal to such deficiency in the current or a
11 succeeding school year, provided however that the commissioner may waive
12 such reduction upon determination that overall expenditures per pupil in
13 support of career education programs were continued at a level equal to
14 or greater than the level of such overall expenditures per pupil in the
15 preceding school year.

16 c. Computer administration aid for large city school districts and any
17 other school district which was not a component of a board of cooper-
18 ative educational services in the base year. The city school districts
19 of those cities having populations in excess of one hundred twenty-five
20 thousand inhabitants and any other school district which was not a
21 component of a board of cooperative educational services in the base
22 year shall be eligible for an apportionment in accordance with the
23 provisions of this subdivision, provided that such apportionments for
24 the two thousand twenty--two thousand twenty-one school year shall not
25 exceed the amount set forth for each school district as "2020-21 COMPUT-
26 ER ADMIN AID" under the heading "COMPUTER ADMINISTRATION" in the school
27 aid computer listing produced by the commissioner in support of the
28 executive budget request for the 2021--2022 school year and entitled

1 "BT212-2". Such districts shall be entitled to an additional apportion-
2 ment computed by multiplying the lesser of (1) expenses for approved
3 computer services in the base year or (2) the maximum allowable expense
4 equal to the product of sixty-two dollars and thirty cents and the
5 enrollment of pupils attending the public schools of such district in
6 the base year, by the computer expenses aid ratio. The computer
7 expenses aid ratio shall be computed by subtracting from one the product
8 obtained by multiplying fifty-one per centum by the combined wealth
9 ratio. This aid ratio shall be expressed as a decimal carried to three
10 places without rounding, but shall not be less than thirty per centum.
11 Expenses for approved computer services in the base year up to the maxi-
12 mum allowable expense shall not be used to claim aid pursuant to any
13 other provisions of this section.

14 d. Aid for academic improvement. There shall be apportioned to such
15 city school districts and other school districts which were not compo-
16 nents of a board of cooperative educational services in the base year,
17 an amount per pupil for each pupil eligible for aid pursuant to para-
18 graph b of this subdivision to be computed by multiplying the career
19 education aid ratio computed pursuant to such paragraph b of this subdivi-
20 sion by the sum of (1) one hundred dollars plus (2) the quotient of
21 one thousand dollars divided by the lesser of one or the combined wealth
22 ratio, provided that such apportionments for the two thousand twenty--
23 two thousand twenty-one school year shall not exceed the amount set
24 forth for each school district as "2020-21 ACADEMIC IMPRVMT AID" under
25 the heading "ACADEMIC IMPROVEMENT AID" in the school aid computer list-
26 ing produced by the commissioner in support of the executive budget
27 request for the 2021--2022 school year and entitled "BT212-2". Aid for

1 academic improvement shall be unrestricted general aid available to
2 support any academic programs of the school district.

3 [e. Career education data collection. Beginning in the two thousand
4 seventeen--two thousand eighteen school year the commissioner shall
5 collect data from school districts receiving aid under this subdivision
6 on the number of students in the base year that are in grade nine and
7 enrolled in career education courses in trade/industrial education,
8 technical education, agricultural education, health occupations educa-
9 tion, business and marketing education, family and consumer science
10 education, and technology education programs in a manner prescribed by
11 the commissioner.]

12 § 12. Section 3602 of the education law is amended by adding a new
13 subdivision 21 to read as follows:

14 21. Services Aid. a. Beginning with the two thousand twenty-one--two
15 thousand twenty-two school year, each school district shall be entitled
16 to an apportionment for services aid equal to the sum of (1) the amounts
17 set forth for each school district as "2021-22 BOCES AID", "2021-22
18 TEXTBOOK AID", "2021-22 SOFTWARE AID", "2021-22 LIBRARY MATERIALS AID",
19 "2021-22 HARDWARE & TECHNOL AID", "2020-21 SUPPLEMENTAL PUB EXCESS
20 COST", "2021-22 TRANSPORTATION AID", "2021-22 PAYABLE SUMM TRANS AID",
21 "2021-22 CAREER EDUCATION AID", "2021-22 ACADEMIC IMPRVMT AID", "2021-22
22 COMPUTER ADMIN AID", "2020-21 ACADEMIC ENHANCEMENT", "2020-21 HIGH TAX
23 AID" and "2021-22 TRANSITIONAL AID" in the school aid computer listing
24 produced by the commissioner in support of the executive budget request
25 for the 2021--2022 school year and entitled "BT212-2" less (2) the
26 services aid reduction.

27 b. The services aid reduction shall be equal to the lesser of (1) the
28 positive difference of the federal COVID-19 supplemental stimulus as

1 computed pursuant to paragraph kk of subdivision one of this section
2 less the Local District Funding Adjustment pursuant to subdivision one
3 of section thirty-six hundred nine-i of this part or (2) the product of
4 public school district enrollment in the base year as computed pursuant
5 to paragraph n of subdivision one of this section multiplied by (i) six
6 hundred three dollars and two cents (\$603.02) for a city school district
7 in a city having a population of one million or more, or (ii) for all
8 other districts, the product of one hundred forty-five dollars and
9 eighty cents (\$145.80) and the positive value, if any, computed by
10 subtracting from one and thirty-seven hundredths (1.37) the product
11 obtained by multiplying the combined wealth ratio for the current year
12 computed pursuant to subparagraph one of paragraph c of subdivision
13 three of this section by sixty-four hundredths (0.64).

14 § 12-a. Subdivision 8 of section 3641 of the education law, as added
15 by section 38 of part B of chapter 57 of the laws of 2007, paragraph b
16 as amended by section 29 of part B of chapter 57 of the laws of 2008, is
17 amended to read as follows:

18 8. Supplemental educational improvement grants. a. In addition to
19 apportionments otherwise provided by section thirty-six hundred two of
20 this article, for aid payable in the two thousand seven--two thousand
21 eight school year [and thereafter] through the two thousand twenty--two
22 thousand twenty-one school year, the amounts specified in paragraph b of
23 this subdivision shall be paid for the purpose of providing additional
24 funding for the costs of educational improvement plans required as a
25 result of a court-ordered settlement in a school desegregation case to
26 which the state was a party. Grant funds awarded pursuant to this subdi-
27 vision shall be used exclusively for services and expenses incurred by
28 the school district to implement such educational improvement plans.

1 b. To the Yonkers city school district there shall be paid seventeen
2 million five hundred thousand dollars (\$17,500,000) on an annual basis
3 through the two thousand twenty--two thousand twenty-one school year.
4 Such grant shall be payable from funds appropriated for such purpose and
5 shall be apportioned to the Yonkers city school district in accordance
6 with the payment schedules contained in section thirty-six hundred
7 nine-a of this article, notwithstanding any provision of law to the
8 contrary.

9 § 13. The opening paragraph of subdivision 41 of section 3602 of the
10 education law, as amended by section 20 of part B of chapter 57 of the
11 laws of 2008, is amended to read as follows:

12 Transitional aid for charter school payments. In addition to any
13 other apportionment under this section, for the two thousand seven--two
14 thousand eight school year [and thereafter] through the two thousand
15 twenty--two thousand twenty-one school year, a school district other
16 than a city school district in a city having a population of one million
17 or more shall be eligible for an apportionment in an amount equal to the
18 sum of the following, provided that such apportionments for the two
19 thousand twenty--two thousand twenty-one school year shall be equal to
20 the amount set forth for each school district as "2021-22 TRANSITIONAL
21 AID" in the school aid computer listing produced by the commissioner in
22 support of the executive budget request for the 2021--2022 school year
23 and entitled "BT212-2".

24 § 14. Subdivision 4 of section 3602 of the education law is amended by
25 adding a new paragraph c-1 to read as follows:

26 c-1. For the purposes of this chapter, "BOCES payment adjustment"
27 shall mean the total amount set forth for such school district as
28 "2021-22 BOCES AID" in the data file produced by the commissioner in

1 support of the executive budget request for the two thousand twenty-one-
2 -two thousand twenty-two school year and entitled "BT212-2". Notwith-
3 standing any provision of law to the contrary, for the two thousand
4 twenty-one--two thousand twenty-two school year and thereafter, of the
5 total apportionment pursuant to this subdivision, an amount equal to the
6 BOCES payment adjustment shall be paid pursuant to section thirty-six
7 hundred nine-d of this part.

8 § 15. The opening paragraph of section 3609-d of the education law, as
9 amended by section 20 of part I of chapter 57 of the laws of 2005, is
10 amended to read as follows:

11 Notwithstanding the provisions of section thirty-six hundred nine-a of
12 this [article] part, for school years prior to the two thousand twenty-
13 one--two thousand twenty-two school year, apportionments payable pursu-
14 ant to section nineteen hundred fifty of this chapter shall be paid
15 pursuant to this section. For aid payable in the two thousand four--two
16 thousand five school year [and thereafter] through two thousand twenty-
17 -two thousand twenty-one school year, "moneys apportioned" shall mean
18 the lesser of (i) one hundred percent of the respective amount set forth
19 for each school district as payable pursuant to this section in the
20 school aid computer listing produced by the commissioner in support of
21 the budget including the appropriation for support of boards of cooper-
22 ative educational services for payments due prior to April first for the
23 current year, or (ii) the apportionment calculated by the commissioner
24 based on data on file at the time the payment is processed; provided
25 however, that for the purposes of any payment to be made in the month of
26 June of two thousand six such calculation shall be based on the school
27 aid computer listing for the current year using updated data at the time
28 of each payment. For districts subject to chapter five hundred sixty-

1 three of the laws of nineteen hundred eighty, thirty-six hundred two-b,
2 or two thousand forty of this chapter, for aid payable in the two thou-
3 sand four--two thousand five school year and thereafter, "moneys appor-
4 tioned" shall mean the apportionment calculated by the commissioner
5 based on data on file at the time the payment is processed. Notwith-
6 standing the provisions of section thirty-six hundred nine-a of this
7 part, for the two thousand twenty-one--two thousand twenty-two school
8 year and thereafter, apportionments payable pursuant to paragraph c-1 of
9 subdivision four of section thirty-six hundred two of this part shall be
10 paid pursuant to this section. The "school aid computer listing for the
11 current year" shall be as defined in the opening paragraph of section
12 thirty-six hundred nine-a of this [article] part. The definitions "base
13 year" and "current year" as set forth in subdivision one of section
14 thirty-six hundred two of this [article] part shall apply to this
15 section.

16 § 16. The education law is amended by adding a new section 3609-i to
17 read as follows:

18 § 3609-i. Local district funding adjustment. 1. Notwithstanding any
19 provision of law to the contrary, for the two thousand twenty-one--two
20 thousand twenty-two school year and thereafter, payments computed pursu-
21 ant to section thirty-six hundred nine-e of this part shall be reduced
22 by the local district funding adjustment.

23 2. The "local district funding adjustment" shall be equal to the less-
24 er of the prescribed payments pursuant to section thirty-six hundred
25 nine-e of this part or the federal COVID-19 supplemental stimulus as
26 computed pursuant to paragraph kk of subdivision one of section thirty-
27 six hundred two of this part.

1 § 17. Subdivision 19 of section 3602 of the education law is amended
2 by adding a new paragraph c to read as follows:

3 c. The positive value of the pandemic adjustment payment reduction
4 shall not exceed the sum of moneys apportioned pursuant to sections
5 seven hundred one, seven hundred eleven, seven hundred fifty-one, seven
6 hundred fifty-three, thirty-six hundred nine-a, thirty-six hundred
7 nine-b, thirty-six hundred nine-d, thirty-six hundred nine-f, and thir-
8 ty-six hundred nine-h for the two thousand twenty--two thousand twenty-
9 one school year for any school district.

10 § 18. Paragraph a of subdivision 7 of section 3602 of the education
11 law, as amended by section 17 of part B of chapter 57 of the laws of
12 2007, is amended to read as follows:

13 a. In addition to the foregoing apportionment, for the two thousand
14 twenty--two thousand twenty-one and prior school years there shall be
15 apportioned to any school district for pupil transportation, the lesser
16 of ninety per centum or the state share of its approved transportation
17 expense for the base year. The state share shall equal the sum of the
18 transportation sparsity adjustment and the transportation aid ratio, but
19 not less than six and one-half percent. The transportation aid ratio
20 shall equal the greater of (i) the product of one and two hundred
21 sixty-three thousandths multiplied by the state sharing ratio, (ii) an
22 aid ratio computed by subtracting from one and one hundredth the product
23 computed to three decimals without rounding obtained by multiplying the
24 resident weighted average daily attendance wealth ratio by forty-six
25 percent, where such aid ratio shall be expressed as a decimal carried to
26 three places without rounding or (iii) excluding cities with a popu-
27 lation of more than one million, an aid ratio computed by subtracting
28 from one and one hundredth the product computed to three decimal places

1 without rounding obtained by multiplying the number computed to three
2 decimals without rounding obtained when the quotient of actual valuation
3 of a school district, as defined in paragraph c of subdivision one of
4 this section, divided by the sum of the resident public school district
5 enrollment, the resident nonpublic school district enrollment and the
6 additional public school enrollment of the school district for the year
7 prior to the base year is divided by the statewide average actual valu-
8 ation per the sum of such total resident public school district enroll-
9 ment, nonpublic school district enrollment and additional public school
10 enrollment of all school districts eligible for an apportionment pursu-
11 ant to this section except central high school districts as computed by
12 the commissioner using the latest single year actual valuation computed
13 under paragraph c of subdivision one of this section, by forty-six
14 percent, where such ratio shall be expressed as a decimal carried to
15 three decimal places without rounding. The computation of such statewide
16 average shall include the actual valuation of all school districts
17 eligible for an apportionment pursuant to this section except central
18 high school districts. The transportation sparsity adjustment shall
19 equal the quotient of: the positive remainder of twenty-one minus the
20 district's public school enrollment for the year prior to the base year
21 per square mile, divided by three hundred seventeen and eighty-eight
22 hundredths. Approved transportation expense shall be the sum of the
23 approved transportation operating expense and the approved transporta-
24 tion capital, debt service and lease expense of the district. Approved
25 transportation expense shall not be aidable pursuant to section nineteen
26 hundred fifty of this chapter.

27 § 19. The opening paragraph of section 3622-a of the education law, as
28 added by chapter 474 of the laws of 1996, is amended to read as follows:

1 For the computation of transportation aid pursuant to the requirements
2 of subdivision seven of section thirty-six hundred two of this article
3 and this part for the two thousand twenty--two thousand twenty-one and
4 prior school years, aidable regular transportation shall include the
5 following, provided that the school district shall have voted to furnish
6 such transportation, as provided by law, or that the commissioner shall
7 have directed that such transportation be furnished; and provided
8 further that transportation aid shall not be paid in a case where the
9 provision made for transportation is inadequate and is disapproved by
10 the commissioner:

11 § 20. Subdivisions 6 and 7 of section 3622-a of the education law,
12 subdivision 6 as amended by section 47 of part A of chapter 58 of the
13 laws of 2011 and subdivision 7 as added by chapter 422 of the laws of
14 2004, are amended and a new subdivision 8 is added to read as follows:

15 6. Transportation of pupils to and from approved summer school
16 programs operated by a school district in the two thousand--two thousand
17 one school year [and thereafter] through the two thousand nineteen--two
18 thousand twenty school year, provided, however, that if the total state-
19 wide apportionment attributable to allowable transportation expenses
20 incurred pursuant to this subdivision exceeds five million dollars
21 (\$5,000,000), individual school district allocations shall be prorated
22 to ensure that the apportionment for such summer transportation does not
23 exceed five million dollars (\$5,000,000), provided that such prorated
24 apportionment computed and payable as of September one of the school
25 year immediately following the school year for which such aid is claimed
26 shall be deemed final and not subject to change; [and]

27 7. Transportation provided pursuant to section thirty-six hundred
28 thirty-five-b of this article; and

1 8. Notwithstanding paragraph a of subdivision five of section thirty-
2 six hundred four of this article, transportation provided in the two
3 thousand nineteen--two thousand twenty school year during the state
4 disaster emergency declared pursuant to executive order 202 of 2020,
5 provided that transportation was provided during the time period of
6 school closures ordered pursuant to executive order 202 of 2020. Such
7 aidable transportation shall include transportation of meals, educa-
8 tional materials and supplies to students, and transportation to provide
9 students with internet access.

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

12 For the computation of transportation aid for the two thousand twen-
13 ty--two thousand twenty-one and prior school years, pursuant to the
14 requirements of subdivision seven of section thirty-six hundred two of
15 this article and this part, allowable transportation expense shall
16 include expenditures for aidable regular transportation as defined in
17 section thirty-six hundred twenty-two-a of this part, provided that such
18 expense shall be limited to expenditure items listed in subdivision one
19 of this section as transportation operating expense and in subdivision
20 two of this section as transportation capital, debt service and lease
21 expense.

22 § 22. Section 3623-a of the education law is amended by adding a new
23 subdivision 4 to read as follows:

24 4. Notwithstanding the provisions of this section or any other
25 provision of law to the contrary, for the computation of transportation
26 aid pursuant to the requirements of subdivision seven of section thir-
27 ty-six hundred two of this article, allowable transportation expenses
28 shall also include transportation operating expenses described in subdi-

1 vision one of this section incurred in the two thousand nineteen--two
2 thousand twenty school year during the state disaster emergency declared
3 pursuant to executive order 202 of 2020. Such expenses shall only be
4 allowable transportation expenses where aidable regular transportation
5 as defined in section thirty-six hundred twenty-two-a of this part was
6 provided.

7 § 23. Subdivision 16 of section 3602-ee of the education law, as
8 amended by section 22 of part A of chapter 56 of the laws of 2020, is
9 amended to read as follows:

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

14 § 24. Paragraphs a, b and c of subdivision 5 of section 3604 of the
15 education law, paragraph a as amended by chapter 161 of the laws of
16 2005, paragraph b as amended by section 59 of part A of chapter 436 of
17 the laws of 1997, and paragraph c as added by chapter 82 of the laws of
18 1995, are amended to read as follows:

19 a. State aid adjustments. All errors or omissions in the apportionment
20 shall be corrected by the commissioner. Whenever a school district has
21 been apportioned less money than that to which it is entitled, the
22 commissioner may allot to such district the balance to which it is enti-
23 tled. Whenever a school district has been apportioned more money than
24 that to which it is entitled, the commissioner may, by an order, direct
25 such moneys to be paid back to the state to be credited to the general
26 fund local assistance account for state aid to the schools, or may
27 deduct such amount from the next apportionment to be made to said
28 district, provided, however, that, upon notification of excess payments

1 of aid for which a recovery must be made by the state through deduction
2 of future aid payments, a school district may request that such excess
3 payments be recovered by deducting such excess payments from the
4 payments due to such school district and payable in the month of June in
5 (i) the school year in which such notification was received and (ii) the
6 two succeeding school years, provided further that there shall be no
7 interest penalty assessed against such district or collected by the
8 state. Such request shall be made to the commissioner in such form as
9 the commissioner shall prescribe, and shall be based on documentation
10 that the total amount to be recovered is in excess of one percent of the
11 district's total general fund expenditures for the preceding school
12 year. The amount to be deducted in the first year shall be the greater
13 of (i) the sum of the amount of such excess payments that is recognized
14 as a liability due to other governments by the district for the preced-
15 ing school year and the positive remainder of the district's unreserved
16 fund balance at the close of the preceding school year less the product
17 of the district's total general fund expenditures for the preceding
18 school year multiplied by five percent, or (ii) one-third of such excess
19 payments. The amount to be recovered in the second year shall equal the
20 lesser of the remaining amount of such excess payments to be recovered
21 or one-third of such excess payments, and the remaining amount of such
22 excess payments shall be recovered in the third year. Provided further
23 that, notwithstanding any other provisions of this subdivision, any
24 pending payment of moneys due to such district as a prior year adjust-
25 ment payable pursuant to paragraph [c] b of this subdivision [for],
26 other than payments required as a result of a final audit of the state,
27 shall be deemed paid. For aid claims that had been previously paid as
28 current year aid payments in excess of the amount to which the district

1 is entitled and for which recovery of excess payments is to be made
2 pursuant to this paragraph, shall be reduced at the time of actual
3 payment by any remaining unrecovered balance of such excess payments,
4 and the remaining scheduled deductions of such excess payments pursuant
5 to this paragraph shall be reduced by the commissioner to reflect the
6 amount so recovered. [The commissioner shall certify no payment to a
7 school district based on a claim submitted later than three years after
8 the close of the school year in which such payment was first to be made.
9 For claims for which payment is first to be made in the nineteen hundred
10 ninety-six--ninety-seven school year, the commissioner shall certify no
11 payment to a school district based on a claim submitted later than two
12 years after the close of such school year.] For claims for which payment
13 is first to be made [in the nineteen hundred ninety-seven--ninety-eight]
14 prior to the two thousand twenty--two thousand twenty-one school year
15 [and thereafter], the commissioner shall certify no payment to a school
16 district based on a claim submitted later than [one year after] the
17 close of such school year. For claims for which payment is first to be
18 made in the two thousand twenty--two thousand twenty-one school year and
19 thereafter, the commissioner shall certify no payment to a school
20 district based on a claim submitted later than the first of November of
21 such school year. Provided, however, no payments shall be barred or
22 reduced where such payment is required as a result of a final audit of
23 the state. [It is further provided that, until June thirtieth, nineteen
24 hundred ninety-six, the commissioner may grant a waiver from the
25 provisions of this section for any school district if it is in the best
26 educational interests of the district pursuant to guidelines developed
27 by the commissioner and approved by the director of the budget.] Further
28 provided that for any apportionments provided pursuant to sections seven

1 hundred one, seven hundred eleven, seven hundred fifty-one, seven
2 hundred fifty-three, nineteen hundred fifty, thirty-six hundred two,
3 thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred
4 two-e and forty-four hundred five of this chapter for the two thousand
5 twenty--two thousand twenty-one and two thousand twenty-one--two thou-
6 sand twenty-two school years, the commissioner shall certify no payment
7 to a school district, other than payments pursuant to subdivisions
8 six-a, eleven, thirteen and fifteen of section thirty-six hundred two of
9 this part, in excess of the payment computed based on an electronic data
10 file used to produce the school aid computer listing produced by the
11 commissioner in support of the executive budget request submitted for
12 the two thousand twenty-one--two thousand twenty-two state fiscal year
13 and entitled "BT212-2", and further provided that for any apportionments
14 provided pursuant to sections seven hundred one, seven hundred eleven,
15 seven hundred fifty-one, seven hundred fifty-three, nineteen hundred
16 fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six
17 hundred two-c, thirty-six hundred two-e and forty-four hundred five of
18 this chapter for the two thousand twenty-two--two thousand twenty-three
19 school year and thereafter, the commissioner shall certify no payment to
20 a school district, other than payments pursuant to subdivisions six-a,
21 eleven, thirteen and fifteen of section thirty-six hundred two of this
22 part, in excess of the payment computed based on an electronic data file
23 used to produce the school aid computer listing produced by the commis-
24 sioner in support of the executive budget request submitted for the
25 state fiscal year in which the school year commences.

26 b. [Claims resulting from court orders or judgments. Any payment which
27 would be due as the result of a court order or judgment shall not be
28 barred, provided that, commencing January first, nineteen hundred nine-

1 ty-six, such court order or judgment and any other data required shall
2 be filed with the comptroller within one year from the date of the court
3 order or judgment, and provided further that the commissioner shall
4 certify no payment to a school district for a specific school year that
5 is based on a claim that results from a court order or judgement so
6 filed with the comptroller unless the total value of such claim, as
7 determined by the commissioner, is greater than one percent of the
8 school district's total revenues from state sources as previously
9 recorded in the general fund and reported to the comptroller in the
10 annual financial report of the school district for such school year.

11 c.) Payment of moneys due for prior years. State aid payments due for
12 prior years in accordance with the provisions of this subdivision, other
13 than payments required as a result of a final audit of the state, shall
14 be deemed paid [within the limit of the appropriation designated there-
15 for provided, however, that each eligible claim shall be payable in the
16 order that it has been approved for payment by the commissioner, but in
17 no case shall a single claim draw down more than forty percent of the
18 appropriation so designated for a single year, and provided further that
19 no claim shall be set aside for insufficiency of funds to make a
20 complete payment, but shall be eligible for a partial payment in one
21 year and shall retain its priority date status for appropriations desig-
22 nated for such purposes in future years].

23 § 25. Subdivision 6 of section 4408 of the education law, as added by
24 chapter 82 of the laws of 1995, is amended to read as follows:

25 6. Notwithstanding any other provision of law to the contrary, no
26 payments shall be made by the commissioner pursuant to this section on
27 or after July first, nineteen hundred ninety-six based on a claim
28 submitted later than [three years] one year after the end of the school

1 year in which services were rendered, provided however that no payment
2 shall be barred or reduced where such payment is required as a result of
3 a court order or judgment or a final audit.

4 § 26. The opening paragraph of section 3609-a of the education law, as
5 amended by section 24 of part A of chapter 56 of the laws of 2020, is
6 amended to read as follows:

7 For aid payable in the two thousand seven--two thousand eight school
8 year through the two thousand twenty--two thousand twenty-one school
9 year, "moneys apportioned" shall mean the lesser of (i) the sum of one
10 hundred percent of the respective amount set forth for each school
11 district as payable pursuant to this section in the school aid computer
12 listing for the current year produced by the commissioner in support of
13 the budget which includes the appropriation for the general support for
14 public schools for the prescribed payments and individualized payments
15 due prior to April first for the current year plus the apportionment
16 payable during the current school year pursuant to [subdivision] subdi-
17 visions six-a and [subdivision] fifteen of section thirty-six hundred
18 two of this part minus any reductions to current year aids pursuant to
19 subdivision seven of section thirty-six hundred four of this part or any
20 deduction from apportionment payable pursuant to this chapter for
21 collection of a school district basic contribution as defined in subdi-
22 vision eight of section forty-four hundred one of this chapter, less any
23 grants provided pursuant to subparagraph two-a of paragraph b of subdi-
24 vision four of section ninety-two-c of the state finance law, less any
25 grants provided pursuant to subdivision five of section ninety-seven-
26 nnnn of the state finance law, less any grants provided pursuant to
27 subdivision twelve of section thirty-six hundred forty-one of this arti-
28 cle, or (ii) the apportionment calculated by the commissioner based on

1 data on file at the time the payment is processed; provided however,
2 that for the purposes of any payments made pursuant to this section
3 prior to the first business day of June of the current year, moneys
4 apportioned shall not include any aids payable pursuant to subdivisions
5 six and fourteen, if applicable, of section thirty-six hundred two of
6 this part as current year aid for debt service on bond anticipation
7 notes and/or bonds first issued in the current year or any aids payable
8 for full-day kindergarten for the current year pursuant to subdivision
9 nine of section thirty-six hundred two of this part. The definitions of
10 "base year" and "current year" as set forth in subdivision one of
11 section thirty-six hundred two of this part shall apply to this section.
12 [For aid payable in the two thousand twenty--two thousand twenty-one
13 school year, reference to such "school aid computer listing for the
14 current year" shall mean the printouts entitled "SA202-1".] For aid
15 payable in the two thousand twenty-one--two thousand twenty-two school
16 year and thereafter, "moneys apportioned" shall mean the lesser of: (i)
17 the sum of one hundred percent of the respective amount set forth for
18 each school district as payable pursuant to this section in the school
19 aid computer listing for the current year produced by the commissioner
20 in support of the executive budget request which includes the appropri-
21 ation for the general support for public schools for the prescribed
22 payments and individualized payments due prior to April first for the
23 current year plus the apportionment payable during the current school
24 year pursuant to subdivisions six-a and fifteen of section thirty-six
25 hundred two of this part minus any reductions to current year aids
26 pursuant to subdivision seven of section thirty-six hundred four of this
27 part or any deduction from apportionment payable pursuant to this chap-
28 ter for collection of a school district basic contribution as defined in

1 subdivision eight of section forty-four hundred one of this chapter,
2 less any grants provided pursuant to subparagraph two-a of paragraph b
3 of subdivision four of section ninety-two-c of the state finance law,
4 less any grants provided pursuant to subdivision six of section ninety-
5 seven-nnnn of the state finance law, less any grants provided pursuant
6 to subdivision twelve of section thirty-six hundred forty-one of this
7 article, or (ii) the apportionment calculated by the commissioner based
8 on data on file at the time the payment is processed; provided however,
9 that for the purposes of any payments made pursuant to this section
10 prior to the first business day of June of the current year, moneys
11 apportioned shall not include any aids payable pursuant to subdivisions
12 six and fourteen, if applicable, of section thirty-six hundred two of
13 this part as current year aid for debt service on bond anticipation
14 notes and/or bonds first issued in the current year or any aids payable
15 for full-day kindergarten for the current year pursuant to subdivision
16 nine of section thirty-six hundred two of this part. For aid payable in
17 the two thousand twenty-one--two thousand twenty-two school year, refer-
18 ence to such "school aid computer listing for the current year" shall
19 mean the printouts entitled "BT212-2".

20 § 27. The education law is amended by adding a new section 4403-a to
21 read as follows:

22 § 4403-a. Waivers from certain duties. 1. A local school district,
23 approved private school or board of cooperative educational services may
24 submit an application for a waiver from any requirement imposed on such
25 district, school or board of cooperative educational services pursuant
26 to section forty-four hundred two or forty-four hundred three of this
27 article, and regulations promulgated thereunder, for a specific school
28 year. Such application must be submitted at least sixty days in advance

1 of the proposed date on which the waiver would be effective and shall be
2 in a form prescribed by the commissioner.

3 2. Before submitting an application for a waiver, the local school
4 district, approved private school or board of cooperative educational
5 services shall provide notice of the proposed waiver to the parents or
6 persons in parental relationship to the students that would be impacted
7 by the waiver if granted. Such notice shall be in a form and manner that
8 will ensure that such parents and persons in parental relationship will
9 be aware of all relevant changes that would occur under the waiver, and
10 shall include information on the form, manner and date by which parents
11 may submit written comments on the proposed waiver. The local school
12 district, approved private school, or board of cooperative educational
13 services shall provide at least sixty days for such parents and persons
14 in parental relationship to submit written comments, and shall include
15 in the waiver application submitted to the commissioner pursuant to
16 subdivision one of this section any written comments received from such
17 parents or persons in parental relationship to such students.

18 3. The commissioner may grant a waiver from any requirement imposed on
19 a local school district, approved private school or board of cooperative
20 educational services pursuant to section forty-four hundred two or
21 forty-four hundred three of this article, upon a finding that such waiv-
22 er will enable a local school district, approved private school or board
23 of cooperative educational services to implement an innovative special
24 education program that is consistent with applicable federal require-
25 ments, and will enhance student achievement and/or opportunities for
26 placement in regular classes and programs. In making such determination,
27 the commissioner shall consider any comments received by the local
28 school district, approved private school or board of cooperative educa-

1 tional services from parents or persons in parental relation to the
2 students that would be directly affected by the waiver if granted.

3 4. Any local school district, approved private school or board of
4 cooperative educational services granted a waiver shall submit an annual
5 report to the commissioner regarding the operation and evaluation of the
6 program no later than thirty days after the end of each school year for
7 which a waiver is granted.

8 § 28. Subdivision 1 of section 3033 of the education law, as amended
9 by chapter 886 of the laws of 1986, is amended to read as follows:

10 1. Boards of education and boards of cooperative educational services
11 are hereby authorized to participate in the New York state mentor teach-
12 er-internship program in accordance with the provisions of this section
13 through the two thousand twenty--two thousand twenty-one school year.

14 § 29. Section 3033 of the education law is REPEALED.

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

18 b. Such grants shall be awarded to school districts, within the limits
19 of funds appropriated therefor, through a competitive process that takes
20 into consideration the magnitude of any shortage of teachers in the
21 school district, the number of teachers employed in the school district
22 who hold temporary licenses to teach in the public schools of the state,
23 the number of provisionally certified teachers, the fiscal capacity and
24 geographic sparsity of the district, the number of new teachers the
25 school district intends to hire in the coming school year and the number
26 of summer in the city student internships proposed by an eligible school
27 district, if applicable. Grants provided pursuant to this section shall
28 be used only for the purposes enumerated in this section. Notwithstand-

1 ing any other provision of law to the contrary, a city school district
2 in a city having a population of one million or more inhabitants receiv-
3 ing a grant pursuant to this section may use no more than eighty percent
4 of such grant funds for any recruitment, retention and certification
5 costs associated with transitional certification of teacher candidates
6 for the school years two thousand one--two thousand two through [two
7 thousand twenty-three--two thousand twenty-four] two thousand twenty--
8 two thousand twenty-one.

9 § 31. Section 3612 of the education law is REPEALED.

10 § 32. Section 3004-a of the education law is amended by adding a new
11 subdivision 7 to read as follows:

12 7. Notwithstanding any provision of law to the contrary, no grants
13 shall be awarded pursuant to this section after the two thousand twen-
14 ty--two thousand twenty-one school year grant period.

15 § 33. Section 3004-a of the education law is REPEALED.

16 § 34. Subparagraphs (viii) and (ix) of paragraph (a) of subdivision 1
17 of section 2856 of the education law, as amended by section 26-a of part
18 A of chapter 56 of the laws of 2020, are amended to read as follows:

19 (viii) for the two thousand twenty--two thousand twenty-one and two
20 thousand twenty-one--two thousand twenty-two school years, the charter
21 school basic tuition shall be the lesser of (A) the product of (i) the
22 charter school basic tuition calculated for the base year multiplied by
23 (ii) the average of the quotients for each school year in the period
24 commencing with the year three years prior to the base year and finish-
25 ing with the year prior to the base year of the total approved operating
26 expense for such school district calculated pursuant to paragraph t of
27 subdivision one of section thirty-six hundred two of this chapter for
28 each such year divided by the total approved operating expense for such

1 district for the immediately preceding year multiplied by, (iii) for the
2 two thousand twenty--two thousand twenty-one school year only, [(iii)]
3 nine hundred forty-five one-thousandths (0.945), or for the two thousand
4 twenty-one--two thousand twenty-two school year only, one minus the
5 adjustment factor or (B) the quotient of the total general fund expendi-
6 tures for the school district calculated pursuant to an electronic data
7 file created for the purpose of compliance with paragraph b of subdivi-
8 sion twenty-one of section three hundred five of this chapter published
9 annually on May fifteenth for the year prior to the base year divided by
10 the total estimated public enrollment for the school district pursuant
11 to paragraph n of subdivision one of section thirty-six hundred two of
12 this chapter for the year prior to the base year. The adjustment factor
13 shall equal the quotient arrived at when dividing (A) the sum of (i) the
14 services aid reduction for the school district pursuant to paragraph b
15 of subdivision twenty-one of section thirty-six hundred two of this
16 chapter, (ii) plus the local district funding adjustment for the school
17 district pursuant to subdivision one of section thirty-six hundred
18 nine-i of this chapter by (B) the total general fund expenditures for
19 the school district for the two thousand twenty--two thousand twenty-one
20 school year calculated pursuant to an electronic data file created for
21 the purpose of compliance with paragraph b of subdivision twenty-one of
22 section three hundred five of this chapter published on May fifteenth,
23 two thousand twenty-one.

24 (ix) for the two thousand twenty-two--two thousand twenty-three
25 through two thousand twenty-four--two thousand twenty-five school years
26 the charter school basic tuition shall be the lesser of (A) the product
27 of (i) for the two thousand twenty-two--two thousand twenty-three school
28 year, the charter school basic tuition calculated for the base year

1 divided by the difference of one less the adjustment factor and for the
2 two thousand twenty-three--two thousand twenty-four and two thousand
3 twenty-four--two thousand twenty-five school years, the charter school
4 basic tuition calculated for the base year multiplied by (ii) the aver-
5 age of the quotients for each school year in the period commencing with
6 the year four years prior to the base year and finishing with the year
7 prior to the base year, excluding the two thousand twenty--two thousand
8 twenty-one school year, of the total approved operating expense for such
9 school district calculated pursuant to paragraph t of subdivision one of
10 section thirty-six hundred two of this chapter for each such year
11 divided by the total approved operating expense for such district for
12 the immediately preceding year or (B) the quotient of the total general
13 fund expenditures for the school district calculated pursuant to an
14 electronic data file created for the purpose of compliance with para-
15 graph b of subdivision twenty-one of section three hundred five of this
16 chapter published annually on May fifteenth for the year prior to the
17 base year divided by the total estimated public enrollment for the
18 school district pursuant to paragraph n of subdivision one of section
19 thirty-six hundred two of this chapter for the year prior to the base
20 year.

21 § 35. Subparagraphs (viii) and (ix) of paragraph (a) of subdivision 1
22 of section 2856 of the education law, as amended by section 26-b of part
23 A of chapter 56 of the laws of 2020, are amended to read as follows:

24 (viii) for the two thousand twenty--two thousand twenty-one and two
25 thousand twenty-one--two thousand twenty-two school years, the charter
26 school basic tuition shall be the lesser of (A) the product of (i) the
27 charter school basic tuition calculated for the base year multiplied by
28 (ii) the average of the quotients for each school year in the period

1 commencing with the year three years prior to the base year and finish-
2 ing with the year prior to the base year of the total approved operating
3 expense for such school district calculated pursuant to paragraph t of
4 subdivision one of section thirty-six hundred two of this chapter for
5 each such year divided by the total approved operating expense for such
6 district for the immediately preceding year multiplied by, (iii) for the
7 two thousand twenty--two thousand twenty-one school year only, [(iii)]
8 nine hundred forty-five one-thousandths (0.945), or for the two thousand
9 twenty-one--two thousand twenty-two school year only, one minus the
10 adjustment factor or (B) the quotient of the total general fund expendi-
11 tures for the school district calculated pursuant to an electronic data
12 file created for the purpose of compliance with paragraph b of subdivi-
13 sion twenty-one of section three hundred five of this chapter published
14 annually on May fifteenth for the year prior to the base year divided by
15 the total estimated public enrollment for the school district pursuant
16 to paragraph n of subdivision one of section thirty-six hundred two of
17 this chapter for the year prior to the base year. The adjustment factor
18 shall equal the quotient arrived at when dividing (A) the sum of (i) the
19 services aid reduction for the school district pursuant to paragraph b
20 of subdivision twenty-one of section thirty-six hundred two of this
21 chapter, (ii) plus the local district funding adjustment for the school
22 district pursuant to subdivision one of section thirty-six hundred
23 nine-i of this chapter by (B) the total general fund expenditures for
24 the school district for the two thousand twenty--two thousand twenty-one
25 school year calculated pursuant to an electronic data file created for
26 the purpose of compliance with paragraph b of subdivision twenty-one of
27 section three hundred five of this chapter published on May fifteenth,
28 two thousand twenty-one.

1 (ix) for the two thousand twenty-two--two thousand twenty-three
2 through two thousand twenty-four--two thousand twenty-five school years
3 the charter school basic tuition shall be the lesser of (A) the product
4 of (i) for the two thousand twenty-two--two thousand twenty-three school
5 year, the charter school basic tuition calculated for the base year
6 divided by the difference of one less the adjustment factor and for the
7 two thousand twenty-three--two thousand twenty-four and two thousand
8 twenty-four--two thousand twenty-five school years, the charter school
9 basic tuition calculated for the base year multiplied by (ii) the aver-
10 age of the quotients for each school year in the period commencing with
11 the year four years prior to the base year and finishing with the year
12 prior to the base year, excluding the two thousand twenty--two thousand
13 twenty-one school year, of the total approved operating expense for such
14 school district calculated pursuant to paragraph t of subdivision one of
15 section thirty-six hundred two of this chapter for each such year
16 divided by the total approved operating expense for such district for
17 the immediately preceding year or (B) the quotient of the total general
18 fund expenditures for the school district calculated pursuant to an
19 electronic data file created for the purpose of compliance with para-
20 graph b of subdivision twenty-one of section three hundred five of this
21 chapter published annually on May fifteenth for the year prior to the
22 base year divided by the total estimated public enrollment for the
23 school district pursuant to paragraph n of subdivision one of section
24 thirty-six hundred two of this chapter for the year prior to the base
25 year.

26 § 36. The closing paragraph of paragraph (a) of subdivision 1 of
27 section 2856 of the education law, as amended by section 4 of part YYY
28 of chapter 59 of the laws of 2017, is amended to read as follows:

1 (a-1) For the purposes of this subdivision, the "supplemental basic
2 tuition" shall be (A) for a school district for which the charter school
3 basic tuition computed for the current year is greater than or equal to
4 the charter school basic tuition for the two thousand ten--two thousand
5 eleven school year pursuant to the provisions of subparagraph (i) of
6 this paragraph, (1) for the two thousand fourteen--two thousand fifteen
7 school year two hundred and fifty dollars, and (2) for the two thousand
8 fifteen--two thousand sixteen school year three hundred and fifty
9 dollars, and (3) for the two thousand sixteen--two thousand seventeen
10 school year five hundred dollars, and (4) for the two thousand seven-
11 teen--two thousand eighteen school year and thereafter, the sum of (i)
12 the supplemental basic tuition calculated for the two thousand sixteen-
13 -two thousand seventeen school year plus (ii) five hundred dollars, and
14 (B) for school years prior to the two thousand seventeen--two thousand
15 eighteen school year, for a school district for which the charter school
16 basic tuition for the two thousand ten--two thousand eleven school year
17 is greater than the charter school basic tuition for the current year
18 pursuant to the provisions of subparagraph (i) of this paragraph, the
19 positive difference of the charter school basic tuition for the two
20 thousand ten--two thousand eleven school year minus the charter school
21 basic tuition for the current year pursuant to the provisions of subpar-
22 agraph (i) of this paragraph and (C) for school years following the two
23 thousand sixteen--two thousand seventeen school years, for a school
24 district for which the charter school basic tuition for the two thousand
25 ten--two thousand eleven school year is greater than the charter school
26 basic tuition for the current year pursuant to the provisions of subpar-
27 agraph (i) of this paragraph, the sum of (i) the supplemental basic
28 tuition calculated for the two thousand sixteen--two thousand seventeen

1 school year plus (ii) five hundred dollars. Provided, however, that
2 notwithstanding any inconsistent provision of law, for the two thousand
3 twenty--two thousand twenty-one school year, the supplemental basic
4 tuition shall be reduced by an amount equal to the product of (i) one
5 half multiplied by (ii) the adjustment factor as defined in this
6 section, further multiplied by (iii) the charter school basic tuition
7 for the two thousand twenty-one--two thousand twenty-two school year,
8 but shall not be less than zero.

9 § 36-a. The closing paragraph of paragraph (a) of subdivision 1 of
10 section 2856 of the education law, as amended by section 4-a of part YYY
11 of chapter 59 of the laws of 2017, is amended to read as follows:

12 (a-1) For the purposes of this subdivision, the "supplemental basic
13 tuition" shall be (A) for a school district for which the charter school
14 basic tuition computed for the current year is greater than or equal to
15 the charter school basic tuition for the two thousand ten--two thousand
16 eleven school year pursuant to the provisions of subparagraph (i) of
17 this paragraph, (1) for the two thousand fourteen--two thousand fifteen
18 school year two hundred and fifty dollars, and (2) for the two thousand
19 fifteen--two thousand sixteen school year three hundred and fifty
20 dollars, and (3) for the two thousand sixteen--two thousand seventeen
21 school year five hundred dollars, and (4) for the two thousand seven-
22 teen--two thousand eighteen school year and thereafter, the sum of (i)
23 the supplemental basic tuition calculated for the two thousand sixteen-
24 -two thousand seventeen school year plus (ii) five hundred dollars, and
25 (B) for school years prior to the two thousand seventeen--two thousand
26 eighteen school year, for a school district for which the charter school
27 basic tuition for the two thousand ten--two thousand eleven school year
28 is greater than the charter school basic tuition for the current year

1 pursuant to the provisions of subparagraph (i) of this paragraph, the
2 positive difference of the charter school basic tuition for the two
3 thousand ten--two thousand eleven school year minus the charter school
4 basic tuition for the current year pursuant to the provisions of subpar-
5 agraph (i) of this paragraph and (C) for school years following the two
6 thousand sixteen--two thousand seventeen school years, for a school
7 district for which the charter school basic tuition for the two thousand
8 ten--two thousand eleven school year is greater than the charter school
9 basic tuition for the current year pursuant to the provisions of subpar-
10 agraph (i) of this paragraph, the sum of (i) the supplemental basic
11 tuition calculated for the two thousand sixteen--two thousand seventeen
12 school year plus (ii) five hundred dollars. Provided, however, that
13 notwithstanding any inconsistent provision of law, for the two thousand
14 twenty--two thousand twenty-one school year, the supplemental basic
15 tuition shall be reduced by an amount equal to the product of (i) one
16 half multiplied by (ii) the adjustment factor as defined in this
17 section, further multiplied by (iii) the charter school basic tuition
18 for the two thousand twenty-one--two thousand twenty-two school year,
19 but shall not be less than zero.

20 § 36-b. Subdivision 9 of section 2852 of the education law, as amended
21 by section 2 of subpart A of part B of chapter 20 of the laws of 2015,
22 is amended to read as follows:

23 9. The total number of charters issued pursuant to this article state-
24 wide shall not exceed four hundred sixty. (a) All charters issued on or
25 after July first, two thousand fifteen and counted toward the numerical
26 limits established by this subdivision shall be issued by the board of
27 regents upon application directly to the board of regents or on the
28 recommendation of the board of trustees of the state university of New

1 York pursuant to a competitive process in accordance with subdivision
2 nine-a of this section. Fifty of such charters issued on or after July
3 first, two thousand fifteen, and no more, shall be granted to a charter
4 for a school to be located in a city having a population of one million
5 or more. The failure of any body to issue the regulations authorized
6 pursuant to this article shall not affect the authority of a charter
7 entity to propose a charter to the board of regents or the board of
8 regents' authority to grant such charter. A conversion of an existing
9 public school to a charter school, or the renewal or extension of a
10 charter approved by any charter entity, or the reissuance of a surren-
11 dered, revoked or terminated charter pursuant to paragraph (b) or (b-1)
12 of this subdivision shall not be counted toward the numerical limits
13 established by this subdivision.

14 (b) A charter that has been surrendered, revoked or terminated on or
15 before July first, two thousand fifteen, including a charter that has
16 not been renewed by action of its charter entity, may be reissued pursu-
17 ant to paragraph (a) of this subdivision by the board of regents either
18 upon application directly to the board of regents or on the recommenda-
19 tion of the board of trustees of the state university of New York pursu-
20 ant to a competitive process in accordance with subdivision nine-a of
21 this section. Provided that such reissuance shall not be counted toward
22 the statewide numerical limit established by this subdivision, and
23 provided further that no more than twenty-two charters may be reissued
24 pursuant to this paragraph.

25 (b-1) Notwithstanding any provision of law to the contrary, a charter
26 that has been surrendered, revoked or terminated after July first, two
27 thousand fifteen, including a charter that has not been renewed by
28 action of its charter entity, may be reissued pursuant to paragraph (a)

1 of this subdivision by the board of regents either upon application
2 directly to the board of regents or on the recommendation of the board
3 of trustees of the state university of New York pursuant to a compet-
4 itive process in accordance with subdivision nine-a of this section.
5 Provided that such reissuance shall not be counted toward the numerical
6 limits established by this subdivision.

7 (c) For purposes of determining the total number of charters issued
8 within the numerical limits established by this subdivision, the
9 approval date of the charter entity shall be the determining factor.

10 (d) Notwithstanding any provision of this article to the contrary, any
11 charter authorized to be issued by chapter fifty-seven of the laws of
12 two thousand seven effective July first, two thousand seven, and that
13 remains unissued as of July first, two thousand fifteen, may be issued
14 pursuant to the provisions of law applicable to a charter authorized to
15 be issued by such chapter in effect as of June fifteenth, two thousand
16 fifteen; provided however that nothing in this paragraph shall be
17 construed to increase the numerical limit applicable to a city having a
18 population of one million or more as provided in paragraph (a) of this
19 subdivision, as amended by [a] subpart A of part B of chapter twenty of
20 the laws of two thousand fifteen [which added this paragraph].

21 § 37. Paragraph a of subdivision 6-g of section 3602 of the education
22 law, as amended by section 11-a of part A of chapter 54 of the laws of
23 2016, is amended to read as follows:

24 a. The city school district of the city of New York, upon documenting
25 that it has incurred total aggregate expenses of forty million dollars
26 or more pursuant to subparagraph five of paragraph (e) of subdivision
27 three of section twenty-eight hundred fifty-three of this chapter, shall
28 be eligible for an apportionment through the two thousand nineteen--two

1 thousand twenty school year, pursuant to this subdivision for its annual
2 approved expenditures incurred through the two thousand eighteen--two
3 thousand nineteen school year, for the lease of space for charter
4 schools incurred in the base year in accordance with paragraph (e) of
5 subdivision three of section twenty-eight hundred fifty-three of this
6 chapter.

7 § 38. Section 3 of chapter 507 of the laws of 1974, relating to
8 providing for the apportionment of state monies to certain nonpublic
9 schools, to reimburse them for their expenses in complying with
10 certain state requirements for the administration of state testing and
11 evaluation programs and for participation in state programs for the
12 reporting of basic educational data, as amended by chapter 347 of the
13 laws of 2018, is amended to read as follows:

14 § 3. Apportionment. a. The commissioner shall annually apportion to
15 each qualifying school, for school years beginning on and after July
16 first, nineteen hundred seventy-four, an amount equal to the actual cost
17 incurred by each such school during the preceding school year for
18 providing services required by law to be rendered to the state in
19 compliance with the requirements of the state's pupil evaluation
20 program, the basic educational data system, regents examinations, the
21 statewide evaluation plan, the uniform procedure for pupil attendance
22 reporting, the state's immunization program and other similar state
23 prepared examinations and reporting procedures. Provided that each
24 nonpublic school that seeks aid payable in the two thousand twenty--two
25 thousand twenty-one school year to reimburse two thousand nineteen--two
26 thousand twenty school year expenses shall submit a claim for such aid
27 to the state education department no later than May fifteenth, two thou-
28 sand twenty-one and such claims shall be paid by the state education

1 department no later than June thirtieth, two thousand twenty-one.
2 Provided further that each nonpublic school that seeks aid payable in
3 the two thousand twenty-one--two thousand twenty-two school year and
4 thereafter shall submit a claim for such aid to the state education
5 department no later than April first of the school year in which aid is
6 payable and such claims shall be paid by the state education department
7 no later than May thirty-first of such school year. Provided, however,
8 that the state's liability under this section shall be limited to the
9 annual amount appropriated for such purpose. In the event that total
10 claims submitted exceed the appropriation available for such aid, each
11 claimant shall only be reimbursed an amount equal to the percentage that
12 each such claimant represents to the total of all claims submitted.

13 b. Such nonpublic schools shall be eligible to receive aid based on
14 the number of days or portion of days attendance is taken and either a
15 5.0/5.5 hour standard instructional day, or another work day as certi-
16 fied by the nonpublic school officials, in accordance with the methodol-
17 ogy for computing salary and benefits applied by the department in
18 paying aid for the two thousand twelve--two thousand thirteen and prior
19 school years.

20 c. The commissioner shall annually apportion to each qualifying school
21 in the cities of New York, Buffalo and Rochester, for school years
22 beginning on or after July first two thousand sixteen, an amount equal
23 to the actual cost incurred by each such school during the preceding
24 school year in meeting the recording and reporting requirements of the
25 state school immunization program, provided that the state's liability
26 shall be limited to the amount appropriated for this purpose.

27 § 39. Subdivision b of section 2 of chapter 756 of the laws of 1992,
28 relating to funding a program for work force education conducted by the

1 consortium for worker education in New York city, as amended by section
2 30 of part A of chapter 56 of the laws of 2020, is amended to read as
3 follows:

4 b. Reimbursement for programs approved in accordance with subdivision
5 a of this section for the reimbursement for the 2018--2019 school year
6 shall not exceed 59.4 percent of the lesser of such approvable costs per
7 contact hour or fourteen dollars and ninety-five cents per contact hour,
8 reimbursement for the 2019--2020 school year shall not exceed 57.7
9 percent of the lesser of such approvable costs per contact hour or
10 fifteen dollars sixty cents per contact hour, [and] reimbursement for
11 the 2020--2021 school year shall not exceed 56.9 percent of the lesser
12 of such approvable costs per contact hour or sixteen dollars and twen-
13 ty-five cents per contact hour, and reimbursement for the 2021--2022
14 school year shall not exceed 56.0 percent of the lesser of such approva-
15 ble costs per contact hour or sixteen dollars and thirty-five cents per
16 contact hour, and where a contact hour represents sixty minutes of
17 instruction services provided to an eligible adult. Notwithstanding any
18 other provision of law to the contrary, for the 2018--2019 school year
19 such contact hours shall not exceed one million four hundred sixty-three
20 thousand nine hundred sixty-three (1,463,963); for the 2019--2020 school
21 year such contact hours shall not exceed one million four hundred
22 forty-four thousand four hundred forty-four (1,444,444); [and] for the
23 2020--2021 school year such contact hours shall not exceed one million
24 four hundred six thousand nine hundred twenty-six (1,406,926); and for
25 the 2021--2022 school year such contact hours shall not exceed one
26 million two hundred fifty-six thousand eight hundred thirty (1,256,830).
27 Notwithstanding any other provision of law to the contrary, the appor-
28 tionment calculated for the city school district of the city of New York

1 pursuant to subdivision 11 of section 3602 of the education law shall be
2 computed as if such contact hours provided by the consortium for worker
3 education, not to exceed the contact hours set forth herein, were eligi-
4 ble for aid in accordance with the provisions of such subdivision 11 of
5 section 3602 of the education law.

6 § 40. Section 4 of chapter 756 of the laws of 1992, relating to fund-
7 ing a program for work force education conducted by the consortium for
8 worker education in New York city, is amended by adding a new subdivi-
9 sion z to read as follows:

10 z. The provisions of this subdivision shall not apply after the
11 completion of payments for the 2021--2022 school year. Notwithstanding
12 any inconsistent provisions of law, the commissioner of education shall
13 withhold a portion of employment preparation education aid due to the
14 city school district of the city of New York to support a portion of the
15 costs of the work force education program. Such moneys shall be credited
16 to the elementary and secondary education fund-local assistance account
17 and shall not exceed eleven million five hundred thousand dollars
18 (\$11,500,000).

19 § 41. Section 6 of chapter 756 of the laws of 1992, relating to fund-
20 ing a program for work force education conducted by the consortium for
21 worker education in New York city, as amended by section 32 of part A of
22 chapter 56 of the laws of 2020, is amended to read as follows:

23 § 6. This act shall take effect July 1, 1992, and shall be deemed
24 repealed on June 30, [2021] 2022.

25 § 42. Section 12 of chapter 147 of the laws of 2001, amending the
26 education law relating to conditional appointment of school district,
27 charter school or BOCES employees, as amended by section 34 of part A of
28 chapter 56 of the laws of 2020, is amended to read as follows:

1 § 12. This act shall take effect on the same date as chapter 180 of
2 the laws of 2000 takes effect, and shall expire July 1, [2021] 2022 when
3 upon such date the provisions of this act shall be deemed repealed.

4 § 43. Section 4 of chapter 425 of the laws of 2002, amending the
5 education law relating to the provision of supplemental educational
6 services, attendance at a safe public school and the suspension of
7 pupils who bring a firearm to or possess a firearm at a school, as
8 amended by section 35 of part A of chapter 56 of the laws of 2020, is
9 amended to read as follows:

10 § 4. This act shall take effect July 1, 2002 and section one of this
11 act shall expire and be deemed repealed June 30, 2019, and sections two
12 and three of this act shall expire and be deemed repealed on June 30,
13 [2021] 2022.

14 § 44. Section 5 of chapter 101 of the laws of 2003, amending the
15 education law relating to the implementation of the No Child Left Behind
16 Act of 2001, as amended by section 36 of part A of chapter 56 of the
17 laws of 2020, is amended to read as follows:

18 § 5. This act shall take effect immediately; provided that sections
19 one, two and three of this act shall expire and be deemed repealed on
20 June 30, [2021] 2022.

21 § 45. School bus driver training. In addition to apportionments other-
22 wise provided by section 3602 of the education law, for aid payable in
23 the 2021--2022 school year, the commissioner of education shall allocate
24 school bus driver training grants to school districts and boards of
25 cooperative educational services pursuant to sections 3650-a, 3650-b and
26 3650-c of the education law, or for contracts directly with not-for-pro-
27 fit educational organizations for the purposes of this section. Such

1 payments shall not exceed four hundred thousand dollars (\$400,000) per
2 school year.

3 § 46. Special apportionment for salary expenses. a. Notwithstanding
4 any other provision of law, upon application to the commissioner of
5 education, not sooner than the first day of the second full business
6 week of June 2022 and not later than the last day of the third full
7 business week of June 2022, a school district eligible for an apportion-
8 ment pursuant to section 3602 of the education law shall be eligible to
9 receive an apportionment pursuant to this section, for the school year
10 ending June 30, 2022, for salary expenses incurred between April 1 and
11 June 30, 2021 and such apportionment shall not exceed the sum of (i) the
12 deficit reduction assessment of 1990--1991 as determined by the commis-
13 sioner of education, pursuant to paragraph f of subdivision 1 of section
14 3602 of the education law, as in effect through June 30, 1993, plus (ii)
15 186 percent of such amount for a city school district in a city with a
16 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
17 such amount for a city school district in a city with a population of
18 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
19 ing to the latest federal census, plus (iv) the net gap elimination
20 adjustment for 2010--2011, as determined by the commissioner of educa-
21 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
22 nation adjustment for 2011--2012 as determined by the commissioner of
23 education pursuant to subdivision 17 of section 3602 of the education
24 law, and provided further that such apportionment shall not exceed such
25 salary expenses. Such application shall be made by a school district,
26 after the board of education or trustees have adopted a resolution to do
27 so and in the case of a city school district in a city with a population

1 in excess of 125,000 inhabitants, with the approval of the mayor of such
2 city.

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

19 c. Notwithstanding the provisions of section 3609-a of the education
20 law, an amount equal to the amount paid to a school district pursuant to
21 subdivisions a and b of this section shall first be deducted from the
22 following payments due the school district during the school year
23 following the year in which application was made pursuant to subpara-
24 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
25 section 3609-a of the education law in the following order: the lottery
26 apportionment payable pursuant to subparagraph (2) of such paragraph
27 followed by the fixed fall payments payable pursuant to subparagraph (4)
28 of such paragraph and then followed by the district's payments to the

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

6 § 47. Special apportionment for public pension accruals. a. Notwith-
7 standing any other provision of law, upon application to the commission-
8 er of education, not later than June 30, 2022, a school district eligi-
9 ble for an apportionment pursuant to section 3602 of the education law
10 shall be eligible to receive an apportionment pursuant to this section,
11 for the school year ending June 30, 2022 and such apportionment shall
12 not exceed the additional accruals required to be made by school
13 districts in the 2004--2005 and 2005--2006 school years associated with
14 changes for such public pension liabilities. The amount of such addi-
15 tional accrual shall be certified to the commissioner of education by
16 the president of the board of education or the trustees or, in the case
17 of a city school district in a city with a population in excess of
18 125,000 inhabitants, the mayor of such city. Such application shall be
19 made by a school district, after the board of education or trustees have
20 adopted a resolution to do so and in the case of a city school district
21 in a city with a population in excess of 125,000 inhabitants, with the
22 approval of the mayor of such city.

23 b. The claim for an apportionment to be paid to a school district
24 pursuant to subdivision a of this section shall be submitted to the
25 commissioner of education on a form prescribed for such purpose, and
26 shall be payable upon determination by such commissioner that the form
27 has been submitted as prescribed. Such approved amounts shall be payable
28 on the same day in September of the school year following the year in

1 which application was made as funds provided pursuant to subparagraph
2 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
3 law, on the audit and warrant of the state comptroller on vouchers
4 certified or approved by the commissioner of education in the manner
5 prescribed by law from moneys in the state lottery fund and from the
6 general fund to the extent that the amount paid to a school district
7 pursuant to this section exceeds the amount, if any, due such school
8 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
9 section 3609-a of the education law in the school year following the
10 year in which application was made.

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

26 § 48. Notwithstanding the provision of any law, rule, or regulation to
27 the contrary, the city school district of the city of Rochester, upon
28 the consent of the board of cooperative educational services of the

1 supervisory district serving its geographic region may purchase from
2 such board for the 2021--2022 school year, as a non-component school
3 district, services required by article 19 of the education law.

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

7 a. for the development, maintenance or expansion of magnet schools or
8 magnet school programs for the 2021--2022 school year. For the city
9 school district of the city of New York there shall be a setaside of
10 foundation aid equal to forty-eight million one hundred seventy-five
11 thousand dollars (\$48,175,000) including five hundred thousand dollars
12 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
13 school district, twenty-one million twenty-five thousand dollars
14 (\$21,025,000); for the Rochester city school district, fifteen million
15 dollars (\$15,000,000); for the Syracuse city school district, thirteen
16 million dollars (\$13,000,000); for the Yonkers city school district,
17 forty-nine million five hundred thousand dollars (\$49,500,000); for the
18 Newburgh city school district, four million six hundred forty-five thou-
19 sand dollars (\$4,645,000); for the Poughkeepsie city school district,
20 two million four hundred seventy-five thousand dollars (\$2,475,000); for
21 the Mount Vernon city school district, two million dollars (\$2,000,000);
22 for the New Rochelle city school district, one million four hundred ten
23 thousand dollars (\$1,410,000); for the Schenectady city school district,
24 one million eight hundred thousand dollars (\$1,800,000); for the Port
25 Chester city school district, one million one hundred fifty thousand
26 dollars (\$1,150,000); for the White Plains city school district, nine
27 hundred thousand dollars (\$900,000); for the Niagara Falls city school
28 district, six hundred thousand dollars (\$600,000); for the Albany city

1 school district, three million five hundred fifty thousand dollars
2 (\$3,550,000); for the Utica city school district, two million dollars
3 (\$2,000,000); for the Beacon city school district, five hundred sixty-
4 six thousand dollars (\$566,000); for the Middletown city school
5 district, four hundred thousand dollars (\$400,000); for the Freeport
6 union free school district, four hundred thousand dollars (\$400,000);
7 for the Greenburgh central school district, three hundred thousand
8 dollars (\$300,000); for the Amsterdam city school district, eight
9 hundred thousand dollars (\$800,000); for the Peekskill city school
10 district, two hundred thousand dollars (\$200,000); and for the Hudson
11 city school district, four hundred thousand dollars (\$400,000).

12 b. Notwithstanding any inconsistent provision of law to the contrary,
13 a school district setting aside such foundation aid pursuant to this
14 section may use such setaside funds for: (i) any instructional or
15 instructional support costs associated with the operation of a magnet
16 school; or (ii) any instructional or instructional support costs associ-
17 ated with implementation of an alternative approach to promote diversity
18 and/or enhancement of the instructional program and raising of standards
19 in elementary and secondary schools of school districts having substan-
20 tial concentrations of minority students.

21 c. The commissioner of education shall not be authorized to withhold
22 foundation aid from a school district that used such funds in accordance
23 with this paragraph, notwithstanding any inconsistency with a request
24 for proposals issued by such commissioner for the purpose of attendance
25 improvement and dropout prevention for the 2021--2022 school year, and
26 for any city school district in a city having a population of more than
27 one million, the setaside for attendance improvement and dropout
28 prevention shall equal the amount set aside in the base year. For the

1 2021--2022 school year, it is further provided that any city school
2 district in a city having a population of more than one million shall
3 allocate at least one-third of any increase from base year levels in
4 funds set aside pursuant to the requirements of this section to communi-
5 ty-based organizations. Any increase required pursuant to this section
6 to community-based organizations must be in addition to allocations
7 provided to community-based organizations in the base year.

8 d. For the purpose of teacher support for the 2021--2022 school year:
9 for the city school district of the city of New York, sixty-two million
10 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city
11 school district, one million seven hundred forty-one thousand dollars
12 (\$1,741,000); for the Rochester city school district, one million seven-
13 ty-six thousand dollars (\$1,076,000); for the Yonkers city school
14 district, one million one hundred forty-seven thousand dollars
15 (\$1,147,000); and for the Syracuse city school district, eight hundred
16 nine thousand dollars (\$809,000). All funds made available to a school
17 district pursuant to this section shall be distributed among teachers
18 including prekindergarten teachers and teachers of adult vocational and
19 academic subjects in accordance with this section and shall be in addi-
20 tion to salaries heretofore or hereafter negotiated or made available;
21 provided, however, that all funds distributed pursuant to this section
22 for the current year shall be deemed to incorporate all funds distrib-
23 uted pursuant to former subdivision 27 of section 3602 of the education
24 law for prior years. In school districts where the teachers are repres-
25 ented by certified or recognized employee organizations, all salary
26 increases funded pursuant to this section shall be determined by sepa-
27 rate collective negotiations conducted pursuant to the provisions and
28 procedures of article 14 of the civil service law, notwithstanding the

1 existence of a negotiated agreement between a school district and a
2 certified or recognized employee organization.

3 § 50. Support of public libraries. The moneys appropriated for the
4 support of public libraries by a chapter of the laws of 2021 enacting
5 the aid to localities budget shall be apportioned for the 2021--2022
6 state fiscal year in accordance with the provisions of sections 271,
7 272, 273, 282, 284 and 285 of the education law as amended by the
8 provisions of this chapter and the provisions of this section, provided
9 that library construction aid pursuant to section 273-a of the education
10 law shall not be payable from the appropriations for the support of
11 public libraries and provided further that no library, library system or
12 program, as defined by the commissioner of education, shall receive less
13 total system or program aid than it received for the year 2001--2002
14 except as a result of a reduction adjustment necessary to conform to the
15 appropriations for support of public libraries.

16 Notwithstanding any other provision of law to the contrary the moneys
17 appropriated for the support of public libraries for the year 2021--2022
18 by a chapter of the laws of 2021 enacting the education, labor and fami-
19 ly assistance budget shall fulfill the state's obligation to provide
20 such aid and, pursuant to a plan developed by the commissioner of educa-
21 tion and approved by the director of the budget, the aid payable to
22 libraries and library systems pursuant to such appropriations shall be
23 reduced proportionately to assure that the total amount of aid payable
24 does not exceed the total appropriations for such purpose.

25 § 51. Severability. The provisions of this act shall be severable, and
26 if the application of any clause, sentence, paragraph, subdivision,
27 section or part of this act to any person or circumstance shall be
28 adjudged by any court of competent jurisdiction to be invalid, such

1 judgment shall not necessarily affect, impair or invalidate the applica-
2 tion of any such clause, sentence, paragraph, subdivision, section, part
3 of this act or remainder thereof, as the case may be, to any other
4 person or circumstance, but shall be confined in its operation to the
5 clause, sentence, paragraph, subdivision, section or part thereof
6 directly involved in the controversy in which such judgment shall have
7 been rendered.

8 § 52. This act shall take effect immediately, and shall be deemed to
9 have been in full force and effect on and after April 1, 2021, provided,
10 however, that:

11 1. Sections one, twenty-three, twenty-six, forty-one, forty-three,
12 forty-four, forty-five, forty-eight and forty-nine of this act shall
13 take effect July 1, 2021;

14 2. Sections twenty-nine and thirty-one of this act shall take effect
15 July 1, 2022;

16 3. Section thirty-three of this act shall take effect September 1,
17 2024;

18 4. The amendments to paragraph (a) of subdivision 1 of section 2856 of
19 the education law made by section thirty-four of this act shall be
20 subject to the expiration and reversion of such subdivision pursuant to
21 subdivision d of section 27 of chapter 378 of the laws of 2007, as
22 amended, when upon such date the provisions of section thirty-five of
23 this act shall take effect; and

24 5. The amendments to paragraph (a-1) of subdivision 1 of section 2856
25 of the education law made by section thirty-six of this act shall be
26 subject to the expiration and reversion of such subdivision pursuant to
27 subdivision d of section 27 of chapter 378 of the laws of 2007, as

1 amended, when upon such date the provisions of section thirty-six-a of
2 this act shall take effect.

3 6. The amendments to chapter 756 of the laws of 1992, relating to
4 funding a program for work force education conducted by a consortium for
5 worker education in New York City made by sections thirty-nine and forty
6 of this act shall not affect the repeal of such chapter and shall be
7 deemed repealed therewith.

8 PART B

9 Section 1. Section 1503 of the business corporation law is amended by
10 adding a new paragraph (h) to read as follows:

11 (h) Any firm established for the business purpose of incorporating as
12 a professional service corporation formed to lawfully engage in the
13 practice of public accountancy, as such practice is respectively defined
14 under article one hundred forty-nine of the education law shall be
15 required to show (1) that a simple majority of the ownership of the
16 firm, in terms of financial interests, and voting rights held by the
17 firm's owners, belongs to individuals licensed to practice public
18 accountancy in some state, and (2) that all shareholders of a profes-
19 sional service corporation whose principal place of business is in this
20 state, and who are engaged in the practice of public accountancy in this
21 state, hold a valid license issued under section seventy-four hundred
22 four of the education law. For purposes of this paragraph, "financial
23 interest" means capital stock, capital accounts, capital contributions,
24 capital interest, or interest in undistributed earnings of a business
25 entity. Although firms may include non-licensee owners, the firm and
26 its owners must comply with rules promulgated by the state board of

1 regents. Notwithstanding the foregoing, a firm incorporated under this
2 section may not have non-licensee owners if the firm's name includes the
3 words "certified public accountant," or "certified public accountants,"
4 or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm
5 that is incorporated under this section shall be a natural person who
6 actively participates in the business of the firm or its affiliated
7 entities. For purposes of this paragraph, "actively participate" means
8 to provide services to clients or to otherwise individually take part in
9 the day-to-day business or management of the firm. Such a firm shall
10 have attached to its certificate of incorporation a certificate or
11 certificates demonstrating the firm's compliance with this paragraph, in
12 lieu of the certificate or certificates required by subparagraph (ii) of
13 paragraph (b) of this section.

14 § 2. Section 1507 of the business corporation law is amended by adding
15 a new paragraph (c) to read as follows:

16 (c) Any firm established for the business purpose of incorporating as
17 a professional service corporation pursuant to paragraph (h) of section
18 fifteen hundred three of this article may issue shares to individuals
19 who are authorized by law to practice in this state the profession which
20 such corporation is authorized to practice and who are or have been
21 engaged in the practice of such profession in such corporation or a
22 predecessor entity, or who will engage in the practice of such profes-
23 sion in such corporation within thirty days of the date such shares are
24 issued and may also issue shares to employees of the corporation not
25 licensed as certified public accountants, provided that:

26 (i) at least fifty-one percent of the outstanding shares of stock of
27 the corporation are owned by certified public accountants,

1 (ii) at least fifty-one percent of the directors are certified public
2 accountants,

3 (iii) at least fifty-one percent of the officers are certified public
4 accountants,

5 (iv) the president, the chairperson of the board of directors and the
6 chief executive officer or officers are certified public accountants.

7 No shareholder of a firm established for the business purpose of incor-
8 porating as a professional service corporation pursuant to paragraph (h)
9 of section fifteen hundred three of this article shall enter into a
10 voting trust agreement, proxy or any other type of agreement vesting in
11 another person, other than another shareholder of the same corporation,
12 the authority to exercise voting power of any or all of his or her
13 shares. All shares issued, agreements made or proxies granted in
14 violation of this section shall be void.

15 § 3. Section 1508 of the business corporation law is amended by adding
16 a new paragraph (c) to read as follows:

17 (c) The directors and officers of any firm established for the busi-
18 ness purpose of incorporating as a professional service corporation
19 pursuant to paragraph (h) of section fifteen hundred three of this arti-
20 cle may include individuals who are not licensed to practice public
21 accountancy, provided however that at least fifty-one percent of the
22 directors, at least fifty-one percent of the officers and the president,
23 the chairperson of the board of directors and the chief executive offi-
24 cer or officers are authorized by law to practice in any state the
25 profession which such corporation is authorized to practice, and are
26 either shareholders of such corporation or engaged in the practice of
27 their professions in such corporation.

1 § 4. Section 1509 of the business corporation law, as amended by chap-
2 ter 550 of the laws of 2011, is amended to read as follows:

3 § 1509. Disqualification of shareholders, directors, officers and
4 employees.

5 If any shareholder, director, officer or employee of a professional
6 service corporation, including a design professional service corpo-
7 ration, who has been rendering professional service to the public
8 becomes legally disqualified to practice his or her profession within
9 this state, he or she shall sever all employment with, and financial
10 interests (other than interests as a creditor) in, such corporation
11 forthwith or as otherwise provided in section 1510 of this article. All
12 provisions of law regulating the rendering of professional services by a
13 person elected or appointed to a public office shall be applicable to a
14 shareholder, director, officer and employee of such corporation in the
15 same manner and to the same extent as if fully set forth herein. Such
16 legal disqualification to practice his or her profession within this
17 state shall be deemed to constitute an irrevocable offer by the disqual-
18 ified shareholder to sell his or her shares to the corporation, pursuant
19 to the provisions of section 1510 of this article or of the certificate
20 of incorporation, by-laws or agreement among the corporation and all
21 shareholders, whichever is applicable. Compliance with the terms of such
22 offer shall be specifically enforceable in the courts of this state. A
23 professional service corporation's failure to enforce compliance with
24 this provision shall constitute a ground for forfeiture of its certif-
25 icate of incorporation and its dissolution.

26 § 5. Paragraph (a) of section 1511 of the business corporation law, as
27 amended by chapter 550 of the laws of 2011, is amended and a new para-
28 graph (c) is added to read as follows:

1 (a) No shareholder of a professional service corporation [or], includ-
2 ing a design professional service corporation, may sell or transfer his
3 or her shares in such corporation except to another individual who is
4 eligible to have shares issued to him or her by such corporation or
5 except in trust to another individual who would be eligible to receive
6 shares if he or she were employed by the corporation. Nothing herein
7 contained shall be construed to prohibit the transfer of shares by oper-
8 ation of law or by court decree. No transferee of shares by operation
9 of law or court decree may vote the shares for any purpose whatsoever
10 except with respect to corporate action under sections 909 and 1001 of
11 this chapter. The restriction in the preceding sentence shall not apply,
12 however, where such transferee would be eligible to have shares issued
13 to him or her if he or she were an employee of the corporation and, if
14 there are other shareholders, a majority of such other shareholders
15 shall fail to redeem the shares so transferred, pursuant to section 1510
16 of this article, within sixty days of receiving written notice of such
17 transfer. Any sale or transfer, except by operation of law or court
18 decree or except for a corporation having only one shareholder, may be
19 made only after the same shall have been approved by the board of direc-
20 tors, or at a shareholders' meeting specially called for such purpose by
21 such proportion, not less than a majority, of the outstanding shares as
22 may be provided in the certificate of incorporation or in the by-laws of
23 such professional service corporation. At such shareholders' meeting the
24 shares held by the shareholder proposing to sell or transfer his or her
25 shares may not be voted or counted for any purpose, unless all share-
26 holders consent that such shares be voted or counted. The certificate of
27 incorporation or the by-laws of the professional service corporation, or
28 the professional service corporation and the shareholders by private

1 agreement, may provide, in lieu of or in addition to the foregoing
2 provisions, for the alienation of shares and may require the redemption
3 or purchase of such shares by such corporation at prices and in a manner
4 specifically set forth therein. The existence of the restrictions on the
5 sale or transfer of shares, as contained in this article and, if appli-
6 cable, in the certificate of incorporation, by-laws, stock purchase or
7 stock redemption agreement, shall be noted conspicuously on the face or
8 back of every certificate for shares issued by a professional service
9 corporation. Any sale or transfer in violation of such restrictions
10 shall be void.

11 (c) A firm established for the business purpose of incorporating as a
12 professional service corporation pursuant to paragraph (h) of section
13 fifteen hundred three of this article, shall purchase or redeem the
14 shares of a non-licensed professional shareholder in the case of his or
15 her termination of employment within thirty days after such termination.
16 A firm established for the business purpose of incorporating as a
17 professional service corporation pursuant to paragraph (h) of section
18 fifteen hundred three of this article, shall not be required to purchase
19 or redeem the shares of a terminated non-licensed professional share-
20 holder if such shares, within thirty days after such termination, are
21 sold or transferred to another employee of the corporation pursuant to
22 this article.

23 § 6. Section 1514 of the business corporation law is amended by adding
24 a new paragraph (c) to read as follows:

25 (c) Each firm established for the business purpose of incorporating as
26 a professional service corporation pursuant to paragraph (h) of section
27 fifteen hundred three of this article shall, at least once every three
28 years on or before the date prescribed by the licensing authority,

1 furnish a statement to the licensing authority listing the names and
2 residence addresses of each shareholder, director and officer of such
3 corporation and certify as the date of certification and at all times
4 over the entire three year period that:

5 (i) at least fifty-one percent of the outstanding shares of stock of
6 the corporation are and were owned by certified public accountants,

7 (ii) at least fifty-one percent of the directors are and were certi-
8 fied public accountants,

9 (iii) at least fifty-one percent of the officers are and were certi-
10 fied public accountants,

11 (iv) the president, the chairperson of the board of directors and the
12 chief executive officer or officers are and were certified public
13 accountants.

14 The statement shall be signed by the president or any certified public
15 accountant vice-president and attested to by the secretary or any
16 assistant secretary of the corporation.

17 § 7. Paragraph (d) of section 1525 of the business corporation law, as
18 added by chapter 505 of the laws of 1983, is amended to read as follows:

19 (d) "Foreign professional service corporation" means a professional
20 service corporation, whether or not denominated as such, organized under
21 the laws of a jurisdiction other than this state, all of the sharehold-
22 ers, directors and officers of which are authorized and licensed to
23 practice the profession for which such corporation is licensed to do
24 business; except that all shareholders, directors and officers of a
25 foreign professional service corporation which provides health services
26 in this state shall be licensed in this state. A foreign professional
27 service corporation formed to lawfully engage in the practice of public
28 accountancy, as such practice is defined under article one hundred

1 forty-nine of the education law, or equivalent state law, shall be
2 required to show (1) that a simple majority of the ownership of the
3 firm, in terms of financial interests, and voting rights held by the
4 firm's owners, belongs to individuals licensed to practice public
5 accountancy in some state, and (2) that all shareholders of a foreign
6 professional service corporation whose principal place of business is in
7 this state, and who are engaged in the practice of public accountancy in
8 this state, hold a valid license issued under section seventy-four
9 hundred four of the education law. For purposes of this paragraph,
10 "financial interest" means capital stock, capital accounts, capital
11 contributions, capital interest, or interest in undistributed earnings
12 of a business entity. Although firms may include non-licensee owners,
13 the firm and its owners must comply with rules promulgated by the state
14 board of regents. Notwithstanding the foregoing, a firm registered
15 under this section may not have non-licensee owners if the firm's name
16 includes the words "certified public accountant," or "certified public
17 accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee
18 owner of a firm that is operating under this section shall be a natural
19 person who actively participates in the business of the firm or its
20 affiliated entities, provided each beneficial owner of an equity inter-
21 est in such entity is a natural person who actively participates in the
22 business conducted by the firm or its affiliated entities. For purposes
23 of this paragraph, "actively participate" means to provide services to
24 clients or to otherwise individually take part in the day-to-day busi-
25 ness or management of the firm.

26 § 8. Subdivision (q) of section 121-1500 of the partnership law, as
27 amended by chapter 475 of the laws of 2014, is amended to read as
28 follows:

1 (q) Each partner of a registered limited liability partnership formed
2 to provide medical services in this state must be licensed pursuant to
3 article 131 of the education law to practice medicine in this state and
4 each partner of a registered limited liability partnership formed to
5 provide dental services in this state must be licensed pursuant to arti-
6 cle 133 of the education law to practice dentistry in this state. Each
7 partner of a registered limited liability partnership formed to provide
8 veterinary services in this state must be licensed pursuant to article
9 135 of the education law to practice veterinary medicine in this state.
10 Each partner of a registered limited liability partnership formed to
11 provide public accountancy services, whose principal place of business
12 is in this state and who provides public accountancy services, must be
13 licensed pursuant to article 149 of the education law to practice public
14 accountancy in this state. Each partner of a registered limited liabil-
15 ity partnership formed to provide professional engineering, land survey-
16 ing, geological services, architectural and/or landscape architectural
17 services in this state must be licensed pursuant to article 145, article
18 147 and/or article 148 of the education law to practice one or more of
19 such professions in this state. Each partner of a registered limited
20 liability partnership formed to provide licensed clinical social work
21 services in this state must be licensed pursuant to article 154 of the
22 education law to practice clinical social work in this state. Each part-
23 ner of a registered limited liability partnership formed to provide
24 creative arts therapy services in this state must be licensed pursuant
25 to article 163 of the education law to practice creative arts therapy in
26 this state. Each partner of a registered limited liability partnership
27 formed to provide marriage and family therapy services in this state
28 must be licensed pursuant to article 163 of the education law to prac-

1 tice marriage and family therapy in this state. Each partner of a regis-
2 tered limited liability partnership formed to provide mental health
3 counseling services in this state must be licensed pursuant to article
4 163 of the education law to practice mental health counseling in this
5 state. Each partner of a registered limited liability partnership formed
6 to provide psychoanalysis services in this state must be licensed pursu-
7 ant to article 163 of the education law to practice psychoanalysis in
8 this state. Each partner of a registered limited liability partnership
9 formed to provide applied behavior analysis service in this state must
10 be licensed or certified pursuant to article 167 of the education law to
11 practice applied behavior analysis in this state. A limited liability
12 partnership formed to lawfully engage in the practice of public accoun-
13 tancy, as such practice is respectively defined under article 149 of the
14 education law, shall be required to show (1) that a simple majority of
15 the ownership of the firm, in terms of financial interests, and voting
16 rights held by the firm's owners, belongs to individuals licensed to
17 practice public accountancy in some state, and (2) that all partners of
18 a limited liability partnership whose principal place of business is in
19 this state, and who are engaged in the practice of public accountancy in
20 this state, hold a valid license issued under section seventy-four
21 hundred four of the education law. For purposes of this subdivision,
22 "financial interest" means capital stock, capital accounts, capital
23 contributions, capital interest, or interest in undistributed earnings
24 of a business entity. Although firms may include non-licensee owners,
25 the firm and its owners must comply with rules promulgated by the state
26 board of regents. Notwithstanding the foregoing, a firm registered under
27 this section may not have non-licensee owners if the firm's name
28 includes the words "certified public accountant," or "certified public

1 accounts," or the abbreviations "CPA" or "CPAs". Each non-licensee owner
2 of a firm that is formed under this section shall be (1) a natural
3 person who actively participates in the business of the firm or its
4 affiliated entities, or (2) an entity, including, but not limited to, a
5 partnership or professional corporation, provided each beneficial owner
6 of an equity interest in such entity is a natural person who actively
7 participates in the business conducted by the firm or its affiliated
8 entities. For purposes of this subdivision, "actively participate" means
9 to provide services to clients or to otherwise individually take part in
10 the day-to-day business or management of the firm.

11 § 9. Subdivision (q) of section 121-1502 of the partnership law, as
12 amended by chapter 475 of the laws of 2014, is amended to read as
13 follows:

14 (q) Each partner of a foreign limited liability partnership which
15 provides medical services in this state must be licensed pursuant to
16 article 131 of the education law to practice medicine in the state and
17 each partner of a foreign limited liability partnership which provides
18 dental services in the state must be licensed pursuant to article 133 of
19 the education law to practice dentistry in this state. Each partner of a
20 foreign limited liability partnership which provides veterinary service
21 in the state shall be licensed pursuant to article 135 of the education
22 law to practice veterinary medicine in this state. Each partner of a
23 foreign limited liability partnership which provides professional engi-
24 neering, land surveying, geological services, architectural and/or land-
25 scape architectural services in this state must be licensed pursuant to
26 article 145, article 147 and/or article 148 of the education law to
27 practice one or more of such professions. Each partner of a foreign
28 registered limited liability partnership formed to provide public

1 accountancy services, whose principal place of business is in this state
2 and who provides public accountancy services, must be licensed pursuant
3 to article 149 of the education law to practice public accountancy in
4 this state. Each partner of a foreign limited liability partnership
5 which provides licensed clinical social work services in this state must
6 be licensed pursuant to article 154 of the education law to practice
7 licensed clinical social work in this state. Each partner of a foreign
8 limited liability partnership which provides creative arts therapy
9 services in this state must be licensed pursuant to article 163 of the
10 education law to practice creative arts therapy in this state. Each
11 partner of a foreign limited liability partnership which provides
12 marriage and family therapy services in this state must be licensed
13 pursuant to article 163 of the education law to practice marriage and
14 family therapy in this state. Each partner of a foreign limited liabil-
15 ity partnership which provides mental health counseling services in this
16 state must be licensed pursuant to article 163 of the education law to
17 practice mental health counseling in this state. Each partner of a
18 foreign limited liability partnership which provides psychoanalysis
19 services in this state must be licensed pursuant to article 163 of the
20 education law to practice psychoanalysis in this state. Each partner of
21 a foreign limited liability partnership which provides applied behavior
22 analysis services in this state must be licensed or certified pursuant
23 to article 167 of the education law to practice applied behavior analy-
24 sis in this state. A foreign limited liability partnership formed to
25 lawfully engage in the practice of public accountancy, as such practice
26 is respectively defined under article 149 of the education law, shall be
27 required to show (1) that a simple majority of the ownership of the
28 firm, in terms of financial interests, and voting rights held by the

1 firm's owners, belongs to individuals licensed to practice public
2 accountancy in some state, and (2) that all partners of a foreign limit-
3 ed liability partnership whose principal place of business is in this
4 state, and who are engaged in the practice of public accountancy in this
5 state, hold a valid license issued under section seventy-four hundred
6 four of the education law. For purposes of this subdivision, "financial
7 interest" means capital stock, capital accounts, capital contributions,
8 capital interest, or interest in undistributed earnings of a business
9 entity. Although firms may include non-licensee owners, the firm and
10 its owners must comply with rules promulgated by the state board of
11 regents. Notwithstanding the foregoing, a firm registered under this
12 section may not have non-licensee owners if the firm's name includes the
13 words "certified public accountant," or "certified public accountants,"
14 or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm
15 that is formed under this section shall be (1) a natural person who
16 actively participates in the business of the firm or its affiliated
17 entities, or (2) an entity, including, but not limited to, a partnership
18 or professional corporation, provided each beneficial owner of an equity
19 interest in such entity is a natural person who actively participates in
20 the business conducted by the firm or its affiliated entities. For
21 purposes of this subdivision, "actively participate" means to provide
22 services to clients or to otherwise individually take part in the day-
23 to-day business or management of the firm.

24 § 10. Subdivision (h) of section 121-101 of the partnership law, as
25 added by chapter 950 of the laws of 1990, is amended to read as follows:

26 (h) "Limited partnership" and "domestic limited partnership" mean,
27 unless the context otherwise requires, a partnership (i) formed by two
28 or more persons pursuant to this article or which complies with subdivi-

1 sion (a) of section 121-1202 of this article and (ii) having one or more
2 general partners and one or more limited partners. Notwithstanding any
3 other provisions of law a limited partnership or domestic limited part-
4 nership formed to lawfully engage in the practice of public accountancy,
5 as such practice is respectively defined under article 149 of the educa-
6 tion law shall be required to show (1) that a simple majority of the
7 ownership of the firm, in terms of financial interests, including owner-
8 ship-based compensation, and voting rights held by the firm's owners,
9 belongs to individuals licensed to practice public accountancy in some
10 state, and (2) that all partners of a limited partnership or domestic
11 limited partnership, whose principal place of business is in this state,
12 and who are engaged in the practice of public accountancy in this state,
13 hold a valid license issued under section seventy-four hundred four of
14 the education law or are public accountants licensed under section
15 seventy-four hundred five of the education law. Although firms may
16 include non-licensee owners, the firm and its owners must comply with
17 rules promulgated by the state board of regents. Notwithstanding the
18 foregoing, a firm registered under this section may not have non-licen-
19 see owners if the firm's name includes the words "certified public
20 accountant," or "certified public accountants," or the abbreviations
21 "CPA" or "CPAs". Each non-licensee owner of a firm that is registered
22 under this section shall be (1) a natural person who actively partic-
23 ipates in the business of the firm or its affiliated entities, or (2) an
24 entity, including, but not limited to, a partnership or professional
25 corporation, provided each beneficial owner of an equity interest in
26 such entity is a natural person who actively participates in the busi-
27 ness conducted by the firm or its affiliated entities. For purposes of
28 this subdivision, "actively participate" means to provide services to

1 clients or to otherwise individually take part in the day-to-day busi-
2 ness or management of the firm.

3 § 11. Subdivision (b) of section 1207 of the limited liability company
4 law, as amended by chapter 475 of the laws of 2014, is amended to read
5 as follows:

6 (b) With respect to a professional service limited liability company
7 formed to provide medical services as such services are defined in arti-
8 cle 131 of the education law, each member of such limited liability
9 company must be licensed pursuant to article 131 of the education law to
10 practice medicine in this state. With respect to a professional service
11 limited liability company formed to provide dental services as such
12 services are defined in article 133 of the education law, each member of
13 such limited liability company must be licensed pursuant to article 133
14 of the education law to practice dentistry in this state. With respect
15 to a professional service limited liability company formed to provide
16 veterinary services as such services are defined in article 135 of the
17 education law, each member of such limited liability company must be
18 licensed pursuant to article 135 of the education law to practice veter-
19 inary medicine in this state. With respect to a professional service
20 limited liability company formed to provide professional engineering,
21 land surveying, architectural, landscape architectural and/or geological
22 services as such services are defined in article 145, article 147 and
23 article 148 of the education law, each member of such limited liability
24 company must be licensed pursuant to article 145, article 147 and/or
25 article 148 of the education law to practice one or more of such
26 professions in this state. With respect to a professional service
27 limited liability company formed to provide public accountancy services
28 as such services are defined in article 149 of the education law each

1 member of such limited liability company whose principal place of busi-
2 ness is in this state and who provides public accountancy services, must
3 be licensed pursuant to article 149 of the education law to practice
4 public accountancy in this state. With respect to a professional service
5 limited liability company formed to provide licensed clinical social
6 work services as such services are defined in article 154 of the educa-
7 tion law, each member of such limited liability company shall be
8 licensed pursuant to article 154 of the education law to practice
9 licensed clinical social work in this state. With respect to a profes-
10 sional service limited liability company formed to provide creative arts
11 therapy services as such services are defined in article 163 of the
12 education law, each member of such limited liability company must be
13 licensed pursuant to article 163 of the education law to practice crea-
14 tive arts therapy in this state. With respect to a professional service
15 limited liability company formed to provide marriage and family therapy
16 services as such services are defined in article 163 of the education
17 law, each member of such limited liability company must be licensed
18 pursuant to article 163 of the education law to practice marriage and
19 family therapy in this state. With respect to a professional service
20 limited liability company formed to provide mental health counseling
21 services as such services are defined in article 163 of the education
22 law, each member of such limited liability company must be licensed
23 pursuant to article 163 of the education law to practice mental health
24 counseling in this state. With respect to a professional service limited
25 liability company formed to provide psychoanalysis services as such
26 services are defined in article 163 of the education law, each member of
27 such limited liability company must be licensed pursuant to article 163
28 of the education law to practice psychoanalysis in this state. With

1 respect to a professional service limited liability company formed to
2 provide applied behavior analysis services as such services are defined
3 in article 167 of the education law, each member of such limited liabil-
4 ity company must be licensed or certified pursuant to article 167 of the
5 education law to practice applied behavior analysis in this state. A
6 professional service limited liability company formed to lawfully engage
7 in the practice of public accountancy, as such practice is respectively
8 defined under article 149 of the education law shall be required to show
9 (1) that a simple majority of the ownership of the firm, in terms of
10 financial interests, and voting rights held by the firm's owners,
11 belongs to individuals licensed to practice public accountancy in some
12 state, and (2) that all members of a limited professional service limit-
13 ed liability company, whose principal place of business is in this
14 state, and who are engaged in the practice of public accountancy in this
15 state, hold a valid license issued under section seventy-four hundred
16 four of the education law. For purposes of this subdivision, "financial
17 interest" means capital stock, capital accounts, capital contributions,
18 capital interest, or interest in undistributed earnings of a business
19 entity. Although firms may include non-licensee owners, the firm and
20 its owners must comply with rules promulgated by the state board of
21 regents. Notwithstanding the foregoing, a firm registered under this
22 section may not have non-licensee owners if the firm's name includes the
23 words "certified public accountant," or "certified public accountants,"
24 or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm
25 that is registered under this section shall be (1) a natural person who
26 actively participates in the business of the firm or its affiliated
27 entities, or (2) an entity, including, but not limited to, a partnership
28 or professional corporation, provided each beneficial owner of an equity

1 interest in such entity is a natural person who actively participates in
2 the business conducted by the firm or its affiliated entities. For
3 purposes of this subdivision, "actively participate" means to provide
4 services to clients or to otherwise individually take part in the day-
5 to-day business or management of the firm.

6 § 12. Subdivision (a) of section 1301 of the limited liability company
7 law, as amended by chapter 475 of the laws of 2014, is amended to read
8 as follows:

9 (a) "Foreign professional service limited liability company" means a
10 professional service limited liability company, whether or not denomi-
11 nated as such, organized under the laws of a jurisdiction other than
12 this state, (i) each of whose members and managers, if any, is a profes-
13 sional authorized by law to render a professional service within this
14 state and who is or has been engaged in the practice of such profession
15 in such professional service limited liability company or a predecessor
16 entity, or will engage in the practice of such profession in the profes-
17 sional service limited liability company within thirty days of the date
18 such professional becomes a member, or each of whose members and manag-
19 ers, if any, is a professional at least one of such members is author-
20 ized by law to render a professional service within this state and who
21 is or has been engaged in the practice of such profession in such
22 professional service limited liability company or a predecessor entity,
23 or will engage in the practice of such profession in the professional
24 service limited liability company within thirty days of the date such
25 professional becomes a member, or (ii) authorized by, or holding a
26 license, certificate, registration or permit issued by the licensing
27 authority pursuant to, the education law to render a professional
28 service within this state; except that all members and managers, if any,

1 of a foreign professional service limited liability company that
2 provides health services in this state shall be licensed in this state.
3 With respect to a foreign professional service limited liability company
4 which provides veterinary services as such services are defined in arti-
5 cle 135 of the education law, each member of such foreign professional
6 service limited liability company shall be licensed pursuant to article
7 135 of the education law to practice veterinary medicine. With respect
8 to a foreign professional service limited liability company which
9 provides medical services as such services are defined in article 131 of
10 the education law, each member of such foreign professional service
11 limited liability company must be licensed pursuant to article 131 of
12 the education law to practice medicine in this state. With respect to a
13 foreign professional service limited liability company which provides
14 dental services as such services are defined in article 133 of the
15 education law, each member of such foreign professional service limited
16 liability company must be licensed pursuant to article 133 of the educa-
17 tion law to practice dentistry in this state. With respect to a foreign
18 professional service limited liability company which provides profes-
19 sional engineering, land surveying, geologic, architectural and/or land-
20 scape architectural services as such services are defined in article
21 145, article 147 and article 148 of the education law, each member of
22 such foreign professional service limited liability company must be
23 licensed pursuant to article 145, article 147 and/or article 148 of the
24 education law to practice one or more of such professions in this state.
25 With respect to a foreign professional service limited liability company
26 which provides public accountancy services as such services are defined
27 in article 149 of the education law, each member of such foreign profes-
28 sional service limited liability company whose principal place of busi-

1 ness is in this state and who provides public accountancy services,
2 shall be licensed pursuant to article 149 of the education law to prac-
3 tice public accountancy in this state. With respect to a foreign profes-
4 sional service limited liability company which provides licensed clin-
5 ical social work services as such services are defined in article 154 of
6 the education law, each member of such foreign professional service
7 limited liability company shall be licensed pursuant to article 154 of
8 the education law to practice clinical social work in this state. With
9 respect to a foreign professional service limited liability company
10 which provides creative arts therapy services as such services are
11 defined in article 163 of the education law, each member of such foreign
12 professional service limited liability company must be licensed pursuant
13 to article 163 of the education law to practice creative arts therapy in
14 this state. With respect to a foreign professional service limited
15 liability company which provides marriage and family therapy services as
16 such services are defined in article 163 of the education law, each
17 member of such foreign professional service limited liability company
18 must be licensed pursuant to article 163 of the education law to prac-
19 tice marriage and family therapy in this state. With respect to a
20 foreign professional service limited liability company which provides
21 mental health counseling services as such services are defined in arti-
22 cle 163 of the education law, each member of such foreign professional
23 service limited liability company must be licensed pursuant to article
24 163 of the education law to practice mental health counseling in this
25 state. With respect to a foreign professional service limited liability
26 company which provides psychoanalysis services as such services are
27 defined in article 163 of the education law, each member of such foreign
28 professional service limited liability company must be licensed pursuant

1 to article 163 of the education law to practice psychoanalysis in this
2 state. With respect to a foreign professional service limited liability
3 company which provides applied behavior analysis services as such
4 services are defined in article 167 of the education law, each member of
5 such foreign professional service limited liability company must be
6 licensed or certified pursuant to article 167 of the education law to
7 practice applied behavior analysis in this state. A foreign professional
8 service limited liability company formed to lawfully engage in the prac-
9 tice of public accountancy, as such practice is respectively defined
10 under article 149 of the education law shall be required to show (1)
11 that a simple majority of the ownership of the firm, in terms of finan-
12 cial interests, and voting rights held by the firm's owners, belongs to
13 individuals licensed to practice public accountancy in some state, and
14 (2) that all members of a foreign limited professional service limited
15 liability company, whose principal place of business is in this state,
16 and who are engaged in the practice of public accountancy in this state,
17 hold a valid license issued under section seventy-four hundred four of
18 the education law. For purposes of this subdivision, "financial inter-
19 est" means capital stock, capital accounts, capital contributions, capi-
20 tal interest, or interest in undistributed earnings of a business enti-
21 ty. Although firms may include non-licensee owners, the firm and its
22 owners must comply with rules promulgated by the state board of regents.
23 Notwithstanding the foregoing, a firm registered under this section may
24 not have non-licensee owners if the firm's name includes the words
25 "certified public accountant," or "certified public accountants," or the
26 abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is
27 registered under this section shall be (1) a natural person who actively
28 participates in the business of the firm or its affiliated entities, or

1 (2) an entity, including, but not limited to, a partnership or profes-
2 sional corporation, provided each beneficial owner of an equity interest
3 in such entity is a natural person who actively participates in the
4 business conducted by the firm or its affiliated entities. For purposes
5 of this subdivision, "actively participate" means to provide services to
6 clients or to otherwise individually take part in the day-to-day busi-
7 ness or management of the firm.

8 § 13. Notwithstanding any other provision of law to the contrary,
9 there is hereby established a fee for each non-licensee owner of a firm
10 that is incorporating as a professional service corporation formed to
11 lawfully engage in the practice of public accountancy. Such non-licensee
12 owner shall pay a fee of three hundred dollars to the department of
13 education on an annual basis.

14 § 14. This act shall take effect immediately.

15 PART C

16 Section 1. The education law is amended by adding a new section 210-d
17 to read as follows:

18 § 210-d. Registration of curricula. Notwithstanding any law, rule or
19 regulation to the contrary, any new curriculum or program of study
20 offered by any not-for-profit college or university chartered by the
21 regents or incorporated by special act of the legislature that does not
22 require a master plan amendment pursuant to section two hundred thirty-
23 seven of this part, or charter amendment pursuant to section two hundred
24 sixteen of this part, or lead to professional licensure; and that is
25 approved by the state university board of trustees, the city university
26 board of trustees, or the trustees or governing body of any other not-

1 for-profit college or university chartered by the regents which (1) has
2 maintained a physical presence in New York state for the immediately
3 preceding ten years and has been operated continuously by the same
4 governing body during the same immediately preceding ten year period and
5 (2) is accredited and has continued in accreditation by the Middle
6 States Commission on Higher Education ("MSCHE") or the department for
7 the immediately preceding ten years, shall be deemed registered with the
8 department thirty days after notification of approval by such college or
9 university's governing body. If the college or university is placed on
10 probation or has its accreditation terminated by MSCHE, such college or
11 university shall notify the regents in writing no later than thirty days
12 after receiving notice of its probationary status or loss of accredi-
13 tation by the MSCHE. Any college or university which has its accredi-
14 tation placed on probation or terminated by the MSCHE or the education
15 department shall be subject to the commissioner's program approval until
16 it has been removed from probation or regained accreditation by MSCHE or
17 the education department, and shall further remain subject to such
18 commissioner's program approval until it has continued without probation
19 for a period of not less than six years. If a college or university
20 subject to this section intends to offer or institute an additional
21 degree or program which constitutes a "substantive change," as defined
22 and determined by MSCHE, then the college or university shall provide
23 the commissioner with copies of any reports or other documents filed
24 with MSCHE as part of MSCHE's substantive change review process and
25 shall inform the commissioner when the substantive change is approved.
26 Any such college or university that does not satisfy all of the
27 provisions of this paragraph shall comply with the procedures and crite-
28 ria established by the regents and commissioner for academic program

1 approval. Nothing in this section shall be deemed to limit the depart-
2 ment's existing authority to investigate a complaint concerning the
3 institution, or any program offered, including the authority to deregis-
4 ter the program.

5 § 2. This act shall take effect immediately and shall be deemed to
6 have been in full force and effect on and after April 1, 2021.

7 PART D

8 Section 1. Section 4 of subpart A of part D of chapter 58 of the laws
9 of 2011 amending the education law relating to capital facilities in
10 support of the state university and community colleges, as amended by
11 section 1 of part Q of chapter 54 of the laws of 2016, is amended to
12 read as follows:

13 § 4. This act shall take effect immediately and shall expire and be
14 deemed repealed June 30, [2021] 2026.

15 § 2. Section 4 of subpart B of part D of chapter 58 of the laws of
16 2011 amending the education law relating to procurement in support of
17 the state and city universities, as amended by section 2 of part Q of
18 chapter 54 of the laws of 2016, is amended to read as follows:

19 § 4. This act shall take effect immediately and shall expire and be
20 deemed repealed June 30, [2021] 2026.

21 § 3. Section 3 of subpart C of part D of chapter 58 of the laws of
22 2011 amending the education law relating to state university health care
23 facilities, as amended by section 3 of part Q of chapter 54 of the laws
24 of 2016, is amended to read as follows:

25 § 3. This act shall take effect immediately, and shall expire and be
26 deemed repealed June 30, [2021] 2026.

1 § 4. Subdivision 5 of section 355 of the education law is amended by
2 adding a new paragraph f to read as follows:

3 f. notwithstanding any provision of law to the contrary, authorize
4 contracts for the purchase of services or technology from a consortium
5 as defined in section one hundred sixty-three of the state finance law,
6 except that such definition as applied to the board shall include the
7 purchase of services and technology.

8 § 5. This act shall take effect immediately; provided, however, that
9 the amendments to subdivision 5 of section 355 of the education law made
10 by section four of this act shall not affect the expiration of such
11 subdivision and shall expire therewith.

12 PART E

13 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
14 355 of the education law, as amended by section 1 of part JJJ of chapter
15 59 of the laws of 2017, is amended to read as follows:

16 (4) The trustees shall not impose a differential tuition charge based
17 upon need or income. Except as hereinafter provided, all students
18 enrolled in programs leading to like degrees at state-operated insti-
19 tutions of the state university shall be charged a uniform rate of
20 tuition except for differential tuition rates based on state residency,
21 and flexible tuition rate categories to increase research capacity for
22 the four university centers (Albany, Binghamton, Buffalo (university),
23 and Stony Brook) and the five other doctoral degree granting insti-
24 tutions (downstate medical center, upstate medical center, the college
25 of optometry, the college of environmental science and forestry, and the
26 college of technology at Utica/Rome/state university polytechnic insti-

1 tute); provided, however, that a portion of revenue generated by such
2 flexible tuition rate categories shall be used to ensure that no student
3 is unable to attend an institution of choice based on income. Any flex-
4 ible tuition rate categories must be recommended by the chancellor of
5 the state university of New York and approved by the trustees; provided,
6 however, that such flexible tuition rates based on sector shall not vary
7 by more than 1.5 times from the minimum rate within each type of tuition
8 rate. Provided, however, that the trustees may authorize the presidents
9 of the colleges of technology and the colleges of agriculture and tech-
10 nology to set differing rates of tuition for each of the colleges for
11 students enrolled in degree-granting programs leading to an associate
12 degree and non-degree granting programs so long as such tuition rate
13 does not exceed the tuition rate charged to students who are enrolled in
14 like degree programs or degree-granting undergraduate programs leading
15 to a baccalaureate degree at other state-operated institutions of the
16 state university of New York. Notwithstanding any other provision of
17 this subparagraph, the trustees may authorize the setting of [a] sepa-
18 rate [category] categories of tuition [rate] rates as follows; "distance
19 learning rate", that shall be greater than the tuition rate for resident
20 students and less than the tuition rate for non-resident students, only
21 for students enrolled in distance learning courses who are not residents
22 of the state, and "high demand certificate program rate", that shall be
23 set at a level deemed appropriate upon recommendation of the chancellor
24 of the state university of New York and approved by the board of trus-
25 tees which rate shall be lower than standard rates of tuition, for iden-
26 tified certification programs to be recommended by the chancellor of the
27 state university of New York. Except as otherwise authorized in this
28 subparagraph, the trustees shall not adopt changes affecting tuition

1 charges prior to the enactment of the annual budget, provided however
2 that:

3 (i) Commencing with the two thousand eleven--two thousand twelve
4 academic year and ending in the two thousand fifteen--two thousand
5 sixteen academic year the state university of New York board of trustees
6 shall be empowered to increase the resident undergraduate rate of
7 tuition by not more than three hundred dollars over the resident under-
8 graduate rate of tuition adopted by the board of trustees in the prior
9 academic year, provided however that commencing with the two thousand
10 eleven--two thousand twelve academic year and ending in the two thousand
11 sixteen--two thousand seventeen academic year if the annual resident
12 undergraduate rate of tuition would exceed five thousand dollars, then a
13 tuition credit for each eligible student, as determined and calculated
14 by the New York state higher education services corporation pursuant to
15 section six hundred eighty-nine-a of this title, shall be applied toward
16 the tuition charged for each semester, quarter or term of study. Tuition
17 for each semester, quarter or term of study shall not be due for any
18 student eligible to receive such tuition credit until the tuition credit
19 is calculated and applied against the tuition charged for the corre-
20 sponding semester, quarter or term.

21 (ii) Commencing with the two thousand seventeen--two thousand eighteen
22 academic year and ending in the two thousand twenty--two thousand twen-
23 ty-one academic year the state university of New York board of trustees
24 shall be empowered to increase the resident undergraduate rate of
25 tuition by not more than two hundred dollars over the resident under-
26 graduate rate of tuition adopted by the board of trustees in the prior
27 academic year, provided, however that if the annual resident undergradu-
28 ate rate of tuition would exceed five thousand dollars, then a tuition

1 credit for each eligible student, as determined and calculated by the
2 New York state higher education services corporation pursuant to section
3 six hundred eighty-nine-a of this title, shall be applied toward the
4 tuition charged for each semester, quarter or term of study. Tuition for
5 each semester, quarter or term of study shall not be due for any student
6 eligible to receive such tuition credit until the tuition credit is
7 calculated and applied against the tuition charged for the corresponding
8 semester, quarter or term. Provided, further that the revenue resulting
9 from an increase in the rate of tuition shall be allocated to each
10 campus pursuant to a plan approved by the board of trustees to support
11 investments in new classroom faculty, instruction, initiatives to
12 improve student success and on-time completion and a tuition credit for
13 each eligible student.

14 (iii) Commencing with the two thousand twenty-one--two thousand twen-
15 ty-two academic year and ending in the two thousand twenty-four--two
16 thousand twenty-five academic year, upon recommendation of the chancel-
17 lor of the state university of New York, the state university of New
18 York board of trustees shall be empowered to approve an increase of the
19 resident undergraduate rate of tuition by no more than two hundred
20 dollars over the resident undergraduate rate of tuition adopted by the
21 board of trustees in the prior academic year, provided, however that if
22 the annual resident undergraduate rate of tuition would exceed five
23 thousand dollars, then a tuition credit for each eligible student, as
24 determined and calculated by the New York state higher education
25 services corporation pursuant to section six hundred eighty-nine-a of
26 this title, shall be applied toward the tuition charged for each semes-
27 ter, quarter or term of study. Tuition for each semester, quarter or
28 term of study shall not be due for any student eligible to receive such

1 tuition credit until the tuition credit is calculated and applied
2 against the tuition charged for the corresponding semester, quarter or
3 term. Provided further that the revenue resulting from an increase in
4 the rate of tuition shall be allocated to each campus pursuant to a plan
5 approved by the board of trustees to support investments in new class-
6 room faculty, instruction, initiatives to improve student success and
7 on-time completion and a tuition credit for each eligible student.

8 (iv) On or before November thirtieth, two thousand [seventeen] twen-
9 ty-one, the trustees shall approve and submit to the chairs of the
10 assembly ways and means committee and the senate finance committee and
11 to the director of the budget a master tuition plan setting forth the
12 tuition rates that the trustees propose for resident undergraduate
13 students for the four year period commencing with the two thousand
14 [seventeen] twenty-one--two thousand [eighteen] twenty-two academic year
15 and ending in the two thousand [twenty] twenty-four--two thousand [twen-
16 ty-one] twenty-five academic year, and shall submit any proposed amend-
17 ments to such plan by November thirtieth of each subsequent year there-
18 after through November thirtieth, two thousand [twenty] twenty-four, and
19 provided further, that with the approval of the board of trustees, each
20 university center may increase non-resident undergraduate tuition rates
21 each year by not more than ten percent over the tuition rates of the
22 prior academic year for a six year period commencing with the two thou-
23 sand eleven--two thousand twelve academic year and ending in the two
24 thousand sixteen--two thousand seventeen academic year.

25 [(iv)] (v) Beginning in state fiscal year two thousand twelve-two
26 thousand thirteen and ending in state fiscal year two thousand fifteen-
27 -two thousand sixteen, the state shall appropriate and make available
28 general fund operating support, including fringe benefits, for the state

1 university in an amount not less than the amount appropriated and made
2 available in the prior state fiscal year; provided, however, that if the
3 governor declares a fiscal emergency, and communicates such emergency to
4 the temporary president of the senate and speaker of the assembly, state
5 support for operating expenses at the state university and city univer-
6 sity may be reduced in a manner proportionate to one another, and the
7 aforementioned provisions shall not apply.

8 [(v)] (vi) Beginning in state fiscal year two thousand seventeen--two
9 thousand eighteen and ending in state fiscal year two thousand twenty--
10 two thousand twenty-one, the state shall appropriate and make available
11 general fund operating support, including fringe benefits, for the state
12 university in an amount not less than the amount appropriated and made
13 available in the prior state fiscal year; provided, however, that if the
14 governor declares a fiscal emergency, and communicates such emergency to
15 the temporary president of the senate and speaker of the assembly, state
16 support for operating expenses at the state university and city univer-
17 sity may be reduced in a manner proportionate to one another, and the
18 aforementioned provisions shall not apply; provided further, the state
19 shall appropriate and make available general fund support to fully fund
20 the tuition credit pursuant to subdivision two of section six hundred
21 sixty-nine-h of this title.

22 (vii) Beginning in state fiscal year two thousand twenty-one--two
23 thousand twenty-two and ending in state fiscal year two thousand twen-
24 ty-four--two thousand twenty-five, the state shall appropriate and make
25 available general fund operating support, including fringe benefits, for
26 the state university in an amount not less than the amount appropriated
27 and made available in the prior state fiscal year; provided, however,
28 that if the governor declares a fiscal emergency, and communicates such

1 emergency to the temporary president of the senate and speaker of the
2 assembly, state support for operating expenses at the state university
3 and city university may be reduced in a manner proportionate to one
4 another, and the aforementioned provisions shall not apply; provided
5 further, the state shall appropriate and make available general fund
6 support to fully fund the tuition credit pursuant to subdivision two of
7 section six hundred sixty-nine-h of this title.

8 [(vi)] (viii) For the state university fiscal years commencing two
9 thousand eleven--two thousand twelve and ending two thousand fifteen--
10 two thousand sixteen, each university center may set aside a portion of
11 its tuition revenues derived from tuition increases to provide increased
12 financial aid for New York state resident undergraduate students whose
13 net taxable income is eighty thousand dollars or more subject to the
14 approval of a NY-SUNY 2020 proposal by the governor and the chancellor
15 of the state university of New York. Nothing in this paragraph shall be
16 construed as to authorize that students whose net taxable income is
17 eighty thousand dollars or more are eligible for tuition assistance
18 program awards pursuant to section six hundred sixty-seven of this
19 [chapter] title.

20 § 2. Paragraph (a) of subdivision 7 of section 6206 of the education
21 law, as amended by section 2 of part JJJ of chapter 59 of the laws of
22 2017, is amended to read as follows:

23 (a) The board of trustees shall establish positions, departments,
24 divisions and faculties; appoint and in accordance with the provisions
25 of law fix salaries of instructional and non-instructional employees
26 therein; establish and conduct courses and curricula; prescribe condi-
27 tions of student admission, attendance and discharge; and shall have the
28 power to determine in its discretion whether tuition shall be charged

1 and to regulate tuition charges, and other instructional and non-in-
2 structional fees and other fees and charges at the educational units of
3 the city university. The trustees shall review any proposed community
4 college tuition increase and the justification for such increase. The
5 justification provided by the community college for such increase shall
6 include a detailed analysis of ongoing operating costs, capital, debt
7 service expenditures, and all revenues. The trustees shall not impose a
8 differential tuition charge based upon need or income. All students
9 enrolled in programs leading to like degrees at the senior colleges
10 shall be charged a uniform rate of tuition, except for differential
11 tuition rates based on state residency, and a flexible tuition rate
12 category to increase research capacity for doctoral degree granting
13 authorized institutions; provided, however, that a portion of revenue
14 generated by such flexible tuition rate category shall be used to ensure
15 that no student is unable to attend an institution of choice based on
16 income. Such flexible tuition rate category must be recommended by the
17 chancellor of the city university of New York and approved by the trus-
18 tees; provided, however, that such flexible tuition rate shall not vary
19 by more than 1.5 times from the minimum rate within each type of tuition
20 rate. Notwithstanding any other provision of this paragraph, the trus-
21 tees may authorize the setting of [a] separate [category] categories of
22 tuition [rate] rates as follows; "distance learning rate", that shall be
23 greater than the tuition rate for resident students and less than the
24 tuition rate for non-resident students, only for students enrolled in
25 distance learning courses who are not residents of the state, and "high
26 demand certificate program rate", that shall be set at a level deemed
27 appropriate upon recommendation of the chancellor of the city university
28 of New York and approved by the board of trustees which rate shall be

1 lower than standard rates of tuition, for identified certification
2 programs to be recommended by the chancellor of the city university of
3 New York; provided, however, that:

4 (i) Commencing with the two thousand eleven--two thousand twelve
5 academic year and ending in the two thousand fifteen--two thousand
6 sixteen academic year, the city university of New York board of trustees
7 shall be empowered to increase the resident undergraduate rate of
8 tuition by not more than three hundred dollars over the resident under-
9 graduate rate of tuition adopted by the board of trustees in the prior
10 academic year, provided however that commencing with the two thousand
11 eleven--two thousand twelve academic year and ending with the two thou-
12 sand sixteen--two thousand seventeen academic year if the annual resi-
13 dent undergraduate rate of tuition would exceed five thousand dollars,
14 then a tuition credit for each eligible student, as determined and
15 calculated by the New York state higher education services corporation
16 pursuant to section six hundred eighty-nine-a of this chapter, shall be
17 applied toward the tuition charged for each semester, quarter or term of
18 study. Tuition for each semester, quarter or term of study shall not be
19 due for any student eligible to receive such tuition credit until the
20 tuition credit is calculated and applied against the tuition charged for
21 the corresponding semester, quarter or term.

22 (ii) Commencing with the two thousand seventeen--two thousand eighteen
23 academic year and ending in the two thousand twenty--two thousand twen-
24 ty-one academic year the city university of New York board of trustees
25 shall be empowered to increase the resident undergraduate rate of
26 tuition by not more than two hundred dollars over the resident under-
27 graduate rate of tuition adopted by the board of trustees in the prior
28 academic year, provided however that if the annual resident undergradu-

1 ate rate of tuition would exceed five thousand dollars, then a tuition
2 credit for each eligible student, as determined and calculated by the
3 New York state higher education services corporation pursuant to section
4 six hundred eighty-nine-a of this [title] chapter, shall be applied
5 toward the tuition charged for each semester, quarter or term of study.
6 Tuition for each semester, quarter or term of study shall not be due for
7 any student eligible to receive such tuition credit until the tuition
8 credit is calculated and applied against the tuition charged for the
9 corresponding semester, quarter or term. Provided, further that the
10 revenue resulting from an increase in the rate of tuition shall be allo-
11 cated to each campus pursuant to a plan approved by the board of trus-
12 tees to support investments in new classroom faculty, instruction,
13 initiatives to improve student success and on-time completion and a
14 tuition credit for each eligible student.

15 (iii) Commencing with the two thousand twenty-one--two thousand twen-
16 ty-two academic year and ending in the two thousand twenty-four--two
17 thousand twenty-five academic year, upon recommendation of the chancel-
18 lor of the city university of New York, the city university of New York
19 board of trustees shall be empowered to approve an increase of the resi-
20 dent undergraduate rate of tuition by not more than two hundred dollars
21 over the resident undergraduate rate of tuition adopted by the board of
22 trustees in the prior academic year; provided, however, that if the
23 annual resident undergraduate rate of tuition would exceed five thousand
24 dollars, then a tuition credit for each eligible student, as determined
25 and calculated by the New York state higher education services corpo-
26 ration pursuant to section six hundred eighty-nine-a of this chapter,
27 shall be applied toward the tuition charged for each semester, quarter
28 or term of study. Tuition for each semester, quarter or term of study

1 shall not be due for any student eligible to receive such tuition credit
2 until the tuition credit is calculated and applied against the tuition
3 charged for the corresponding semester, quarter or term. Provided,
4 further that the revenue resulting from an increase in the rate of
5 tuition shall be allocated to each campus pursuant to a plan approved by
6 the board of trustees to support investments in new classroom faculty,
7 instruction, initiatives to improve student success and on-time
8 completion and a tuition credit for each eligible student.

9 (iv) On or before November thirtieth, two thousand [seventeen] twen-
10 ty-one, the trustees shall approve and submit to the chairs of the
11 assembly ways and means committee and the senate finance committee and
12 to the director of the budget a master tuition plan setting forth the
13 tuition rates that the trustees propose for resident undergraduate
14 students for the four year period commencing with the two thousand
15 [seventeen] twenty-one--two thousand [eighteen] twenty-two academic year
16 and ending in the two thousand [twenty] twenty-four--two thousand [twen-
17 ty-one] twenty-five academic year, and shall submit any proposed amend-
18 ments to such plan by November thirtieth of each subsequent year there-
19 after through November thirtieth, two thousand [twenty] twenty-four.

20 [(iv)] (v) Beginning in state fiscal year two thousand twelve--two
21 thousand thirteen and ending in state fiscal year two thousand fifteen-
22 -two thousand sixteen, the state shall appropriate and make available
23 state support for operating expenses, including fringe benefits, for the
24 city university in an amount not less than the amount appropriated and
25 made available in the prior state fiscal year; provided, however, that
26 if the governor declares a fiscal emergency, and communicates such emer-
27 gency to the temporary president of the senate and speaker of the assem-
28 bly, state support for operating expenses of the state university and

1 city university may be reduced in a manner proportionate to one another,
2 and the aforementioned provisions shall not apply.

3 [(v)] (vi) Beginning in state fiscal year two thousand seventeen--two
4 thousand eighteen and ending in state fiscal year two thousand twenty--
5 two thousand twenty-one, the state shall appropriate and make available
6 general fund operating support, including fringe benefits, for the city
7 university in an amount not less than the amount appropriated and made
8 available in the prior state fiscal year; provided, however, that if the
9 governor declares a fiscal emergency, and communicates such emergency to
10 the temporary president of the senate and speaker of the assembly, state
11 support for operating expenses at the state university and city univer-
12 sity may be reduced in a manner proportionate to one another, and the
13 aforementioned provisions shall not apply; provided further, the state
14 shall appropriate and make available general fund support to fully fund
15 the tuition credit pursuant to subdivision two of section six hundred
16 sixty-nine-h of this chapter.

17 (vii) Beginning in state fiscal year two thousand twenty-one--two
18 thousand twenty-two and ending in state fiscal year two thousand twen-
19 ty-four--two thousand twenty-five, the state shall appropriate and make
20 available general fund operating support, including fringe benefits, for
21 the city university in an amount not less than the amount appropriated
22 and made available in the prior state fiscal year; provided, however,
23 that if the governor declares a fiscal emergency, and communicates such
24 emergency to the temporary president of the senate and speaker of the
25 assembly, state support for operating expenses at the state university
26 and city university may be reduced in a manner proportionate to one
27 another, and the aforementioned provisions shall not apply; provided
28 further, the state shall appropriate and make available general fund

1 support to fully fund the tuition credit pursuant to subdivision two of
2 section six hundred sixty-nine-h of this chapter.

3 § 3. Section 16 of chapter 260 of the laws of 2011, amending the
4 education law and the New York state urban development corporation act
5 relating to establishing components of the NY-SUNY 2020 challenge grant
6 program, as amended by section 5 of part JJJ of chapter 59 of the laws
7 of 2017, is amended to read as follows:

8 § 16. This act shall take effect July 1, 2011; provided that sections
9 one, two, three, four, five, six, eight, nine, ten, eleven, twelve and
10 thirteen of this act shall expire [10] 14 years after such effective
11 date when upon such date the provisions of this act shall be deemed
12 repealed; and provided further that sections fourteen and fifteen of
13 this act shall expire 5 years after such effective date when upon such
14 date the provisions of this act shall be deemed repealed.

15 § 4. This act shall take effect immediately; provided, however, that
16 the amendments to subparagraph 4 of paragraph h of subdivision 2 of
17 section 355 of the education law made by section one of this act and the
18 amendments to paragraph (a) of subdivision 7 of section 6206 of the
19 education law made by section two of this act shall not affect the expi-
20 ration of such paragraph and subparagraph and shall be deemed to expire
21 therewith.

22 PART F

23 Section 1. Notwithstanding any provision of law or regulation to the
24 contrary, for purposes of an award made pursuant to subparts 2 through 4
25 of part 2 of article 14 of the education law in the 2019--2020 or 2020-
26 -2021 academic years, any semester, quarter or term that a recipient of

1 such an award is unable to complete as a result of the COVID-19 pandemic
2 state disaster emergency declared March 7, 2020, as certified by a
3 college or university and approved by the New York state higher educa-
4 tion services corporation, shall not be considered for purposes of
5 determining the maximum duration of such award for that recipient, and
6 provided further that no such recipient shall suffer a reduction in the
7 original award amount granted pursuant to such subparts in such academic
8 years solely due to inability to complete any semester, quarter or term
9 as a result of the COVID-19 pandemic state disaster emergency declared
10 March 7, 2020, as certified by a college or university and approved by
11 the New York state higher education services corporation.

12 § 2. This act shall take effect immediately.

13 PART G

14 Section 1. Subdivision 2 of section 669-h of the education law, as
15 amended by section 1 of part T of chapter 56 of the laws of 2018, is
16 amended to read as follows:

17 2. Amount. Within amounts appropriated therefor and based on avail-
18 ability of funds, awards shall be granted beginning with the two thou-
19 sand seventeen--two thousand eighteen academic year and thereafter to
20 applicants that the corporation has determined are eligible to receive
21 such awards. The corporation shall grant such awards in an amount up to
22 five thousand five hundred dollars or actual tuition, whichever is less;
23 provided, however, (a) a student who receives educational grants and/or
24 scholarships that cover the student's full cost of attendance shall not
25 be eligible for an award under this program; and (b) an award under this
26 program shall be applied to tuition after the application of payments

1 received under the tuition assistance program pursuant to section six
2 hundred sixty-seven of this subpart, tuition credits pursuant to section
3 six hundred eighty-nine-a of this article, federal Pell grant pursuant
4 to section one thousand seventy of title twenty of the United States
5 code, et seq., and any other program that covers the cost of attendance
6 unless exclusively for non-tuition expenses, and the award under this
7 program shall be reduced in the amount equal to such payments, provided
8 that the combined benefits do not exceed five thousand five hundred
9 dollars. Upon notification of an award under this program, the institu-
10 tion shall defer the amount of tuition. Notwithstanding paragraph h of
11 subdivision two of section three hundred fifty-five and paragraph (a) of
12 subdivision seven of section six thousand two hundred six of this chap-
13 ter, and any other law, rule or regulation to the contrary, the under-
14 graduate tuition charged by the institution to recipients of an award
15 shall not exceed the tuition rate established by the institution for the
16 two thousand sixteen--two thousand seventeen academic year provided,
17 however, that in the two thousand [twenty-one] twenty-three--two thou-
18 sand [twenty-two] twenty-four academic year and every [four years] year
19 thereafter, the undergraduate tuition charged by the institution to
20 recipients of an award shall be reset to equal the tuition rate estab-
21 lished by the institution for the forthcoming academic year, provided
22 further that the tuition credit calculated pursuant to section six
23 hundred eighty-nine-a of this article shall be applied toward the
24 tuition rate charged for recipients of an award under this program.
25 Provided further that the state university of New York and the city
26 university of New York shall provide an additional tuition credit to
27 students receiving an award to cover the remaining cost of tuition.

28 § 2. This act shall take effect immediately.

1

PART H

2 Section 1. Subdivision 1 of section 504 of the executive law, as added
3 by chapter 465 of the laws of 1992, is amended to read as follows:

4 1. The [division] office of children and family services shall operate
5 and maintain secure, and limited secure [and non-secure facilities] and
6 may in its sole discretion operate a non-secure facility, for the care,
7 custody, treatment, housing, education, rehabilitation and guidance of
8 youth placed with or committed to the [division] office of children and
9 family services.

10 § 2. Subdivision 5 of section 507-a of the executive law is REPEALED.

11 § 3. (a) Notwithstanding the time period required for notice pursuant
12 to subdivision 15 of section 501 of the executive law, the office of
13 children and family services is authorized to close the Brentwood Resi-
14 dential Center, Red Hook Residential Center, Columbia Girls Secure
15 Center and Goshen Secure Center. At least six months prior to taking any
16 such action, the commissioner of such office shall provide notice of
17 such action to the speaker of the assembly and the temporary president
18 of the senate and shall post such notice upon its public website.

19 (b) The commissioner of the office of children and family services
20 shall be authorized to conduct any and all preparatory actions which may
21 be required to effectuate such closures.

22 § 4. This act shall take effect immediately.

23

PART I

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

4 § 3. This act shall take effect immediately [and shall expire and be
5 deemed repealed April 1, 2021]; provided however that the amendments to
6 subdivision 10 of section 153 of the social services law made by section
7 one of this act, shall not affect the expiration of such subdivision and
8 shall be deemed to expire therewith.

9 § 2. This act shall take effect immediately and shall be deemed to
10 have been in full force and effect on and after April 1, 2021.

11 PART J

12 Section 1. Section 9 of part G of chapter 57 of the laws of 2013,
13 amending the executive law and the social services law relating to
14 consolidating the youth development and delinquency prevention program
15 and the special delinquency prevention program, as amended by section 1
16 of part I of chapter 56 of the laws of 2018, is amended to read as
17 follows:

18 § 9. This act shall take effect January 1, 2014 [and shall expire and
19 be deemed repealed on December 31, 2021].

20 § 2. This act shall take effect immediately.

21 PART K

22 Section 1. Section 4 of part K of chapter 57 of the laws of 2012,
23 amending the education law, relating to authorizing the board of cooper-
24 ative educational services to enter into contracts with the commissioner

1 of children and family services to provide certain services, as amended
2 by section 1 of part J of chapter 56 of the laws of 2018, is amended to
3 read as follows:

4 § 4. This act shall take effect July 1, 2012 [and shall expire June
5 30, 2021 when upon such date the provisions of this act shall be deemed
6 repealed].

7 § 2. This act shall take effect immediately.

8 PART L

9 Section 1. The opening paragraph of paragraph (g) of subdivision 3 of
10 section 358-a of the social services law is designated subparagraph (i)
11 and new subparagraph (ii) is added to read as follows:

12 (ii) When a child whose legal custody was transferred to the commis-
13 sioner of a local social services district in accordance with this
14 section resides in a qualified residential treatment program, as defined
15 in section four hundred nine-h of this chapter, and where such child's
16 initial placement or change in placement in such program commenced on or
17 after September twenty-ninth, two thousand twenty-one, upon receipt of
18 notice required pursuant to subparagraph (i) of this paragraph and
19 motion of the local social services district, the court shall schedule a
20 hearing in accordance with section three hundred ninety-three of this
21 chapter. Notwithstanding any other provision of law to the contrary,
22 such hearing shall occur no later than sixty days from the date the
23 placement of the child in the qualified residential treatment program
24 commenced.

25 § 1-a. Section 371 of the social services law is amended by adding a
26 new subdivision 22 to read as follows:

1 22. "Supervised setting" shall mean a residential placement in the
2 community approved and supervised by an authorized agency or the local
3 social services district in accordance with the regulations of the
4 office of children and family services to provide a transitional experi-
5 ence for older youth in which such youth may live independently. A
6 supervised setting includes, but is not limited to, placement in a
7 supervised independent living program, as defined in subdivision twen-
8 ty-one of this section.

9 § 1-b. Paragraph (c) of subdivision 2 of section 383-a of the social
10 services law, as added by section 5 of part M of chapter 54 of the laws
11 of 2016, is amended to read as follows:

12 (c) "Child care facility" shall mean an institution, group residence,
13 group home, agency operated boarding home, or supervised setting,
14 including a supervised independent living program.

15 § 2. The social services law is amended by adding a new section 393 to
16 read as follows:

17 § 393. Court approval of placement in a qualified residential treat-
18 ment program. 1. The provisions of this section shall apply when a child
19 is placed on or after September twenty-ninth, two thousand twenty-one
20 and resides in a qualified residential treatment program, as defined in
21 section four hundred nine-h of this article, and whose care and custody
22 were transferred to the commissioner of a local social services district
23 in accordance with section three hundred fifty-eight-a of this chapter,
24 or whose custody and guardianship were transferred to the commissioner
25 of a local social services district in accordance with section three
26 hundred eighty-three-c, or three hundred eighty-four-b of this title.

1 2. (a) Within sixty days of the start of a placement of a child refer-
2 enced in subdivision one of this section in a qualified residential
3 treatment program, the court shall:

4 (i) Consider the assessment, determination, and documentation made by
5 the qualified individual pursuant to section four hundred nine-h of this
6 article;

7 (ii) Determine whether the needs of the child can be met through
8 placement in a foster family home and, if not, whether placement of the
9 child in a qualified residential treatment program provides the most
10 effective and appropriate level of care for the child in the least
11 restrictive environment and whether that placement is consistent with
12 the short-term and long-term goals for the child, as specified in the
13 child's permanency plan; and

14 (iii) Approve or disapprove the placement of the child in a qualified
15 residential treatment program. Provided that, notwithstanding any other
16 provision of law to the contrary, where the qualified individual deter-
17 mines that the placement of the child in a qualified residential treat-
18 ment program is not appropriate under the standards set in accordance
19 with section four hundred nine-h of this article, the court may only
20 approve the placement of the child in the qualified residential treat-
21 ment program if:

22 (A) the court finds, and states in the written order that:

23 (1) extenuating circumstances exist that necessitate the continued
24 placement of the child in the qualified residential treatment program
25 despite the finding of the qualified individual;

26 (2) there is not an alternative setting available that can meet the
27 child's needs in a less restrictive environment; and

1 (3) that continued placement in the qualified residential program is
2 in the child's best interest despite the finding by the qualified indi-
3 vidual that the child's placement in such setting is not appropriate;
4 and

5 (B) the court's written order states the specific reasons why the
6 court has made the findings required pursuant to clause (A) of this
7 subparagraph.

8 (iv) If the court approves the placement of the child in a qualified
9 residential treatment program where the qualified individual determines
10 that such placement is not appropriate under the standards set in
11 accordance with section four hundred nine-h of this article, the court
12 shall hold a hearing to review whether the placement in a qualified
13 residential treatment program continues to be in the child's best inter-
14 est within thirty days of such approval.

15 (b) Notwithstanding any other provision of law to the contrary, if the
16 existing governing placement order of the court regarding the child
17 would not permit the local social services district to move the child
18 from the qualified residential treatment program as required by section
19 four hundred nine-h of this article, the court shall issue a new order
20 which shall not preclude such child from being placed in a different
21 setting. If the court issues a new placement order, there is a presump-
22 tion that such order will be for the child to be placed in an available
23 foster family home; however, if in the child's best interest, the court
24 may also issue an order permitting the placement of the child in: (i) an
25 available supervised setting, as such term is defined in section three
26 hundred seventy-one of this title; (ii) if the child has been found to
27 be, or is at risk of becoming, a sexually exploited child as defined in
28 subdivision one of section four hundred forty-seven-a of this article, a

1 setting providing residential care and supportive services for sexually
2 exploited children; (iii) a setting specializing in providing prenatal,
3 post-partum, or parenting supports for youth; or (iv) an available
4 program licensed or certified by the office of children and family
5 services other than a qualified residential treatment program setting
6 deemed not appropriate for the child.

7 3. Documentation of the court's determination pursuant to this section
8 shall be recorded in the child's case record.

9 4. To the extent federally allowable, nothing in this section shall
10 prohibit the court's approval of a placement in a qualified residential
11 treatment program from occurring at the same time as another hearing
12 scheduled for such child, including but not limited to the child's
13 dispositional or permanency hearing, provided such approval is completed
14 within sixty days of the start of such placement.

15 § 2-a. Subparagraph 1 of paragraph (g) of subdivision 6 and subdivi-
16 sion 10 of section 398 of the social services law, subparagraph 1 of
17 paragraph (g) of subdivision 6 as amended by chapter 3 of the laws of
18 2012 and subdivision 10 as amended by chapter 563 of the laws of 1986,
19 are amended to read as follows:

20 (1) Place children in its care and custody or its custody and guardi-
21 anship, in suitable instances, in supervised settings, family homes,
22 agency boarding homes, group homes or institutions under the proper
23 safeguards. Such placements can be made either directly, or through an
24 authorized agency, except that, direct placements in agency boarding
25 homes or group homes may be made by the social services district only if
26 the office of children and family services has authorized the district
27 to operate such homes in accordance with the provisions of section three
28 hundred seventy-four-b of this [chapter] article and only if suitable

1 care is not otherwise available through an authorized agency under the
2 control of persons of the same religious faith as the child. Where such
3 district places a child in [an] a supervised setting, agency boarding
4 home, group home or institution, either directly, or through an author-
5 ized agency, the district shall certify in writing to the office of
6 children and family services, that such placement was made because it
7 offers the most appropriate and least restrictive level of care for the
8 child, and, is more appropriate than a family foster home placement, or,
9 that such placement is necessary because there are no qualified foster
10 families available within the district who can care for the child. If
11 placements in agency boarding homes, group homes or institutions are the
12 result of a lack of foster parents within a particular district, the
13 office of children and family services shall assist such district to
14 recruit and train foster parents. Placements shall be made only in
15 institutions visited, inspected and supervised in accordance with title
16 three of article seven of this chapter and conducted in conformity with
17 the applicable regulations of the supervising state agency in accordance
18 with title three of article seven of this chapter. With the approval of
19 the office of children and family services, a social services district
20 may place a child in its care and custody or its custody and guardian-
21 ship in a federally funded job corps program and may receive reimburse-
22 ment for the approved costs of appropriate program administration and
23 supervision pursuant to a plan developed by the department and approved
24 by the director of the budget.

25 10. Any provision of this chapter or any other law notwithstanding,
26 where a foster child for whom a social services official has been making
27 foster care payments is in a supervised setting, including a foster
28 child in attendance at a college or university away from his or her

1 foster family boarding home, group home, agency boarding home or insti-
2 tution, a social services official may make foster payments, [not to
3 exceed the amount which would have been paid to a foster parent on
4 behalf of said child had the child been cared for in a foster family
5 boarding home] at a rate to be developed by the office of children and
6 family services, to such college or university, provider of room and
7 board, or youth, as appropriate, in lieu of payment to the foster
8 parents or authorized agency, for the purpose of room and board, if not
9 otherwise provided.

10 § 3. The social services law is amended by adding a new section 409-h
11 to read as follows:

12 § 409-h. Assessment of appropriateness of placement in a qualified
13 residential treatment program. 1. Legislative intent. It is the intent
14 of the legislature to promote policies to prevent foster care placements
15 and keep children safely at home with their families and, when that is
16 not possible, to utilize the most effective and appropriate level of
17 care in the least restrictive environment to support the child, as
18 determined through a comprehensive assessment of the child's particular
19 strengths and needs. It is also the intent of the legislature to prior-
20 itize home-based foster care settings whenever possible through iden-
21 tification and engagement of kinship resources and increased recruitment
22 and retention of foster homes for children who do not have appropriate
23 kinship resources.

24 2. (a) No later than thirty days of the start of a placement in a
25 qualified residential treatment program of a child in the care and
26 custody or the custody and guardianship of the commissioner of a local
27 social services district or the office of children and family services
28 that occurs on or after September twenty-ninth, two thousand twenty-one,

1 a qualified individual shall assess the appropriateness of such place-
2 ment utilizing an age-appropriate, evidence-based, validated, functional
3 assessment tool approved by the federal government for such purpose.
4 Such assessment shall be in accordance with 42 United States Code
5 sections 672 and 675a and the state's approved title IV-E state plan and
6 shall include, but not be limited to: (i) an assessment of the strengths
7 and needs of the child; and (ii) a determination of the most effective
8 and appropriate level of care for the child in the least restrictive
9 setting, including whether the needs of the child can be met with family
10 members or through placement in a foster family home, or in a setting
11 specified in paragraph (c) of this subdivision, consistent with the
12 short-term and long-term goals for the child as specified in the child's
13 permanency plan. Such assessment shall be completed in conjunction with
14 the family and permanency team established pursuant to paragraph (b) of
15 this subdivision. To the extent federally allowable, the assessment may
16 occur prior to the placement in the qualified residential treatment
17 program.

18 (b) The family and permanency team shall consist of all appropriate
19 biological family members, relatives, and fictive kin of the child, as
20 well as, as appropriate, professionals who are a resource to the family
21 of the child, including but not limited to, teachers, medical or mental
22 health providers who have treated the child, or clergy. In the case of
23 a child who has attained the age of fourteen, the family and permanency
24 team shall include the members of the permanency planning team for the
25 child in accordance with 42 United States Code section 675 and the
26 state's approved title IV-E state plan.

27 (c) Where the qualified individual determines that the child may not
28 be placed in a foster family home, the qualified individual must specify

1 in writing the reasons why the needs of the child cannot be met by the
2 child's family or in a foster family home and why such a placement is
3 not the most effective and appropriate level of care for such child.
4 Such determination shall include whether the needs of the child can be
5 met through placement in:

6 (i) An available supervised setting, as such term is defined in
7 section three hundred seventy-one of this article;

8 (ii) If the child has been found to be, or is at risk of becoming, a
9 sexually exploited child as defined in subdivision one of section four
10 hundred forty-seven-a of this article, a setting providing residential
11 care and supportive services for sexually exploited children;

12 (iii) A setting specializing in providing prenatal, post-partum or
13 parenting supports for youth; or

14 (iv) A qualified residential treatment program.

15 3. Where the qualified individual determines that the placement of the
16 child in a qualified residential treatment program is not appropriate
17 under the standards set pursuant to subdivision two of this section, the
18 local social services district or the office of children and family
19 services with legal custody of the child, to the extent practicable,
20 shall remove such child from a qualified residential treatment program
21 within thirty days, and if placement of the child is to continue, place
22 said child with family members or in an available foster family home;
23 however, if in the child's best interest, the office of children and
24 family services or social services district may also place the child in
25 a setting specified in paragraph (c) of subdivision two of this section
26 other than a qualified residential treatment program setting deemed not
27 appropriate for the child.

1 4. As used in the section, "qualified residential treatment program"
2 means a program that is a non-foster family residential program in
3 accordance with 42 United State Code section 672 and the state's
4 approved title IV-E state plan.

5 5. As used in this section, "qualified individual" shall mean a
6 trained professional or licensed clinician acting within their scope of
7 practice who shall have current or previous relevant experience in the
8 child welfare field and who does not have a direct role in case manage-
9 ment or case planning decision making authority for the child for whom
10 such assessment is being conducted, in accordance with 42 United States
11 Code section 672 and the state's approved title IV-E state plan.

12 § 4. The family court act is amended by adding a new section 353.7 to
13 read as follows:

14 § 353.7. Placement in qualified residential treatment programs. 1. The
15 provisions of this section shall apply when a respondent is placed on or
16 after September twenty-ninth, two thousand twenty-one and resides in a
17 qualified residential treatment program, as defined in section four
18 hundred nine-h of the social services law, and whose care and custody
19 were transferred to a local social services district or the office of
20 children and family services in accordance with this article.

21 2. (a) When a respondent is in the care and custody of a local social
22 services district or the office of children and family services pursuant
23 to this article, such social services district or office shall report
24 any anticipated placement of the respondent into a qualified residential
25 treatment program as defined in section four hundred nine-h of the
26 social services law to the court and the attorneys for the parties,
27 including the attorney for the respondent, forthwith, but not later than
28 one business day following either the decision to place the respondent

1 in the qualified residential treatment program or the actual date the
2 placement change occurred, whichever is sooner. Such notice shall indi-
3 cate the date that the initial placement or change in placement is
4 anticipated to occur or the date the placement change occurred, as
5 applicable. Provided, however, if such notice lists an anticipated date
6 for the placement change, the local social services district or office
7 shall subsequently notify the court and the attorneys for the parties,
8 including the attorney for the respondent, of the date the placement
9 change occurred, such notice shall occur no later than one business day
10 following the placement change.

11 (b) When a respondent whose legal custody was transferred to a local
12 social services district or the office of children and family services
13 in accordance with this article resides in a qualified residential
14 treatment program as defined in section four hundred nine-h of the
15 social services law, and where such respondent's initial placement or
16 change in placement in such qualified residential treatment program
17 commenced on or after September twenty-ninth, two thousand twenty-one,
18 upon receipt of notice required pursuant to paragraph (a) of this subdi-
19 vision and motion of the local social services district or the office of
20 children and family services with legal custody of the respondent, the
21 court shall schedule a hearing in accordance with subdivision three of
22 this section. Notwithstanding any other provision of law to the contra-
23 ry, such hearing shall occur no later than sixty days from the date the
24 placement of the respondent in the qualified residential treatment
25 program commenced.

26 3. (a) Within sixty days of the start of a placement of a respondent
27 referenced in subdivision one of this section in a qualified residential
28 treatment program, the court shall:

1 (i) Consider the assessment, determination, and documentation made by
2 the qualified individual pursuant to section four hundred nine-h of the
3 social services law;

4 (ii) Determine whether the needs of the respondent can be met through
5 placement in a foster family home and, if not, whether placement of the
6 respondent in a qualified residential treatment program provides the
7 most effective and appropriate level of care for the respondent in the
8 least restrictive environment and whether that placement is consistent
9 with the short-term and long-term goals for the respondent as specified
10 in the respondent's permanency plan; and

11 (iii) Approve or disapprove the placement of the respondent in a qual-
12 ified residential treatment program. Provided that, notwithstanding any
13 other provision of law to the contrary, where a qualified individual
14 determines that the placement of the respondent in a qualified residen-
15 tial treatment program is not appropriate under the standards set in
16 accordance with section four hundred nine-h of the social services law,
17 the court may only approve the placement of the respondent in the quali-
18 fied residential treatment program if:

19 (A) the court finds, and states in the written order that:

20 (1) extenuating circumstances exist that necessitate the continued
21 placement of the respondent in the qualified residential treatment
22 program despite the finding of the qualified individual;

23 (2) there is not an alternative setting available that can meet the
24 respondent's needs in a less restrictive environment; and

25 (3) that continued placement in the qualified residential treatment
26 program serves the respondent's needs and best interests or the need for
27 protection of the community despite the finding by the qualified indi-

1 vidual that the respondent's placement in such setting is not appropri-
2 ate; and

3 (B) the court's written order states the specific reasons why the
4 court has made the findings required pursuant to clause (A) of this
5 subparagraph.

6 (iv) If the court approves the placement of the respondent in a quali-
7 fied residential treatment program where the qualified individual deter-
8 mines that such placement is not appropriate under the standards set in
9 accordance with section four hundred nine-h of the social services law,
10 the court shall hold a hearing to review whether the placement in a
11 qualified residential treatment program continues to be in the respond-
12 ent's best interest within thirty days of such approval.

13 (b) Notwithstanding any other provision of law to the contrary, if the
14 existing governing placement order of the court regarding the respondent
15 would not permit the local social services district or the office to
16 move the respondent from the qualified residential treatment program as
17 required by section four hundred nine-h of the social services law, the
18 court shall issue a new order which shall not preclude such respondent
19 from being placed in a different setting. If the court issues a new
20 placement order, there is a presumption that such order will be for the
21 respondent to be placed in an available foster family home; however, if
22 in the respondent's best interest, the court may also issue an order
23 permitting the placement of the respondent in:

24 (i) An available supervised setting, as such term is defined in
25 section three hundred seventy-one of the social services law;

26 (ii) If the respondent has been found to be, or is at risk of becom-
27 ing, a sexually exploited child as defined in subdivision one of section
28 four hundred forty-seven-a of the social services law, a setting provid-

1 ing residential care and supportive services for sexually exploited
2 children;

3 (iii) A setting specializing in providing prenatal, post-partum, or
4 parenting supports for youth; or

5 (iv) An available program licensed or certified by the office of chil-
6 dren and family services other than a qualified residential treatment
7 program setting deemed not appropriate for the respondent.

8 4. Documentation of the court's determination pursuant to this section
9 shall be recorded in the respondent's case record.

10 5. To the extent federally allowable, nothing in this section shall
11 prohibit the court's approval of a placement in a qualified residential
12 treatment program from occurring at the same time as another hearing
13 scheduled for such respondent, including but not limited to the respond-
14 ent's dispositional or permanency hearing, provided such approval is
15 completed within sixty days of the start of such placement.

16 § 5. Section 355.5 of the family court act is amended by adding a new
17 subdivision 10 to read as follows:

18 10. Where the respondent remains placed in a qualified residential
19 treatment program, as defined in section four hundred nine-h of the
20 social services law, the commissioner of the local social services
21 district or the office of children and family services with legal custo-
22 dy of the respondent shall submit evidence at the permanency hearing
23 with respect to the respondent:

24 (a) demonstrating that ongoing assessment of the strengths and needs
25 of the respondent cannot be met through placement in a foster family
26 home, that the placement in a qualified residential treatment program
27 provides the most effective and appropriate level of care for the
28 respondent in the least restrictive environment, and that the placement

1 is consistent with the short-term and long-term goals for the respond-
2 ent, as specified in the respondent's permanency plan;

3 (b) documenting the specific treatment and service needs that will be
4 met for the respondent in the placement and the length of time the
5 respondent is expected to need the treatment or services; and

6 (c) documenting the efforts made by the local social services district
7 or the office of children and family services with legal custody of the
8 respondent to prepare the respondent to return home, or to be placed
9 with a fit and willing relative, legal guardian or adoptive parent, or
10 in a foster family home.

11 § 6. Section 756-a of the family court act is amended by adding a new
12 subdivision (h) to read as follows:

13 (h) Where the respondent remains placed in a qualified residential
14 treatment program, as defined in section four hundred nine-h of the
15 social services law, the commissioner of the local social services
16 district with legal custody of the respondent shall submit evidence at
17 the permanency hearing with respect to the respondent:

18 (i) demonstrating that ongoing assessment of the strengths and needs
19 of the respondent continues to support the determination that the needs
20 of the respondent cannot be met through placement in a foster family
21 home, that the placement in a qualified residential treatment program
22 provides the most effective and appropriate level of care for the
23 respondent in the least restrictive environment, and that the placement
24 is consistent with the short-term and long-term goals of the respondent,
25 as specified in the respondent's permanency plan;

26 (ii) documenting the specific treatment or service needs that will be
27 met for the respondent in the placement and the length of time the
28 respondent is expected to need the treatment or services; and

1 (iii) documenting the efforts made by the local social services
2 district with legal custody of the respondent to prepare the respondent
3 to return home, or to be placed with a fit and willing relative, legal
4 guardian or adoptive parent, or in a foster family home.

5 § 7. The family court act is amended by adding a new section 756-b to
6 read as follows:

7 § 756-b. Court approval of placement in a qualified residential treat-
8 ment program. 1. The provisions of this section shall apply when a
9 respondent is placed on or after September twenty-ninth, two thousand
10 twenty-one and resides in a qualified residential treatment program, as
11 defined in section four hundred nine-h of the social services law, and
12 whose care and custody were transferred to a local social services
13 district in accordance with this part.

14 2. (a) When a respondent is in the care and custody of a local social
15 services district pursuant to this part, such social services district
16 shall report any anticipated placement of the respondent into a quali-
17 fied residential treatment program, as defined in section four hundred
18 nine-h of the social services law, to the court and the attorneys for
19 the parties, including the attorney for the respondent, forthwith, but
20 not later than one business day following either the decision to place
21 the respondent in the qualified residential treatment program or the
22 actual date the placement change occurred, whichever is sooner. Such
23 notice shall indicate the date that the initial placement or change in
24 placement is anticipated to occur or the date the placement change
25 occurred, as applicable. Provided, however, if such notice lists an
26 anticipated date for the placement change, the local social services
27 district shall subsequently notify the court and the attorneys for the
28 parties, including the attorney for the respondent, of the date the

1 placement change occurred; such notice shall occur no later than one
2 business day following the placement change.

3 (b) When a respondent whose legal custody was transferred to a local
4 social services district in accordance with this part resides in a qual-
5 ified residential treatment program, as defined in section four hundred
6 nine-h of the social services law, and where such respondent's initial
7 placement or change in placement in such qualified residential treatment
8 program commenced on or after September twenty-ninth, two thousand twen-
9 ty-one, upon receipt of notice required pursuant to paragraph (a) of
10 this subdivision and motion of the local social services district, the
11 court shall schedule a hearing in accordance with subdivision three of
12 this section. Notwithstanding any other provision of law to the contra-
13 ry, such hearing shall occur no later than sixty days from the date the
14 placement of the respondent in the qualified residential treatment
15 program commenced.

16 3. (a) Within sixty days of the start of a placement of a respondent
17 referenced in subdivision one of this section in a qualified residential
18 treatment program, the court shall:

19 (i) Consider the assessment, determination and documentation made by
20 the qualified individual pursuant to section four hundred nine-h of the
21 social services law;

22 (ii) Determine whether the needs of the respondent can be met through
23 placement in a foster family home and, if not, whether placement of the
24 respondent in a qualified residential treatment program provides the
25 most effective and appropriate level of care for the respondent in the
26 least restrictive environment and whether that placement is consistent
27 with the short-term and long-term goals for the respondent as specified
28 in the respondent's permanency plan; and

1 (iii) Approve or disapprove the placement of the respondent in a qual-
2 ified residential treatment program. Provided that, notwithstanding any
3 other provision of law to the contrary, where the qualified individual
4 determines that the placement of the respondent in a qualified residen-
5 tial treatment program is not appropriate under the standards set in
6 accordance with section four hundred nine-h of the social services law,
7 the court may only approve the placement of the respondent in the quali-
8 fied residential treatment program if:

9 (A) the court finds, and states in the written order that:

10 (1) extenuating circumstances exist that necessitate the continued
11 placement of the respondent in the qualified residential treatment
12 program despite the finding of the qualified individual;

13 (2) there is not an alternative setting available that can meet the
14 respondent's needs in a less restrictive environment; and

15 (3) that it would be contrary to the welfare of the respondent to be
16 placed in a less restrictive setting and that continued placement in the
17 qualified residential program is in the respondent's best interest
18 despite the finding by the qualified individual that the respondent's
19 placement in such setting is not appropriate; and

20 (B) the court's written order states the specific reasons why the
21 court has made the findings required pursuant to clause (A) of this
22 subparagraph.

23 (iv) If the court approves the placement of the respondent in a quali-
24 fied residential treatment program where the qualified individual deter-
25 mines that such placement is not appropriate under the standards set in
26 accordance with section four hundred nine-h of the social services law,
27 the court shall hold a hearing to review whether the placement in a

1 qualified residential treatment program continues to be in the respond-
2 ent's best interest within thirty days of such approval.

3 (b) Notwithstanding any other provision of law to the contrary, if the
4 existing governing placement order of the court regarding the respondent
5 would not permit the local social services district to move the respond-
6 ent from the qualified residential treatment program as required by
7 section four hundred nine-h of the social services law, the court shall
8 issue a new order which shall not preclude such respondent from being
9 placed in a different setting. If the court issues a new placement
10 order, there is a presumption that such order will be for the respondent
11 to be placed in an available foster family home; however, if in the
12 respondent's best interest, the court may also issue an order permitting
13 the placement of the respondent in:

14 (i) An available supervised setting, as such term is defined in
15 section three hundred seventy-one of the social services law;

16 (ii) If the respondent has been found to be, or is at risk of becom-
17 ing, a sexually exploited child as defined in subdivision one of section
18 four hundred forty-seven-a of the social services law, a setting provid-
19 ing residential care and supportive services for sexually exploited
20 children;

21 (iii) A setting specializing in providing prenatal, post-partum, or
22 parenting supports for youth; or

23 (iv) An available program licensed or certified by the office of chil-
24 dren and family services other than a qualified residential treatment
25 program setting deemed not appropriate for the respondent.

26 4. Documentation of the court's determination pursuant to this section
27 shall be recorded in the respondent's case record.

1 5. To the extent federally allowable, nothing in this section shall
2 prohibit the court's approval of a placement in a qualified residential
3 treatment program from occurring at the same time as another hearing
4 scheduled for such respondent, including but not limited to the respond-
5 ent's dispositional or permanency hearing, provided such approval is
6 completed within sixty days of the start of such placement.

7 § 8. The opening paragraph of subdivision 5 of section 1017 of the
8 family court act is designated paragraph (a) and a new paragraph (b) is
9 added to read as follows:

10 (b) When a child whose legal custody was transferred to the commis-
11 sioner of a local social services district in accordance with this
12 section resides in a qualified residential treatment program, as defined
13 in section four hundred nine-h of the social services law, and where
14 such child's initial placement or change in placement in such program
15 commenced on or after September twenty-ninth, two thousand twenty-one,
16 upon receipt of notice required pursuant to paragraph (a) of this subdivi-
17 vision and motion of the local social services district, the court shall
18 schedule a hearing in accordance with section one thousand fifty-five-c
19 of this article. Notwithstanding any other provision of law to the
20 contrary, such hearing shall occur no later than sixty days from the
21 date the placement of the child in the qualified residential treatment
22 program commenced.

23 § 9. The opening paragraph of subdivision (j) of section 1055 of the
24 family court act is designated paragraph (i) and a new paragraph (ii) is
25 added to read as follows:

26 (ii) When a child whose legal custody was transferred to the commis-
27 sioner of a local social services district in accordance with this
28 section resides in a qualified residential treatment program, as defined

1 in section four hundred nine-h of the social services law, and where
2 such child's initial placement or change in placement in such program
3 commenced on or after September twenty-ninth, two thousand twenty-one,
4 upon receipt of notice required pursuant to paragraph (i) of this subdi-
5 vision and motion of the local social services district, the court shall
6 schedule a hearing in accordance with section one thousand fifty-five-c
7 of this part. Notwithstanding any other provision of law to the contra-
8 ry, such hearing shall occur no later than sixty days from the date the
9 placement of the child in the qualified residential treatment program
10 commenced.

11 § 10. The family court act is amended by adding a new section 1055-c
12 to read as follows:

13 § 1055-c. Court approval of placement in a qualified residential
14 treatment program. 1. The provisions of this section shall apply when a
15 child is placed on or after September twenty-ninth, two thousand twen-
16 ty-one and resides in a qualified residential treatment program, as
17 defined in section four hundred nine-h of the social services law, and
18 whose care and custody were transferred to the commissioner of a local
19 social services district in accordance with this article.

20 2. Within sixty days of the start of a placement of a child referenced
21 in subdivision one of this section in a qualified residential treatment
22 program, the court shall:

23 (a) Consider the assessment, determination, and documentation made by
24 the qualified individual pursuant to section four hundred nine-h of the
25 social services law;

26 (b) Determine whether the needs of the child can be met through place-
27 ment in a foster family home and, if not, whether placement of the child
28 in a qualified residential treatment program provides the most effective

1 and appropriate level of care for the child in the least restrictive
2 environment and whether that placement is consistent with the short-term
3 and long-term goals for the child, as specified in the child's permanen-
4 cy plan; and

5 (c) Approve or disapprove the placement of the child in a qualified
6 residential treatment program. Provided that, notwithstanding any other
7 provision of law to the contrary, where the qualified individual deter-
8 mines that the placement of the child in a qualified residential treat-
9 ment program is not appropriate under the standards set in accordance
10 with section four hundred nine-h of the social service law, the court
11 may only approve the placement of the child in the qualified residential
12 treatment program if:

13 (i) the court finds, and states in the written order that:

14 (A) extenuating circumstances exist that necessitate the continued
15 placement of the child in the qualified residential treatment program
16 despite the finding of the qualified individual;

17 (B) there is not an alternative setting available that can meet the
18 child's needs in a less restrictive environment; and

19 (C) that continued placement in the qualified residential treatment
20 program is in the child's best interest despite the finding by the qual-
21 ified individual that the child's placement in such setting is not
22 appropriate; and

23 (ii) the court's written order states the specific reasons why the
24 court has made the findings required pursuant to subparagraph (i) of
25 this paragraph.

26 (d) If the court approves the placement of the child in a qualified
27 residential treatment program where the qualified individual determines
28 that such placement is not appropriate under the standards set in

1 accordance with section four hundred nine-h of the social services law,
2 the court shall hold a hearing to review whether the placement in a
3 qualified residential treatment program continues to be in the child's
4 best interest within thirty days of such approval.

5 3. Notwithstanding any other provision of law to the contrary, if the
6 existing governing placement order of the court regarding the child
7 would not permit the local social services district to move the child
8 from the qualified residential treatment program as required by section
9 four hundred nine-h of the social services law, the court shall issue a
10 new order which shall not preclude such child from being placed in a
11 different setting. If the court issues a new placement order, there is
12 a presumption that such order will be for the child to be placed in an
13 available foster family home; however, if in the child's best interest,
14 the court may also issue an order permitting the placement of the child
15 in:

16 (i) An available supervised setting, as such term is defined in
17 section three hundred seventy-one of the social services law;

18 (ii) If the child has been found to be, or is at risk of becoming, a
19 sexually exploited child as defined in subdivision one of section four
20 hundred forty-seven-a of the social services law, a setting providing
21 residential care and supportive services for sexually exploited chil-
22 dren;

23 (iii) A setting specializing in providing prenatal, post-partum, or
24 parenting supports for youth; or

25 (iv) An available program licensed or certified by the office of chil-
26 dren and family services other than a qualified residential treatment
27 program setting deemed not appropriate for the child.

1 4. Documentation of the court's determination pursuant to this section
2 shall be recorded in the child's case record.

3 5. To the extent federally allowable, nothing in this section shall
4 prohibit the court's approval of a placement in a qualified residential
5 treatment program from occurring at the same time as another hearing
6 scheduled for such child, including but not limited to the child's
7 dispositional or permanency hearing, provided such approval is completed
8 within sixty days of the start of such placement.

9 § 11. Clause (C) of subparagraph (ix) of paragraph 5 of subdivision
10 (c) of section 1089 of the family court act, as added by section 27 of
11 part A of chapter 3 of the laws of 2005, is amended, and a new paragraph
12 6 is added to read as follows:

13 (C) if the child is over age fourteen and has voluntarily withheld his
14 or her consent to an adoption, the facts and circumstances regarding the
15 child's decision to withhold consent and the reasons therefor[.]; and

16 (6) Where the child remains placed in a qualified residential treat-
17 ment program, as defined in section four hundred nine-h of the social
18 services law, the commissioner of the social services district with
19 legal custody of the child shall submit evidence at the permanency hear-
20 ing with respect to the child:

21 (i) demonstrating that ongoing assessment of the strengths and needs
22 of the child continues to support the determination that the needs of
23 the child cannot be met through placement in a foster family home, that
24 the placement in a qualified residential treatment program provides the
25 most effective and appropriate level of care for the child in the least
26 restrictive environment, and that the placement is consistent with the
27 short-term and long-term goals for the child, as specified in the
28 child's permanency plan;

1 (ii) documenting the specific treatment or service needs that will be
2 met for the child in the placement and the length of time the child is
3 expected to need the treatment or services; and

4 (iii) documenting the efforts made by the local social services
5 district to prepare the child to return home, or to be placed with a fit
6 and willing relative, legal guardian or adoptive parent, or in a foster
7 family home.

8 § 12. The opening paragraph of clause (H) of subparagraph (vii) of
9 paragraph 2 of subdivision (d) of section 1089 of the family court act
10 is designated item (I) and a new item (II) is added to read as follows:

11 (II) When a child whose legal custody was transferred to the commis-
12 sioner of a local social services district in accordance with this
13 section resides in a qualified residential treatment program as defined
14 in section four hundred nine-h of the social services law and where such
15 child's initial placement or change in placement in such program
16 commenced on or after September twenty-ninth, two thousand twenty-one,
17 upon receipt of notice required pursuant to item (I) of this clause and
18 motion of the local social services district, the court shall schedule a
19 hearing in accordance with section three hundred ninety-three of the
20 social services law or section one thousand fifty-five-c, one thousand
21 ninety-one-a or one thousand ninety-seven of this chapter. Notwithstand-
22 ing any other provision of law to the contrary, such hearing shall occur
23 no later than sixty days from the date the placement of the child in the
24 qualified residential treatment program commenced.

25 § 13. The family court act is amended by adding a new section 1091-a
26 to read as follows:

27 § 1091-a. Court approval of placement in a qualified residential
28 treatment program. 1. The provisions of this section shall apply when a

1 former foster care youth is placed on or after September twenty-ninth,
2 two thousand twenty-one, and resides in a qualified residential treat-
3 ment program, as defined in section four hundred nine-h of the social
4 services law, and whose care and custody were transferred to a local
5 social services district or the office of children and family services
6 in accordance with this article.

7 2. (a) When a former foster care youth is in the care and custody of a
8 local social services district or the office of children and family
9 services pursuant to this article, such social services district or
10 office shall report any anticipated placement of the former foster care
11 youth into a qualified residential treatment program, as defined in
12 section four hundred nine-h of the social services law, to the court and
13 the attorneys for the parties, including the attorney for the former
14 foster care youth, forthwith, but not later than one business day
15 following either the decision to place the former foster care youth in
16 the qualified residential treatment program or the actual date the
17 placement change occurred, whichever is sooner. Such notice shall indi-
18 cate the date that the initial placement or change in placement is
19 anticipated to occur or the date the placement change occurred, as
20 applicable. Provided, however, if such notice lists an anticipated date
21 for the placement change, the local social services district or office
22 shall subsequently notify the court and attorneys for the parties,
23 including the attorney for the former foster care youth, of the date the
24 placement change occurred; such notice shall occur no later than one
25 business day following the placement change.

26 (b) When a former foster care youth whose legal custody was trans-
27 ferred to a local social services district or the office of children and
28 family services in accordance with this article resides in a qualified

1 residential treatment program, as defined in section four hundred nine-h
2 of the social services law, and where such former foster care youth's
3 initial placement or change in placement in such qualified residential
4 treatment program commenced on or after September twenty-ninth, two
5 thousand twenty-one, upon receipt of notice required pursuant to para-
6 graph (a) of this subdivision and motion of the local social services
7 district, the court shall schedule a hearing in accordance with subdivi-
8 sion three of this section. Notwithstanding any other provision of law
9 to the contrary, such hearing shall occur no later than sixty days from
10 the date the placement of the former foster care youth in the qualified
11 residential treatment program commenced.

12 3. Within sixty days of the start of a placement of a former foster
13 care youth referenced in subdivision one of this section in a qualified
14 residential treatment program, the court shall:

15 (a) Consider the assessment, determination, and documentation made by
16 the qualified individual pursuant to section four hundred nine-h of the
17 social services law;

18 (b) Determine whether the needs of the former foster care youth can be
19 met through placement in a foster family home and, if not, whether
20 placement of the former foster care youth in a qualified residential
21 treatment program provides the most effective and appropriate level of
22 care for the former foster care youth in the least restrictive environ-
23 ment and whether that placement is consistent with the short-term and
24 long-term goals for the former foster care youth, as specified in the
25 former foster care youth's permanency plan; and

26 (c) Approve or disapprove the placement of the former foster care
27 youth in qualified residential treatment program. Provided that,
28 notwithstanding any other provision of law to the contrary, where the

1 qualified individual determines that the placement of the former foster
2 care youth in a qualified residential treatment program is not appropri-
3 ate under the standards set in accordance with section four hundred
4 nine-h of the social services law, the court may only approve the place-
5 ment of the former foster care youth in the qualified residential treat-
6 ment program if:

7 (i) the court finds, and states in the written order that:

8 (A) extenuating circumstances exist that necessitate the continued
9 placement of the former foster care youth in the qualified residential
10 treatment program despite the finding of the qualified individual;

11 (B) there is not an alternative setting available that can meet the
12 former foster care youth's needs in a less restrictive environment; and

13 (C) that continued placement in the qualified residential treatment
14 program is in the former foster care youth's best interest despite the
15 finding by the qualified individual that the former foster care youth's
16 placement in such setting is not appropriate; and

17 (ii) the court's written order states the specific reasons why the
18 court has made the findings required pursuant to subparagraph (i) of
19 this paragraph.

20 (d) If the court approves the placement of the former foster care
21 youth in a qualified residential treatment program where the qualified
22 individual determines that such placement is not appropriate under the
23 standards set in accordance with section four hundred nine-h of the
24 social services law, the court shall hold a hearing to review whether
25 the placement in a qualified residential treatment program continues to
26 be in the former foster care youth's best interest within thirty days of
27 such approval.

1 4. Notwithstanding any other provision of law to the contrary, if the
2 existing governing placement order of the court regarding the former
3 foster care youth would not permit the local social services district or
4 the office to move the former foster care youth from the qualified resi-
5 dential treatment program as required by section four hundred nine-h of
6 the social services law, the court shall issue a new order which shall
7 not preclude such former foster care youth from being placed in a
8 different setting. If the court issues a new placement order, there is
9 a presumption that such order will be for the former foster care youth
10 to be placed in an available foster family home; however, if in the
11 former foster care youth's best interest, the court may also issue an
12 order permitting the placement of the former foster care youth in:

13 (a) An available supervised setting, as such term is defined in
14 section three hundred seventy-one of the social services law;

15 (b) If the former foster care youth has been found to be, or is at
16 risk of becoming, a sexually exploited child as defined in subdivision
17 one of section four hundred forty-seven-a of the social services law, a
18 setting providing residential care and supportive services for sexually
19 exploited children;

20 (c) A setting specializing in providing prenatal, post-partum, or
21 parenting supports for youth; or

22 (d) An available program licensed or certified by the office of chil-
23 dren and family services other than a qualified residential treatment
24 program setting deemed not appropriate for the former foster care youth.

25 5. Documentation of the court's determination pursuant to this section
26 shall be recorded in the former foster care youth's case record.

27 6. To the extent federally allowable, nothing in this section shall
28 prohibit the court's approval of a placement in a qualified residential

1 treatment program from occurring at the same time as another hearing
2 scheduled for such former foster care youth, including but not limited
3 to the former foster care youth's dispositional or permanency hearing,
4 provided such approval is completed within sixty days of the start of
5 such placement.

6 § 14. The family court act is amended by adding a new section 1097 to
7 read as follows:

8 § 1097. Court approval of placement in a qualified residential treat-
9 ment program. 1. The provisions of this section shall apply when a child
10 is placed on or after September twenty-ninth, two thousand twenty-one,
11 and resides in a qualified residential treatment program, as defined in
12 section four hundred nine-h of the social services law, and whose care
13 and custody were transferred to a local social services district in
14 accordance with this article.

15 2. (a) When a child is in the care and custody of a local social
16 services district pursuant to this article, such social services
17 district shall report any anticipated placement of the child into a
18 qualified residential treatment program, as defined in section four
19 hundred nine-h of the social services law, to the court and the attor-
20 neys for the parties, including the attorney for the child, forthwith,
21 but not later than one business day following either the decision to
22 place the child in the qualified residential treatment program or the
23 actual date the placement change occurred, whichever is sooner. Such
24 notice shall indicate the date that the initial placement or change in
25 placement is anticipated to occur or the date the placement change
26 occurred, as applicable. Provided, however, if such notice lists an
27 anticipated date for the placement change, the local social services
28 district shall subsequently notify the court and attorneys for the

1 parties, including the attorney for the child, of the date the placement
2 change occurred, such notice shall occur no later than one business day
3 following the placement change.

4 (b) When a child whose legal custody was transferred to a local social
5 services district in accordance with this article resides in a qualified
6 residential treatment program, as defined in section four hundred nine-h
7 of the social services law, and where such child's initial placement or
8 change in placement in such qualified residential treatment program
9 commenced on or after September twenty-ninth, two thousand twenty-one,
10 upon receipt of notice required pursuant to paragraph (a) of this subdi-
11 vision and motion of the local social services district, the court shall
12 schedule a hearing in accordance with subdivision three of this section.
13 Notwithstanding any other provision of law to the contrary, such hearing
14 shall occur no later than sixty days from the date the placement of the
15 child in the qualified residential treatment program commenced.

16 3. Within sixty days of the start of a placement of a child referenced
17 in subdivision one of this section in a qualified residential treatment
18 program, the court shall:

19 (a) Consider the assessment, determination, and documentation made by
20 the qualified individual pursuant to section four hundred nine-h of the
21 social services law;

22 (b) Determine whether the needs of the child can be met through place-
23 ment in a foster family home and, if not, whether placement of the child
24 in a qualified residential treatment program provides the most effective
25 and appropriate level of care for the child in the least restrictive
26 environment and whether that placement is consistent with the short-term
27 and long-term goals for the child, as specified in the child's permanen-
28 cy plan; and

1 (c) Approve or disapprove the placement of the child in the qualified
2 residential treatment program. Provided that, notwithstanding any other
3 provision of law to the contrary, where the qualified individual deter-
4 mines that the placement of the child in a qualified residential treat-
5 ment program is not appropriate under the standards set in accordance
6 with section four hundred nine-h of the social services law, the court
7 may only approve the placement of the child in the qualified residential
8 treatment program if:

9 (i) the court finds, and states in the written order that:

10 (A) extenuating circumstances exist that necessitate the continued
11 placement of the child in the qualified residential treatment program
12 despite the finding of the qualified individual;

13 (B) there is not an alternative setting available that can meet the
14 child's needs in a less restrictive environment; and

15 (C) that continued placement in the qualified residential treatment
16 program is in the child's best interest despite the finding by the qual-
17 ified individual that the child's placement in such setting is not
18 appropriate; and

19 (ii) the court's written order states the specific reasons why the
20 court has made the findings required pursuant to subparagraph (i) of
21 this paragraph.

22 (d) If the court approves the placement of the child in a qualified
23 residential treatment program where the qualified individual determines
24 that such placement is not appropriate under the standards set in
25 accordance with section four hundred nine-h of the social services law,
26 the court shall hold a hearing to review whether the placement in a
27 qualified residential treatment program continues to be in the child's
28 best interest within thirty days of such approval.

1 4. Notwithstanding any other provision of law to the contrary, if the
2 existing governing placement order of the court regarding the child
3 would not permit the local social services district to move the child
4 from the qualified residential treatment program as required by section
5 four hundred nine-h of the social services law, the court shall issue a
6 new order which shall not preclude such child from being placed in a
7 different setting. If the court issues a new placement order, there is
8 a presumption that such order will be for the child to be placed in an
9 available foster family home; however, if in the child's best interest,
10 the court may also issue an order permitting the placement of the child
11 in:

12 (a) An available supervised setting, as such term is defined in
13 section three hundred seventy-one of the social services law;

14 (b) If the child has been found to be, or is at risk of becoming, a
15 sexually exploited child as defined in subdivision one of section four
16 hundred forty-seven-a of the social services law, a setting providing
17 residential care and supportive services for sexually exploited chil-
18 dren;

19 (c) A setting specializing in providing prenatal, post-partum, or
20 parenting supports for youth; or

21 (d) An available program licensed or certified by the office of chil-
22 dren and family services other than a qualified residential treatment
23 program setting deemed not appropriate for the child.

24 5. Documentation of the court's determination pursuant to this section
25 shall be recorded in the child's case record.

26 6. To the extent federally allowable, nothing in this section shall
27 prohibit the court's approval of a placement in a qualified residential
28 treatment program from occurring at the same time as another hearing

1 scheduled for such child, including but not limited to the child's
2 dispositional or permanency hearing, provided such approval is completed
3 within sixty days of the start of such placement.

4 § 15. The office of court administration and the office of children
5 and family services shall work collaboratively to analyze data regarding
6 the placement of children pursuant to proceedings held under section 393
7 of the social services law or sections 353.7, 756-b, 1055-c, 1091-a, and
8 1097 of the family court act in order to identify trends and address any
9 disparities between placement orders issued by the courts and the legis-
10 lative intent outlined in subdivision one of section 409-h of the social
11 services law. Such analysis shall include, but not be limited to, a
12 review of the number of times a judge approves the continuation of
13 placement in a qualified residential treatment program where the quali-
14 fied individual determines that the placement of the child in such qual-
15 ified residential treatment program is not appropriate in accordance
16 with section 409-h of the social services law and the specified reasons
17 for the determinations as required by: clause (B) of subparagraph (iii)
18 of paragraph (a) of subdivision 2 of section 393 of the social services
19 law; or the following provisions of the family court act: clause (B) of
20 subparagraph (iii) of paragraph (a) of subdivision 3 of section 353.7;
21 clause (B) of subparagraph (iii) of paragraph (a) of subdivision 3 of
22 section 756-b; subparagraph (ii) of paragraph (c) of subdivision two of
23 section 1055-c; subparagraph (ii) of paragraph (c) of subdivision 3 of
24 section 1091-a; and subparagraph (ii) of paragraph (c) of subdivision 3
25 of section 1097.

26 § 16. Severability. If any clause, sentence, paragraph, section or
27 part of this act shall be adjudged by any court of competent jurisdic-
28 tion to be invalid and after exhaustion of all further judicial review,

1 the judgment shall not affect, impair or invalidate the remainder there-
2 of, but shall be confined in its operation to the clause, sentence,
3 paragraph, section or part of this act directly involved in the contro-
4 versy in which the judgment shall have been rendered.

5 § 17. This act shall take effect September 29, 2021; provided, howev-
6 er, that:

7 (a) (i) notwithstanding any other provision of law, provisions in this
8 act shall not take effect unless and until the state title IV-E agency
9 submits to the United States Department of Health and Human Services,
10 Administration for Children, Youth and Families, an amendment to the
11 title IV-E state plan and the United States Department of Health and
12 Human Services, Administration for Children, Youth and Families approves
13 said title IV-E state plan amendment regarding when a child is placed in
14 a qualified residential treatment program in relation to the following
15 components: (1) the qualified individual and the establishment of the
16 assessment by the qualified individual to be completed prior to or with-
17 in 30-days of the child's placement as established by section three of
18 this act; (2) the 60 day court reviews, including the ability to conduct
19 at the same time as another hearing scheduled for the child, as estab-
20 lished by sections one, two, four, seven, eight, nine, ten, twelve,
21 thirteen and fourteen of this act; and (3) permanency hearing require-
22 ments as established by sections five, six and eleven of this act;

23 (ii) provided however, that if the United States Department of Health
24 and Human Services, Administration for Children, Youth and Families
25 fails to approve or disapproves any of the components listed in para-
26 graph (i) of this subdivision, such action shall not impact the effec-
27 tive date for the remaining components listed therein;

1 (b) the office of children and family services shall inform the legis-
2 lative bill drafting commission upon the occurrence of the submission
3 set forth in subdivision (a) of this section and any approval related
4 thereto in order that the commission may maintain an effective and time-
5 ly database of the official texts of the state of laws of New York in
6 furtherance of effectuating the provisions of section 44 of the legisla-
7 tive law and section 70-b of the public officers law;

8 (c) for the purposes of this act, the term "placement" shall refer
9 only to placements made on or after the effective date of the Title IV-E
10 state plan to establish the 30-day assessment, 60-day court review and
11 permanency hearing requirements set forth in this act that occur on or
12 after its effective date; and

13 (d) the office of children and family services and the office of court
14 administration are hereby authorized to promulgate such rules and regu-
15 lations on an emergency basis as may be necessary to implement the
16 provisions of this act on or before such effective date.

17 PART M

18 Section 1. Subdivision 1 of section 427-a of the social services law,
19 as amended by chapter 45 of the laws of 2011, is amended to read as
20 follows:

21 1. [Any] Each social services district [may] shall, upon the authori-
22 zation of the office of children and family services, establish a
23 program that implements differential responses to reports of child abuse
24 and maltreatment. Such programs shall create a family assessment and
25 services track as an alternative means of addressing certain matters
26 otherwise investigated as allegations of child abuse or maltreatment

1 pursuant to this title. Notwithstanding any other provision of law to
2 the contrary, the provisions of this section shall apply only to those
3 cases involving allegations of [abuse or] maltreatment in family
4 settings expressly included in the family assessment and services track
5 of the authorized differential response program[, and only in those
6 social services districts authorized by the office of children and fami-
7 ly services to implement a differential response program]. Such cases
8 shall not be subject to the requirements otherwise applicable to cases
9 reported to the statewide central register of child abuse and maltreat-
10 ment pursuant to this title, except as set forth in this section.

11 § 2. The opening paragraph and paragraph (a) of subdivision 2 of
12 section 427-a of the social services law, as added by chapter 452 of the
13 laws of 2007, are amended to read as follows:

14 [Any] Each social services district [interested in implementing a
15 differential response program] shall [apply] submit a plan to the office
16 of children and family services on or before January first, two thousand
17 twenty-three for [permission to participate] authorization to operate a
18 program pursuant to subdivision one of this section prior to January
19 first, two thousand twenty-four. The criteria for [a social services
20 district to participate] authorization will be determined by the office
21 of children and family services after consultation with the office for
22 the prevention of domestic violence[,,]; however the social services
23 district's [application must include a] plan [setting] shall set forth
24 the following:

25 (a) in conjunction with any additional requirements imposed by the
26 office of children and family services and the provisions of this subdivi-
27 sion, the factors to be considered by the social services district in
28 determining which cases will be addressed through the family assessment

1 and services track and the size of the population to be the subject of
2 the differential response program and the protocols that will be in
3 place to remove implicit bias from the decision-making process in deter-
4 mining which cases will be subject to the differential response;

5 § 3. The opening paragraph of subdivision 3 of section 427-a of the
6 social services law, as added by chapter 452 of the laws of 2007, is
7 amended to read as follows:

8 The criteria for determining which cases may be placed in the assess-
9 ment track shall be determined by the local department of social
10 services, in conjunction with and in accordance with requirements set
11 forth by the office of children and family services and after consulta-
12 tion with the office for the prevention of domestic violence. Provided,
13 however, that such criteria shall include protocols to remove implicit
14 bias in the decision-making process. Provided further, however, that
15 reports including any of the following allegations shall not be included
16 in the assessment track of a differential response program:

17 § 4. Subdivision 7 of section 427-a of the social services law, as
18 added by chapter 452 of the laws of 2007, is amended to read as follows:

19 7. The office of children and family services shall post [the] each
20 plan [contained in any application approved] for implementation of a
21 differential response program on the office of children and family
22 services website within sixty days of such approval.

23 § 5. This act shall take effect on the one hundred eightieth day
24 after it shall have become a law. Effective immediately, the office of
25 children and family services is authorized to adopt regulations neces-
26 sary for the implementation of this act on or before its effective date.

1 Section 1. Subdivision 2 of section 212 of the judiciary law is
2 amended by adding a new paragraph (bb) to read as follows:

3 (bb) To the extent practicable, establish such number of veterans
4 treatment courts as may be necessary to fulfill the purposes of subdivi-
5 sion four of section 170.15 and subdivision three of section 180.20 of
6 the criminal procedure law.

7 § 2. Subdivision 5 of section 170.15 of the criminal procedure law, as
8 added by chapter 191 of the laws of 2018, is amended to read as follows:

9 5. (a) Notwithstanding any provision of this section to the contrary,
10 in any county outside a city having a population of one million or more,
11 upon or after arraignment of a defendant on an information, a simplified
12 information, a prosecutor's information or a misdemeanor complaint pend-
13 ing in a local criminal court, such court may, upon defendant's motion
14 [of the defendant and after giving the district attorney an opportunity
15 to be heard, order that the action be removed from the court in which
16 the matter is pending to another local criminal court in the same coun-
17 ty, or with consent of the district attorney to another court in an
18 adjoining county, that has been designated as a human trafficking court
19 by the chief administrator of the courts, and such human trafficking
20 court] to remove the action to a court in an adjoining county that has
21 been designated as a human trafficking court or veterans treatment court
22 by the chief administrator of the courts, and after giving the district
23 attorney an opportunity to be heard and with the consent of the district
24 attorney of the adjoining county, order that the action be removed from
25 the court in which the matter is pending to such human trafficking court
26 or veterans treatment court, whereupon such court may then conduct such
27 action to [judgement] judgment or other final deposition; provided,
28 however, that matters where the accused and the person alleged to be the

1 victim of an offense charged are members of the same family or household
2 as defined in subdivision one of section 530.11 of this chapter shall
3 not be removed to a veterans treatment court; and provided further that
4 an order of removal issued under this subdivision shall not take effect
5 until five days after the date the order is issued unless, prior to such
6 effective date, the human trafficking court or veterans treatment court
7 notifies the court that issued the order that:

8 i. it will not accept the action, in which event the order shall not
9 take effect; or

10 ii. it will accept the action on a date prior to such effective date,
11 in which event the order shall take effect upon such prior date.

12 (b) Upon providing notification pursuant to subparagraph i or ii of
13 paragraph (a) of this subdivision, the human trafficking court or veter-
14 ans treatment court shall promptly give notice to the defendant, his or
15 her counsel, and the district attorney.

16 § 3. Subdivision 4 of section 180.20 of the criminal procedure law, as
17 added by chapter 191 of the laws of 2018, is amended to read as follows:

18 4. (a) Notwithstanding any provision of this section to the contrary,
19 in any county outside a city having a population of one million or more,
20 upon or after arraignment of a defendant on a felony complaint pending
21 in a local criminal court having preliminary jurisdiction thereof, such
22 court may, upon motion of the defendant and after giving the district
23 attorney an opportunity to be heard, order that the action be removed
24 from the court in which the matter is pending to another local criminal
25 court in the same county, or with consent of the district attorney [to
26 another court in] of an adjoining county, to a court in such adjoining
27 county that has been designated as a human trafficking court or veterans
28 treatment court by the chief administrator of the courts, and such human

1 trafficking court or veterans treatment court may then conduct such
2 action to judgment or other final disposition; provided, however, that
3 matters where the accused and the person alleged to be the victim of an
4 offense charged are members of the same family or household as defined
5 in subdivision one of section 530.11 of this chapter shall not be
6 removed to a veterans treatment court; and provided further an order of
7 removal issued under this subdivision shall not take effect until five
8 days after the date the order is issued unless, prior to such effective
9 date, the human trafficking court or veterans treatment court notifies
10 the court that issued the order that:

11 i. it will not accept the action, in which event the order shall not
12 take effect; or

13 ii. it will accept the action on a date prior to such effective date,
14 in which event the order shall take effect upon such prior date.

15 (b) Upon providing notification pursuant to subparagraph i or ii of
16 paragraph (a) of this subdivision, the human trafficking court or veter-
17 ans treatment court shall promptly give notice to the defendant, his or
18 her counsel and the district attorney.

19 § 4. The criminal procedure law is amended by adding a new section
20 230.21 to read as follows:

21 § 230.21 Removal of action to an adjoining county.

22 1. In any county outside a city having a population of one million or
23 more, the court may, upon motion of the defendant and after giving the
24 district attorney an opportunity to be heard, and with consent of the
25 district attorney of an adjoining county that has a superior court
26 designated a human trafficking court or veterans treatment court by the
27 chief administrator of the courts, order that the indictment and action
28 be removed from the court in which the matter is pending to such human

1 trafficking court or veterans treatment court, whereupon such court may
2 then conduct such action to judgment or other final disposition;
3 provided, however, that matters where the accused and the person alleged
4 to be the victim of an offense charged are members of the same family or
5 household as defined in subdivision one of section 530.11 of this chap-
6 ter shall not be removed to a veterans treatment court; and provided
7 further that an order of removal issued under this subdivision shall not
8 take effect until five days after the date the order is issued unless,
9 prior to such effective date, the human trafficking court or veterans
10 treatment court notifies the court that issued the order that:

11 (a) it will not accept the action, in which event the order shall not
12 take effect, or

13 (b) it will accept the action on a date prior to such effective date,
14 in which event the order shall take effect upon such prior date.

15 2. Upon providing notification pursuant to paragraph (a) or (b) of
16 subdivision one of this section, the human trafficking court or veterans
17 treatment court shall promptly give notice to the defendant, his or her
18 counsel and the district attorney of both counties.

19 § 5. This act shall take effect immediately.

20 PART O

21 Section 1. Notwithstanding any other provision of law, the housing
22 trust fund corporation may provide, for purposes of the neighborhood
23 preservation program, a sum not to exceed \$12,830,000 for the fiscal
24 year ending March 31, 2022. Notwithstanding any other provision of law,
25 and subject to the approval of the New York state director of the budg-
26 et, the board of directors of the state of New York mortgage agency

1 shall authorize the transfer to the housing trust fund corporation, for
2 the purposes of reimbursing any costs associated with neighborhood pres-
3 ervation program contracts authorized by this section, a total sum not
4 to exceed \$12,830,000, such transfer to be made from (i) the special
5 account of the mortgage insurance fund created pursuant to section
6 2429-b of the public authorities law, in an amount not to exceed the
7 actual excess balance in the special account of the mortgage insurance
8 fund, as determined and certified by the state of New York mortgage
9 agency for the fiscal year 2020-2021 in accordance with section 2429-b
10 of the public authorities law, if any, and/or (ii) provided that the
11 reserves in the project pool insurance account of the mortgage insurance
12 fund created pursuant to section 2429-b of the public authorities law
13 are sufficient to attain and maintain the credit rating (as determined
14 by the state of New York mortgage agency) required to accomplish the
15 purposes of such account, the project pool insurance account of the
16 mortgage insurance fund, such transfer to be made as soon as practicable
17 but no later than June 30, 2021.

18 § 2. Notwithstanding any other provision of law, the housing trust
19 fund corporation may provide, for purposes of the rural preservation
20 program, a sum not to exceed \$5,360,000 for the fiscal year ending March
21 31, 2022. Notwithstanding any other provision of law, and subject to
22 the approval of the New York state director of the budget, the board of
23 directors of the state of New York mortgage agency shall authorize the
24 transfer to the housing trust fund corporation, for the purposes of
25 reimbursing any costs associated with rural preservation program
26 contracts authorized by this section, a total sum not to exceed
27 \$5,360,000, such transfer to be made from (i) the special account of the
28 mortgage insurance fund created pursuant to section 2429-b of the public

1 authorities law, in an amount not to exceed the actual excess balance in
2 the special account of the mortgage insurance fund, as determined and
3 certified by the state of New York mortgage agency for the fiscal year
4 2020-2021 in accordance with section 2429-b of the public authorities
5 law, if any, and/or (ii) provided that the reserves in the project pool
6 insurance account of the mortgage insurance fund created pursuant to
7 section 2429-b of the public authorities law are sufficient to attain
8 and maintain the credit rating (as determined by the state of New York
9 mortgage agency) required to accomplish the purposes of such account,
10 the project pool insurance account of the mortgage insurance fund, such
11 transfer to be made as soon as practicable but no later than June 30,
12 2021.

13 § 3. Notwithstanding any other provision of law, the homeless housing
14 and assistance corporation may provide, for services and expenses
15 related to homeless housing and preventative services programs including
16 but not limited to the New York state supportive housing program, the
17 solutions to end homelessness program or the operational support for
18 AIDS housing program, or to qualified grantees under such programs, in
19 accordance with the requirements of such programs, a sum not to exceed
20 \$45,181,000 for the fiscal year ending March 31, 2022. The homeless
21 housing and assistance corporation may enter into an agreement with the
22 office of temporary and disability assistance to administer such sum in
23 accordance with the requirements of such programs. Notwithstanding any
24 other provision of law, and subject to the approval of the New York
25 state director of the budget, the board of directors of the state of New
26 York mortgage agency shall authorize the transfer to the homeless hous-
27 ing and assistance corporation, a total sum not to exceed \$45,181,000,
28 such transfer to be made from (i) the special account of the mortgage

1 insurance fund created pursuant to section 2429-b of the public authori-
2 ties law, in an amount not to exceed the actual excess balance in the
3 special account of the mortgage insurance fund, as determined and certi-
4 fied by the state of New York mortgage agency for the fiscal year 2020-
5 2021 in accordance with section 2429-b of the public authorities law, if
6 any, and/or (ii) provided that the reserves in the project pool insur-
7 ance account of the mortgage insurance fund created pursuant to section
8 2429-b of the public authorities law are sufficient to attain and main-
9 tain the credit rating as determined by the state of New York mortgage
10 agency, required to accomplish the purposes of such account, the project
11 pool insurance account of the mortgage insurance fund, such transfer
12 shall be made as soon as practicable but no later than March 31, 2022.

13 § 4. Notwithstanding any other provision of law, the homeless housing
14 and assistance corporation may provide, for purposes of reimbursing New
15 York city expenditures for adult shelters, a sum not to exceed
16 \$65,568,000 for the fiscal year ending March 31, 2022. Notwithstanding
17 any other inconsistent provision of law, such funds shall be available
18 for eligible costs incurred on or after January 1, 2021, and before
19 January 1, 2022, that are otherwise reimbursable by the state on or
20 after April 1, 2021, and that are claimed by March 31, 2022. Such
21 reimbursement shall constitute total state reimbursement for activities
22 funded herein in state fiscal year 2021-2022, and shall include
23 reimbursement for costs associated with a court mandated plan to improve
24 shelter conditions for medically frail persons and additional costs
25 incurred as part of a plan to reduce over-crowding in congregate shel-
26 ters. The homeless housing and assistance corporation may enter into an
27 agreement with the office of temporary and disability assistance to
28 administer such sum in accordance with the laws, rules or regulations

1 relating to public assistance and care or the administration thereof.
2 Notwithstanding any other provision of law, and subject to the approval
3 of the New York state director of the budget, and the authorization by
4 the members of the state of New York housing finance agency, the state
5 of New York housing finance agency shall transfer to the homeless hous-
6 ing and assistance corporation, a total sum not to exceed \$65,568,000,
7 such transfer to be made from excess funds of the housing finance agen-
8 cy, not pledged to the payment of the agency's outstanding bonds. Such
9 transfer shall be made as soon as practicable but no later than March
10 31, 2022.

11 § 5. This act shall take effect immediately.

12 PART P

13 Section 1. Paragraphs (a), (b), (c), and (d) of subdivision 1 of
14 section 131-o of the social services law, as amended by section 1 of
15 part K of chapter 56 of the laws of 2020, are amended to read as
16 follows:

17 (a) in the case of each individual receiving family care, an amount
18 equal to at least [~~\$150.00~~] \$152.00 for each month beginning on or after
19 January first, two thousand [~~twenty~~] twenty-one.

20 (b) in the case of each individual receiving residential care, an
21 amount equal to at least [~~\$174.00~~] \$176.00 for each month beginning on
22 or after January first, two thousand [~~twenty~~] twenty-one.

23 (c) in the case of each individual receiving enhanced residential
24 care, an amount equal to at least [~~\$207.00~~] \$210.00 for each month
25 beginning on or after January first, two thousand [~~twenty~~] twenty-one.

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

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

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

12 § 2. Paragraphs (a), (b), (c), (d), (e), and (f) of subdivision 2 of
13 section 209 of the social services law, as amended by section 2 of part
14 K of chapter 56 of the laws of 2020, are amended to read as follows:

15 (a) On and after January first, two thousand [twenty] twenty-one, for
16 an eligible individual living alone, [\$870.00] \$881.00; and for an
17 eligible couple living alone, [\$1,279.00] \$1,295.00.

18 (b) On and after January first, two thousand [twenty] twenty-one, for
19 an eligible individual living with others with or without in-kind
20 income, [\$806.00] \$817.00; and for an eligible couple living with others
21 with or without in-kind income, [\$1,221.00] \$1,237.00.

22 (c) On and after January first, two thousand [twenty] twenty-one, (i)
23 for an eligible individual receiving family care, [\$1,049.48] \$1,060.48
24 if he or she is receiving such care in the city of New York or the coun-
25 ty of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
26 couple receiving family care in the city of New York or the county of
27 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
28 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-

1 ual receiving such care in any other county in the state, [\$1,011.48]
2 \$1,022.48; and (iv) for an eligible couple receiving such care in any
3 other county in the state, two times the amount set forth in subpara-
4 graph (iii) of this paragraph.

5 (d) On and after January first, two thousand [twenty] twenty-one, (i)
6 for an eligible individual receiving residential care, [\$1,218.00]
7 \$1,229.00 if he or she is receiving such care in the city of New York or
8 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
9 eligible couple receiving residential care in the city of New York or
10 the county of Nassau, Suffolk, Westchester or Rockland, two times the
11 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
12 eligible individual receiving such care in any other county in the
13 state, [\$1,188.00] \$1,199.00; and (iv) for an eligible couple receiving
14 such care in any other county in the state, two times the amount set
15 forth in subparagraph (iii) of this paragraph.

16 (e) On and after January first, two thousand [twenty] twenty-one, (i)
17 for an eligible individual receiving enhanced residential care,
18 [\$1,477.00] \$1,488.00; and (ii) for an eligible couple receiving
19 enhanced residential care, two times the amount set forth in subpara-
20 graph (i) of this paragraph.

21 (f) The amounts set forth in paragraphs (a) through (e) of this subdi-
22 vision shall be increased to reflect any increases in federal supple-
23 mental security income benefits for individuals or couples which become
24 effective on or after January first, two thousand [twenty-one] twenty-
25 two but prior to June thirtieth, two thousand [twenty-one] twenty-two.

26 § 3. This act shall take effect December 31, 2021.

1 Section 1. Section 82 of the state finance law, as added by chapter
2 375 of the laws of 2018, is amended to read as follows:

3 § 82. Gifts to food banks fund. 1. There is hereby established in the
4 sole custody of the commissioner of taxation and finance a special fund
5 to be known as the "gifts to food banks fund". Monies in the fund shall
6 be kept separate from and not commingled with other funds held in the
7 sole custody of the commissioner of taxation and finance.

8 2. Such fund shall consist of all revenues received by the department
9 of taxation and finance pursuant to the provisions of section six
10 hundred twenty-five-a of the tax law and all other money appropriated,
11 credited, or transferred thereto from any other fund or source pursuant
12 to law. Nothing in this section shall prevent the state from receiving
13 grants, gifts or bequests for the purposes of the fund as defined in
14 this section and depositing them into the fund according to law.

15 3. Monies of the fund shall, after appropriation by the legislature,
16 be made available to the [office of temporary and disability assistance]
17 department of health for grants to regional food banks, organized to
18 serve specific regions of the state, that generally collect and redis-
19 tribute food donations to organizations serving persons in need. Monies
20 shall be payable from the fund by the commissioner of taxation and
21 finance on vouchers approved by the commissioner of [temporary and disa-
22 bility assistance] health. The commissioner of [temporary and disability
23 assistance] health shall promulgate rules and regulations necessary for
24 the distribution of such grants.

25 4. To the extent practicable, the commissioner of [the office of
26 temporary and disability assistance] health shall ensure that all monies
27 received during a fiscal year are expended prior to the end of that
28 fiscal year.

1 5. On or before the first day of February each year, the comptroller
2 shall certify to the governor, temporary president of the senate, speak-
3 er of the assembly, chair of the senate finance committee and chair of
4 the assembly ways and means committee, the amount of money deposited in
5 the gifts to food banks fund during the preceding calendar year as the
6 result of revenue derived pursuant to section six hundred twenty-five-a
7 of the tax law.

8 6. On or before the first day of February each year, the commissioner
9 of [the office of temporary and disability assistance] health shall
10 provide a written report to the temporary president of the senate,
11 speaker of the assembly, chair of the senate finance committee, chair of
12 the assembly ways and means committee, chair of the senate committee on
13 social services, chair of the assembly social services committee, and
14 the public. Such report shall include how the monies of the fund were
15 utilized during the preceding calendar year and shall include:

- 16 (a) the amount of money [dispersed] disbursed from the fund;
17 (b) the recipients of awards from the fund;
18 (c) the amount awarded to each recipient;
19 (d) the purposes for which such awards were granted; and
20 (e) a summary financial plan for such monies which shall include esti-
21 mates of all receipts and all disbursements for the current and succeed-
22 ing fiscal years, along with the actual results from the prior fiscal
23 year.

24 § 2. This act shall take effect immediately.

1 Section 1. Subdivision 37 of section 292 of the executive law, as
2 amended by chapter 118 of the laws of 2019, is renumbered subdivision 39
3 and amended to read as follows:

4 39. The term "educational institution" shall mean:

5 (a) any education corporation or association which holds itself out to
6 the public to be non-sectarian and exempt from taxation pursuant to the
7 provisions of article four of the real property tax law; or

8 (b) any education corporation or association which holds itself out to
9 the public to be non-sectarian and which is under the supervision of the
10 regents of the state of New York and which is not exempt from taxation
11 pursuant to the provisions of article four of the real property tax law;
12 or

13 (c) any public school, including any school district, board of cooper-
14 ative educational services, public college or public university.

15 § 2. This act shall take effect immediately.

16 PART S

17 Section 1. Subdivisions 37 and 38 of section 292 of the executive law,
18 subdivision 37 as amended by chapter 118, subdivision 37 as added by
19 chapter 160 of the laws of 2019, are renumbered subdivisions 38, 39 and
20 40 and a new subdivision 41 is added to read as follows:

21 41. The term "citizenship or immigration status" means the citizenship
22 of any person or the immigration status of any person who is not a citi-
23 zen of the United States. Nothing in this article shall preclude verifi-
24 cation of citizenship or immigration status where required by law, nor
25 shall an adverse action based on verification of citizenship or immi-

1 gration status be prohibited where such adverse action is required by
2 law.

3 § 2. Subdivision 1 of section 296 of the executive law, as amended by
4 chapter 365 of the laws of 2015, paragraph (a) as separately amended by
5 chapters 8 and 176 of the laws of 2019, paragraphs (b), (c) and (d) as
6 amended by chapter 8 of the laws of 2019 and paragraph (h) as amended by
7 chapter 161 of the laws of 2019, is amended to read as follows:

8 1. It shall be an unlawful discriminatory practice:

9 (a) For an employer or licensing agency, because of an individual's
10 age, race, creed, color, national origin, citizenship or immigration
11 status, sexual orientation, gender identity or expression, military
12 status, sex, disability, predisposing genetic characteristics, familial
13 status, marital status, or status as a victim of domestic violence, to
14 refuse to hire or employ or to bar or to discharge from employment such
15 individual or to discriminate against such individual in compensation or
16 in terms, conditions or privileges of employment.

17 (b) For an employment agency to discriminate against any individual
18 because of age, race, creed, color, national origin, citizenship or
19 immigration status, sexual orientation, gender identity or expression,
20 military status, sex, disability, predisposing genetic characteristics,
21 familial status, or marital status, in receiving, classifying, disposing
22 or otherwise acting upon applications for its services or in referring
23 an applicant or applicants to an employer or employers.

24 (c) For a labor organization, because of the age, race, creed, color,
25 national origin, citizenship or immigration status, sexual orientation,
26 gender identity or expression, military status, sex, disability, predis-
27 posing genetic characteristics, familial status, or marital status of
28 any individual, to exclude or to expel from its membership such individ-

1 ual or to discriminate in any way against any of its members or against
2 any employer or any individual employed by an employer.

3 (d) For any employer or employment agency to print or circulate or
4 cause to be printed or circulated any statement, advertisement or publi-
5 cation, or to use any form of application for employment or to make any
6 inquiry in connection with prospective employment, which expresses
7 directly or indirectly, any limitation, specification or discrimination
8 as to age, race, creed, color, national origin, citizenship or immi-
9 gration status, sexual orientation, gender identity or expression, mili-
10 tary status, sex, disability, predisposing genetic characteristics,
11 familial status, or marital status, or any intent to make any such limi-
12 tation, specification or discrimination, unless based upon a bona fide
13 occupational qualification; provided, however, that neither this para-
14 graph nor any provision of this chapter or other law shall be construed
15 to prohibit the department of civil service or the department of person-
16 nel of any city containing more than one county from requesting informa-
17 tion from applicants for civil service examinations concerning any of
18 the aforementioned characteristics, other than sexual orientation, for
19 the purpose of conducting studies to identify and resolve possible prob-
20 lems in recruitment and testing of members of minority groups to insure
21 the fairest possible and equal opportunities for employment in the civil
22 service for all persons, regardless of age, race, creed, color, national
23 origin, citizenship or immigration status, sexual orientation or gender
24 identity or expression, military status, sex, disability, predisposing
25 genetic characteristics, familial status, or marital status.

26 (e) For any employer, labor organization or employment agency to
27 discharge, expel or otherwise discriminate against any person because he
28 or she has opposed any practices forbidden under this article or because

1 he or she has filed a complaint, testified or assisted in any proceeding
2 under this article.

3 (f) Nothing in this subdivision shall affect any restrictions upon the
4 activities of persons licensed by the state liquor authority with
5 respect to persons under twenty-one years of age.

6 (g) For an employer to compel an employee who is pregnant to take a
7 leave of absence, unless the employee is prevented by such pregnancy
8 from performing the activities involved in the job or occupation in a
9 reasonable manner.

10 (h) For an employer, licensing agency, employment agency or labor
11 organization to subject any individual to harassment because of an indi-
12 vidual's age, race, creed, color, national origin, citizenship or immi-
13 gration status, sexual orientation, gender identity or expression, mili-
14 tary status, sex, disability, predisposing genetic characteristics,
15 familial status, marital status, domestic violence victim status, or
16 because the individual has opposed any practices forbidden under this
17 article or because the individual has filed a complaint, testified or
18 assisted in any proceeding under this article, regardless of whether
19 such harassment would be considered severe or pervasive under precedent
20 applied to harassment claims. Such harassment is an unlawful discrimina-
21 tory practice when it subjects an individual to inferior terms, condi-
22 tions or privileges of employment because of the individual's membership
23 in one or more of these protected categories. The fact that such indi-
24 vidual did not make a complaint about the harassment to such employer,
25 licensing agency, employment agency or labor organization shall not be
26 determinative of whether such employer, licensing agency, employment
27 agency or labor organization shall be liable. Nothing in this section
28 shall imply that an employee must demonstrate the existence of an indi-

1 vidual to whom the employee's treatment must be compared. It shall be an
2 affirmative defense to liability under this subdivision that the harass-
3 ing conduct does not rise above the level of what a reasonable victim of
4 discrimination with the same protected characteristic or characteristics
5 would consider petty slights or trivial inconveniences.

6 § 3. Subdivision 1-a of section 296 of the executive law, as amended
7 by chapter 365 of the laws of 2015 and paragraphs (b), (c) and (d) as
8 amended by chapter 8 of the laws of 2019, is amended to read as follows:

9 1-a. It shall be an unlawful discriminatory practice for an employer,
10 labor organization, employment agency or any joint labor-management
11 committee controlling apprentice training programs:

12 (a) To select persons for an apprentice training program registered
13 with the state of New York on any basis other than their qualifications,
14 as determined by objective criteria which permit review;

15 (b) To deny to or withhold from any person because of race, creed,
16 color, national origin, citizenship or immigration status, sexual orien-
17 tation, gender identity or expression, military status, sex, age, disa-
18 bility, familial status, or marital status, the right to be admitted to
19 or participate in a guidance program, an apprenticeship training
20 program, on-the-job training program, executive training program, or
21 other occupational training or retraining program;

22 (c) To discriminate against any person in his or her pursuit of such
23 programs or to discriminate against such a person in the terms, condi-
24 tions or privileges of such programs because of race, creed, color,
25 national origin, citizenship or immigration status, sexual orientation,
26 gender identity or expression, military status, sex, age, disability,
27 familial status or marital status;

1 (d) To print or circulate or cause to be printed or circulated any
2 statement, advertisement or publication, or to use any form of applica-
3 tion for such programs or to make any inquiry in connection with such
4 program which expresses, directly or indirectly, any limitation, spec-
5 ification or discrimination as to race, creed, color, national origin,
6 citizenship or immigration status, sexual orientation, gender identity
7 or expression, military status, sex, age, disability, familial status or
8 marital status, or any intention to make any such limitation, specifica-
9 tion or discrimination, unless based on a bona fide occupational quali-
10 fication.

11 § 4. Paragraph (a) of subdivision 2 of section 296 of the executive
12 law, as amended by chapter 8 of the laws of 2019, is amended to read as
13 follows:

14 (a) It shall be an unlawful discriminatory practice for any person,
15 being the owner, lessee, proprietor, manager, superintendent, agent or
16 employee of any place of public accommodation, resort or amusement,
17 because of the race, creed, color, national origin, citizenship or immi-
18 gration status, sexual orientation, gender identity or expression, mili-
19 tary status, sex, disability or marital status of any person, directly
20 or indirectly, to refuse, withhold from or deny to such person any of
21 the accommodations, advantages, facilities or privileges thereof,
22 including the extension of credit, or, directly or indirectly, to
23 publish, circulate, issue, display, post or mail any written or printed
24 communication, notice or advertisement, to the effect that any of the
25 accommodations, advantages, facilities and privileges of any such place
26 shall be refused, withheld from or denied to any person on account of
27 race, creed, color, national origin, citizenship or immigration status,
28 sexual orientation, gender identity or expression, military status, sex,

1 disability or marital status, or that the patronage or custom thereof of
2 any person of or purporting to be of any particular race, creed, color,
3 national origin, citizenship or immigration status, sexual orientation,
4 gender identity or expression, military status, sex or marital status,
5 or having a disability is unwelcome, objectionable or not acceptable,
6 desired or solicited.

7 § 5. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section
8 296 of the executive law, as amended by section 3 of part T of chapter
9 56 of the laws of 2019, are amended to read as follows:

10 (a) To refuse to sell, rent or lease or otherwise to deny to or with-
11 hold from any person or group of persons such housing accommodations
12 because of the race, creed, color, disability, national origin, citizen-
13 ship or immigration status, sexual orientation, gender identity or
14 expression, military status, age, sex, marital status, lawful source of
15 income or familial status of such person or persons, or to represent
16 that any housing accommodation or land is not available for inspection,
17 sale, rental or lease when in fact it is so available.

18 (b) To discriminate against any person because of his or her race,
19 creed, color, disability, national origin, citizenship or immigration
20 status, sexual orientation, gender identity or expression, military
21 status, age, sex, marital status, lawful source of income or familial
22 status in the terms, conditions or privileges of any publicly-assisted
23 housing accommodations or in the furnishing of facilities or services in
24 connection therewith.

25 (c) To cause to be made any written or oral inquiry or record concern-
26 ing the race, creed, color, disability, national origin, citizenship or
27 immigration status, sexual orientation, gender identity or expression,
28 membership in the reserve armed forces of the United States or in the

1 organized militia of the state, age, sex, marital status, lawful source
2 of income or familial status of a person seeking to rent or lease any
3 publicly-assisted housing accommodation; provided, however, that nothing
4 in this subdivision shall prohibit a member of the reserve armed forces
5 of the United States or in the organized militia of the state from
6 voluntarily disclosing such membership.

7 (c-1) To print or circulate or cause to be printed or circulated any
8 statement, advertisement or publication, or to use any form of applica-
9 tion for the purchase, rental or lease of such housing accommodation or
10 to make any record or inquiry in connection with the prospective
11 purchase, rental or lease of such a housing accommodation which
12 expresses, directly or indirectly, any limitation, specification or
13 discrimination as to race, creed, color, national origin, citizenship or
14 immigration status, sexual orientation, gender identity or expression,
15 military status, sex, age, disability, marital status, lawful source of
16 income or familial status, or any intent to make any such limitation,
17 specification or discrimination.

18 § 6. Paragraph (c) of subdivision 3 of section 296 of the executive
19 law, as added by chapter 369 of the laws of 2015, is relettered para-
20 graph (d).

21 § 7. Subdivisions 3-b and 4 of section 296 of the executive law, as
22 amended by chapter 8 and subdivision 4 as separately amended by chapter
23 116 of the laws of 2019, are amended to read as follows:

24 3-b. It shall be an unlawful discriminatory practice for any real
25 estate broker, real estate salesperson or employee or agent thereof or
26 any other individual, corporation, partnership or organization for the
27 purpose of inducing a real estate transaction from which any such person
28 or any of its stockholders or members may benefit financially, to repre-

1 sent that a change has occurred or will or may occur in the composition
2 with respect to race, creed, color, national origin, citizenship or
3 immigration status, sexual orientation, gender identity or expression,
4 military status, sex, disability, marital status, or familial status of
5 the owners or occupants in the block, neighborhood or area in which the
6 real property is located, and to represent, directly or indirectly, that
7 this change will or may result in undesirable consequences in the block,
8 neighborhood or area in which the real property is located, including
9 but not limited to the lowering of property values, an increase in crim-
10 inal or anti-social behavior, or a decline in the quality of schools or
11 other facilities.

12 4. It shall be an unlawful discriminatory practice for an educational
13 institution to deny the use of its facilities to any person otherwise
14 qualified, or to permit the harassment of any student or applicant, by
15 reason of his race, color, religion, disability, national origin, citi-
16 zenship or immigration status, sexual orientation, gender identity or
17 expression, military status, sex, age or marital status, except that any
18 such institution which establishes or maintains a policy of educating
19 persons of one sex exclusively may admit students of only one sex.

20 § 8. Subdivision 5 of section 296 of the executive law, as amended by
21 chapter 8 of the laws of 2019, subparagraphs 1, 2 and 3 of paragraph (a)
22 as amended by section 4, subparagraphs 1 and 2 of paragraph (c) as
23 amended by section 5, and paragraph (d) as amended by section 6 of part
24 T of chapter 56 of the laws of 2019, is amended to read as follows:

25 5. (a) It shall be an unlawful discriminatory practice for the owner,
26 lessee, sub-lessee, assignee, or managing agent of, or other person
27 having the right to sell, rent or lease a housing accommodation,
28 constructed or to be constructed, or any agent or employee thereof:

1 (1) To refuse to sell, rent, lease or otherwise to deny to or withhold
2 from any person or group of persons such a housing accommodation because
3 of the race, creed, color, national origin, citizenship or immigration
4 status, sexual orientation, gender identity or expression, military
5 status, sex, age, disability, marital status, lawful source of income or
6 familial status of such person or persons, or to represent that any
7 housing accommodation or land is not available for inspection, sale,
8 rental or lease when in fact it is so available.

9 (2) To discriminate against any person because of race, creed, color,
10 national origin, citizenship or immigration status, sexual orientation,
11 gender identity or expression, military status, sex, age, disability,
12 marital status, lawful source of income or familial status in the terms,
13 conditions or privileges of the sale, rental or lease of any such hous-
14 ing accommodation or in the furnishing of facilities or services in
15 connection therewith.

16 (3) To print or circulate or cause to be printed or circulated any
17 statement, advertisement or publication, or to use any form of applica-
18 tion for the purchase, rental or lease of such housing accommodation or
19 to make any record or inquiry in connection with the prospective
20 purchase, rental or lease of such a housing accommodation which
21 expresses, directly or indirectly, any limitation, specification or
22 discrimination as to race, creed, color, national origin, citizenship or
23 immigration status, sexual orientation, gender identity or expression,
24 military status, sex, age, disability, marital status, lawful source of
25 income or familial status, or any intent to make any such limitation,
26 specification or discrimination.

27 The provisions of this paragraph (a) shall not apply (1) to the rental
28 of a housing accommodation in a building which contains housing accommo-

1 dations for not more than two families living independently of each
2 other, if the owner resides in one of such housing accommodations, (2)
3 to the restriction of the rental of all rooms in a housing accommodation
4 to individuals of the same sex or (3) to the rental of a room or rooms
5 in a housing accommodation, if such rental is by the occupant of the
6 housing accommodation or by the owner of the housing accommodation and
7 the owner resides in such housing accommodation or (4) solely with
8 respect to age and familial status to the restriction of the sale,
9 rental or lease of housing accommodations exclusively to persons sixty-
10 two years of age or older and the spouse of any such person, or for
11 housing intended and operated for occupancy by at least one person
12 fifty-five years of age or older per unit. In determining whether hous-
13 ing is intended and operated for occupancy by persons fifty-five years
14 of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the
15 federal Fair Housing Act of 1988, as amended, shall apply.

16 (b) It shall be an unlawful discriminatory practice for the owner,
17 lessee, sub-lessee, or managing agent of, or other person having the
18 right of ownership or possession of or the right to sell, rent or lease,
19 land or commercial space:

20 (1) To refuse to sell, rent, lease or otherwise deny to or withhold
21 from any person or group of persons land or commercial space because of
22 the race, creed, color, national origin, citizenship or immigration
23 status, sexual orientation, gender identity or expression, military
24 status, sex, age, disability, marital status, or familial status of such
25 person or persons, or to represent that any housing accommodation or
26 land is not available for inspection, sale, rental or lease when in fact
27 it is so available;

1 (2) To discriminate against any person because of race, creed, color,
2 national origin, citizenship or immigration status, sexual orientation,
3 gender identity or expression, military status, sex, age, disability,
4 marital status, or familial status in the terms, conditions or privi-
5 leges of the sale, rental or lease of any such land or commercial space;
6 or in the furnishing of facilities or services in connection therewith;

7 (3) To print or circulate or cause to be printed or circulated any
8 statement, advertisement or publication, or to use any form of applica-
9 tion for the purchase, rental or lease of such land or commercial space
10 or to make any record or inquiry in connection with the prospective
11 purchase, rental or lease of such land or commercial space which
12 expresses, directly or indirectly, any limitation, specification or
13 discrimination as to race, creed, color, national origin, citizenship or
14 immigration status, sexual orientation, gender identity or expression,
15 military status, sex, age, disability, marital status, or familial
16 status; or any intent to make any such limitation, specification or
17 discrimination.

18 (4) With respect to age and familial status, the provisions of this
19 paragraph shall not apply to the restriction of the sale, rental or
20 lease of land or commercial space exclusively to persons fifty-five
21 years of age or older and the spouse of any such person, or to the
22 restriction of the sale, rental or lease of land to be used for the
23 construction, or location of housing accommodations exclusively for
24 persons sixty-two years of age or older, or intended and operated for
25 occupancy by at least one person fifty-five years of age or older per
26 unit. In determining whether housing is intended and operated for occu-
27 pancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c)

1 (42 U.S.C. 3607(b) (2) (c)) of the federal Fair Housing Act of 1988, as
2 amended, shall apply.

3 (c) It shall be an unlawful discriminatory practice for any real
4 estate broker, real estate salesperson or employee or agent thereof:

5 (1) To refuse to sell, rent or lease any housing accommodation, land
6 or commercial space to any person or group of persons or to refuse to
7 negotiate for the sale, rental or lease, of any housing accommodation,
8 land or commercial space to any person or group of persons because of
9 the race, creed, color, national origin, citizenship or immigration
10 status, sexual orientation, gender identity or expression, military
11 status, sex, age, disability, marital status, lawful source of income or
12 familial status of such person or persons, or to represent that any
13 housing accommodation, land or commercial space is not available for
14 inspection, sale, rental or lease when in fact it is so available, or
15 otherwise to deny or withhold any housing accommodation, land or commer-
16 cial space or any facilities of any housing accommodation, land or
17 commercial space from any person or group of persons because of the
18 race, creed, color, national origin, citizenship or immigration status,
19 sexual orientation, gender identity or expression, military status, sex,
20 age, disability, marital status, lawful source of income or familial
21 status of such person or persons.

22 (2) To print or circulate or cause to be printed or circulated any
23 statement, advertisement or publication, or to use any form of applica-
24 tion for the purchase, rental or lease of any housing accommodation,
25 land or commercial space or to make any record or inquiry in connection
26 with the prospective purchase, rental or lease of any housing accommo-
27 dation, land or commercial space which expresses, directly or indirect-
28 ly, any limitation, specification, or discrimination as to race, creed,

1 color, national origin, citizenship or immigration status, sexual orien-
2 tation, gender identity or expression, military status, sex, age, disa-
3 bility, marital status, lawful source of income or familial status; or
4 any intent to make any such limitation, specification or discrimination.

5 (3) With respect to age and familial status, the provisions of this
6 paragraph shall not apply to the restriction of the sale, rental or
7 lease of any housing accommodation, land or commercial space exclusively
8 to persons fifty-five years of age or older and the spouse of any such
9 person, or to the restriction of the sale, rental or lease of any hous-
10 ing accommodation or land to be used for the construction or location of
11 housing accommodations for persons sixty-two years of age or older, or
12 intended and operated for occupancy by at least one person fifty-five
13 years of age or older per unit. In determining whether housing is
14 intended and operated for occupancy by persons fifty-five years of age
15 or older, Sec. 807 (b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the
16 federal Fair Housing Act of 1988, as amended, shall apply.

17 (d) It shall be an unlawful discriminatory practice for any real
18 estate board, because of the race, creed, color, national origin, citi-
19 zenship or immigration status, sexual orientation, gender identity or
20 expression, military status, age, sex, disability, marital status,
21 lawful source of income or familial status of any individual who is
22 otherwise qualified for membership, to exclude or expel such individual
23 from membership, or to discriminate against such individual in the
24 terms, conditions and privileges of membership in such board.

25 (e) It shall be an unlawful discriminatory practice for the owner,
26 proprietor or managing agent of, or other person having the right to
27 provide care and services in, a private proprietary nursing home, conva-
28 lescent home, or home for adults, or an intermediate care facility, as

1 defined in section two of the social services law, heretofore
2 constructed, or to be constructed, or any agent or employee thereof, to
3 refuse to provide services and care in such home or facility to any
4 individual or to discriminate against any individual in the terms,
5 conditions, and privileges of such services and care solely because such
6 individual is a blind person. For purposes of this paragraph, a "blind
7 person" shall mean a person who is registered as a blind person with the
8 commission for the visually handicapped and who meets the definition of
9 a "blind person" pursuant to section three of chapter four hundred
10 fifteen of the laws of nineteen hundred thirteen entitled "An act to
11 establish a state commission for improving the condition of the blind of
12 the state of New York, and making an appropriation therefor".

13 (f) The provisions of this subdivision, as they relate to age, shall
14 not apply to persons under the age of eighteen years.

15 (g) It shall be an unlawful discriminatory practice for any person
16 offering or providing housing accommodations, land or commercial space
17 as described in paragraphs (a), (b), and (c) of this subdivision to make
18 or cause to be made any written or oral inquiry or record concerning
19 membership of any person in the state organized militia in relation to
20 the purchase, rental or lease of such housing accommodation, land, or
21 commercial space, provided, however, that nothing in this subdivision
22 shall prohibit a member of the state organized militia from voluntarily
23 disclosing such membership.

24 § 9. Paragraph (a) of subdivision 9 of section 296 of the executive
25 law, as amended by chapter 8 of the laws of 2019, is amended to read as
26 follows:

27 (a) It shall be an unlawful discriminatory practice for any fire
28 department or fire company therein, through any member or members there-

1 of, officers, board of fire commissioners or other body or office having
2 power of appointment of volunteer firefighters, directly or indirectly,
3 by ritualistic practice, constitutional or by-law prescription, by tacit
4 agreement among its members, or otherwise, to deny to any individual
5 membership in any volunteer fire department or fire company therein, or
6 to expel or discriminate against any volunteer member of a fire depart-
7 ment or fire company therein, because of the race, creed, color,
8 national origin, citizenship or immigrations status, sexual orientation,
9 gender identity or expression, military status, sex, marital status, or
10 familial status, of such individual.

11 § 10. Subdivision 13 of section 296 of the executive law, as amended
12 by chapter 8 of the laws of 2019, is amended to read as follows:

13 13. It shall be an unlawful discriminatory practice (i) for any person
14 to boycott or blacklist, or to refuse to buy from, sell to or trade
15 with, or otherwise discriminate against any person, because of the race,
16 creed, color, national origin, citizenship or immigration status, sexual
17 orientation, gender identity or expression, military status, sex, disa-
18 bility, or familial status, of such person, or of such person's part-
19 ners, members, stockholders, directors, officers, managers, superinten-
20 dents, agents, employees, business associates, suppliers or customers,
21 or (ii) for any person wilfully to do any act or refrain from doing any
22 act which enables any such person to take such action. This subdivision
23 shall not apply to:

24 (a) Boycotts connected with labor disputes; or

25 (b) Boycotts to protest unlawful discriminatory practices.

26 § 11. Subdivisions 1, 2 and 3 of section 296-a of the executive law,
27 as amended by chapter 8 of the laws of 2019, are amended to read as
28 follows:

1 1. It shall be an unlawful discriminatory practice for any creditor or
2 any officer, agent or employee thereof:

3 a. In the case of applications for credit with respect to the
4 purchase, acquisition, construction, rehabilitation, repair or mainte-
5 nance of any housing accommodation, land or commercial space to discrim-
6 inate against any such applicant because of the race, creed, color,
7 national origin, citizenship or immigration status, sexual orientation,
8 gender identity or expression, military status, age, sex, marital
9 status, disability, or familial status of such applicant or applicants
10 or any member, stockholder, director, officer or employee of such appli-
11 cant or applicants, or of the prospective occupants or tenants of such
12 housing accommodation, land or commercial space, in the granting, with-
13 holding, extending or renewing, or in the fixing of the rates, terms or
14 conditions of, any such credit;

15 b. To discriminate in the granting, withholding, extending or renew-
16 ing, or in the fixing of the rates, terms or conditions of, any form of
17 credit, on the basis of race, creed, color, national origin, citizenship
18 or immigration status, sexual orientation, gender identity or
19 expression, military status, age, sex, marital status, disability, or
20 familial status;

21 c. To use any form of application for credit or use or make any record
22 or inquiry which expresses, directly or indirectly, any limitation,
23 specification, or discrimination as to race, creed, color, national
24 origin, citizenship or immigration status, sexual orientation, gender
25 identity or expression, military status, age, sex, marital status, disa-
26 bility, or familial status;

1 d. To make any inquiry of an applicant concerning his or her capacity
2 to reproduce, or his or her use or advocacy of any form of birth control
3 or family planning;

4 e. To refuse to consider sources of an applicant's income or to
5 subject an applicant's income to discounting, in whole or in part,
6 because of an applicant's race, creed, color, national origin, citizen-
7 ship or immigration status, sexual orientation, gender identity or
8 expression, military status, age, sex, marital status, childbearing
9 potential, disability, or familial status;

10 f. To discriminate against a married person because such person
11 neither uses nor is known by the surname of his or her spouse.

12 This paragraph shall not apply to any situation where the use of a
13 surname would constitute or result in a criminal act.

14 2. Without limiting the generality of subdivision one of this section,
15 it shall be considered discriminatory if, because of an applicant's or
16 class of applicants' race, creed, color, national origin, citizenship or
17 immigration status, sexual orientation, gender identity or expression,
18 military status, age, sex, marital status or disability, or familial
19 status, (i) an applicant or class of applicants is denied credit in
20 circumstances where other applicants of like overall credit worthiness
21 are granted credit, or (ii) special requirements or conditions, such as
22 requiring co-obligors or reapplication upon marriage, are imposed upon
23 an applicant or class of applicants in circumstances where similar
24 requirements or conditions are not imposed upon other applicants of like
25 overall credit worthiness.

26 3. It shall not be considered discriminatory if credit differen-
27 tiations or decisions are based upon factually supportable, objective
28 differences in applicants' overall credit worthiness, which may include

1 reference to such factors as current income, assets and prior credit
2 history of such applicants, as well as reference to any other relevant
3 factually supportable data; provided, however, that no creditor shall
4 consider, in evaluating the credit worthiness of an applicant, aggregate
5 statistics or assumptions relating to race, creed, color, national
6 origin, citizenship or immigration status, sexual orientation, gender
7 identity or expression, military status, sex, marital status or disabil-
8 ity, or to the likelihood of any group of persons bearing or rearing
9 children, or for that reason receiving diminished or interrupted income
10 in the future.

11 § 12. Subdivision 2 of section 296-c of the executive law, as added by
12 chapter 97 of the laws of 2014, is amended to read as follows:

13 2. It shall be an unlawful discriminatory practice for an employer to:

14 a. refuse to hire or employ or to bar or to discharge from internship
15 an intern or to discriminate against such intern in terms, conditions or
16 privileges of employment as an intern because of the intern's age, race,
17 creed, color, national origin, citizenship or immigration status, sexual
18 orientation, military status, sex, disability, predisposing genetic
19 characteristics, marital status, or domestic violence victim status;

20 b. discriminate against an intern in receiving, classifying, disposing
21 or otherwise acting upon applications for internships because of the
22 intern's age, race, creed, color, national origin, citizenship or immi-
23 gration status, sexual orientation, military status, sex, disability,
24 predisposing genetic characteristics, marital status, or domestic
25 violence victim status;

26 c. print or circulate or cause to be printed or circulated any state-
27 ment, advertisement or publication, or to use any form of application
28 for employment as an intern or to make any inquiry in connection with

1 prospective employment, which expresses directly or indirectly, any
2 limitation, specification or discrimination as to age, race, creed,
3 color, national origin, citizenship or immigration status, sexual orien-
4 tation, military status, sex, disability, predisposing genetic charac-
5 teristics, marital status or domestic violence victim status, or any
6 intent to make any such limitation, specification or discrimination,
7 unless based upon a bona fide occupational qualification; provided,
8 however, that neither this paragraph nor any provision of this chapter
9 or other law shall be construed to prohibit the department of civil
10 service or the department of personnel of any city containing more than
11 one county from requesting information from applicants for civil service
12 internships or examinations concerning any of the aforementioned charac-
13 teristics, other than sexual orientation, for the purpose of conducting
14 studies to identify and resolve possible problems in recruitment and
15 testing of members of minority groups to insure the fairest possible and
16 equal opportunities for employment in the civil service for all persons,
17 regardless of age, race, creed, color, national origin, citizenship or
18 immigration status, sexual orientation, military status, sex, disabili-
19 ty, predisposing genetic characteristics, marital status or domestic
20 violence victim status;

21 d. to discharge, expel or otherwise discriminate against any person
22 because he or she has opposed any practices forbidden under this article
23 or because he or she has filed a complaint, testified or assisted in any
24 proceeding under this article; or

25 e. to compel an intern who is pregnant to take a leave of absence,
26 unless the intern is prevented by such pregnancy from performing the
27 activities involved in the job or occupation in a reasonable manner.

1 § 13. Paragraph (b) of subdivision 3 of section 296-c of the executive
2 law, as added by chapter 97 of the laws of 2014, is amended to read as
3 follows:

4 b. subject an intern to unwelcome harassment based on age, sex, race,
5 creed, color, sexual orientation, military status, disability, predis-
6 posing genetic characteristics, marital status, domestic violence victim
7 status, [or] national origin, or citizenship or immigration status,
8 where such harassment has the purpose or effect of unreasonably inter-
9 fering with the intern's work performance by creating an intimidating,
10 hostile, or offensive working environment.

11 § 14. This act shall take effect immediately.

12 PART T

13 Section 1. Section 522 of the labor law, as amended by chapter 720 of
14 the laws of 1953, is amended to read as follows:

15 § 522. Total unemployment. "Total unemployment" or "totally unem-
16 ployed" means the total lack of any employment on any day. The term
17 "employment" as used in this section means any employment including that
18 not defined in this title.

19 § 2. Section 523 of the labor law, as amended by chapter 675 of the
20 laws of 1977, is amended to read as follows:

21 § 523. [Effective day] Partial unemployment. ["Effective day" means a
22 full day of total unemployment provided such day falls within a week in
23 which a claimant had four or more days of total unemployment and
24 provided further that only those days of total unemployment in excess of
25 three days within such week are deemed "effective days". No effective
26 day is deemed to occur in a week in which the claimant has days of

1 employment for which he is paid compensation exceeding the highest bene-
2 fit rate which is applicable to any claimant in such week. A claimant
3 who is employed on a shift continuing through midnight is deemed to have
4 been employed on the day beginning before midnight with respect to such
5 shift, except where night shift employees are regularly scheduled to
6 start their work week at seven post meridiem or thereafter on Sunday
7 night, their regularly scheduled starting time on Sunday shall be
8 considered as starting on Monday.] "Partial unemployment" or "partially
9 unemployed" means any week in which the claimant works less than full-
10 time if the wages payable to such individual for such week do not equal
11 or exceed the individual's weekly benefit amount plus one hundred
12 dollars or forty percent of the claimant's weekly benefit amount, which-
13 ever is greater. For purposes of this section, remuneration shall also
14 include any holiday or vacation pay payable with respect to any such
15 week, whether or not any service was performed during such week or was
16 in any other way required for receipt of such holiday or vacation pay.

17 § 3. The labor law is amended by adding a new section 523-a to read as
18 follows:

19 § 523-a. Week of unemployment. For purposes of this article, "week of
20 unemployment" shall mean a week in which a claimant is totally unem-
21 ployed or partially unemployed. A claimant who is employed on a shift
22 continuing through midnight is deemed to have been employed on the day
23 beginning before midnight with respect to such shift, except where night
24 shift employees are regularly scheduled to start their work week at
25 seven post meridiem or thereafter on Sunday night, their regularly sche-
26 duled starting time on Sunday shall be considered as starting on Monday.

27 § 4. Section 524 of the labor law, as added by chapter 5 of the laws
28 of 2000, is amended to read as follows:

1 § 524. Week of employment. For purposes of this article, "week of
2 employment" shall mean a Monday through Sunday period during which a
3 claimant was paid remuneration for employment for an employer or employ-
4 ers liable for contributions or for payments in lieu of contributions
5 under this article. A claimant who is employed on a shift continuing
6 through midnight is deemed to have been employed on the day beginning
7 before midnight with respect to such shift, except where night shift
8 employees are regularly scheduled to start their work week at seven post
9 meridiem or thereafter on Sunday night, their regularly scheduled start-
10 ing time on Sunday shall be considered as starting on Monday.

11 § 5. Subdivision 4 of section 527 of the labor law, as amended by
12 chapter 832 of the laws of 1968 and as renumbered by chapter 381 of the
13 laws of 1984, is amended to read as follows:

14 4. General condition. A valid original claim may be filed only in a
15 week [in which the claimant has at least one effective day of unemploy-
16 ment] of unemployment, as defined in this article.

17 § 6. Clauses (i), (ii), (iii) and (iv) of subparagraph 2 of paragraph
18 (e) of subdivision 1 of section 581 of the labor law, as amended by
19 chapter 282 of the laws of 2002, are amended to read as follows:

20 (i) In those instances where the claimant may not utilize wages paid
21 to establish entitlement based upon subdivision ten of section five
22 hundred ninety of this article and an educational institution is the
23 claimant's last employer prior to the filing of the claim for benefits,
24 or the claimant performed services in such educational institution in
25 such capacity while employed by an educational service agency which is
26 the claimant's last employer prior to the filing of the claim for bene-
27 fits, such employer shall not be liable for benefit charges [for the
28 first twenty-eight effective days of benefits paid] in an amount equal

1 to the benefits paid for seven weeks of total unemployment as otherwise
2 provided by this section. Under such circumstances, benefits paid shall
3 be charged to the general account. In addition, wages paid during the
4 base period by such educational institutions, or for services in such
5 educational institutions for claimants employed by an educational
6 service agency shall not be considered base period wages during periods
7 that such wages may not be used to gain entitlement to benefits pursuant
8 to subdivision ten of section five hundred ninety of this article.

9 (ii) In those instances where the claimant may not utilize wages paid
10 to establish entitlement based upon subdivision eleven of section five
11 hundred ninety of this article and an educational institution is the
12 claimant's last employer prior to the filing of the claim for benefits,
13 or the claimant performed services in such educational institution in
14 such capacity while employed by an educational service agency which is
15 the claimant's last employer prior to the filing of the claim for bene-
16 fits, such employer shall not be liable for benefit charges [for the
17 first twenty-eight effective days of benefits paid] in an amount equal
18 to the benefits paid for seven weeks of total unemployment as otherwise
19 provided by this section. Under such circumstances, benefits paid will
20 be charged to the general account. In addition, wages paid during the
21 base period by such educational institutions, or for services in such
22 educational institutions for claimants employed by an educational
23 service agency shall not be considered base period wages during periods
24 that such wages may not be used to gain entitlement to benefits pursuant
25 to subdivision eleven of section five hundred ninety of this article.
26 However, in those instances where a claimant was not afforded an oppor-
27 tunity to perform services for the educational institution for the next
28 academic year or term after reasonable assurance was provided, such

1 employer shall be liable for benefit charges as provided for in this
2 paragraph for any retroactive payments made to the claimant.

3 (iii) In those instances where the federal government is the claim-
4 ant's last employer prior to the filing of the claim for benefits and
5 such employer is not a base-period employer, payments [equaling the
6 first twenty-eight effective days of benefits] in an amount equal to the
7 benefits paid for seven weeks of total unemployment as otherwise
8 prescribed by this section shall be charged to the general account. In
9 those instances where the federal government is the claimant's last
10 employer prior to the filing of the claim for benefits and a base-period
11 employer, such employer shall be liable for charges for all benefits
12 paid on such claim in the same proportion that the remuneration paid by
13 such employer during the base period bears to the remuneration paid by
14 all employers during the base period. In addition, benefit payment
15 charges [for the first twenty-eight effective days of benefits] in an
16 amount equal to the benefits paid for seven weeks of total unemployment
17 other than those chargeable to the federal government as prescribed
18 above shall be made to the general account.

19 (iv) In those instances where a combined wage claim is filed pursuant
20 to interstate reciprocal agreements and the claimant's last employer
21 prior to the filing of the claim is an out-of-state employer and such
22 employer is not a base-period employer, benefit payments [equaling the
23 first twenty-eight effective days of benefits] in an amount equal to the
24 benefits paid for seven weeks of total unemployment as otherwise
25 prescribed by this section shall be charged to the general account. In
26 those instances where the out-of-state employer is the last employer
27 prior to the filing of the claim for benefits and a base-period employer
28 such employer shall be liable for charges for all benefits paid on such

1 claim in the same proportion that the remuneration paid by such employer
2 during the base period bears to the remuneration paid by all employers
3 during the base period. In addition, benefit payment charges [for the
4 twenty-eight effective days of benefits] in an amount equal to the bene-
5 fits paid for seven weeks of total unemployment other than those charge-
6 able to the out-of-state employer as prescribed above shall be made to
7 the general account.

8 § 7. Subdivisions 1, 3, 4, paragraph (a) of subdivision 5 and subdivi-
9 sions 6 and 7 of section 590 of the labor law, subdivisions 1 and 3 as
10 amended by chapter 645 of the laws of 1951, subdivision 4 as amended by
11 chapter 457 of the laws of 1987, paragraph (a) of subdivision 5 as
12 amended by section 8 of part 0 of chapter 57 of the laws of 2013, subdivi-
13 sion 6 as added by chapter 720 of the laws of 1953 and as renumbered
14 by chapter 675 of the laws of 1977, and subdivision 7 as amended by
15 chapter 415 of the laws of 1983, are amended and a new paragraph (c) is
16 added to subdivision 5 to read as follows:

17 1. Entitlement to benefits. A claimant shall be entitled to [accumu-
18 late effective days for the purpose of benefit rights] the payment of
19 benefits only if [he] said claimant has complied with the provisions of
20 this article regarding the filing of [his] a claim, including the filing
21 of a valid original claim, registered as totally unemployed or partially
22 unemployed, reported [his] subsequent employment and unemployment, and
23 reported for work or otherwise given notice of the continuance of [his]
24 unemployment.

25 3. Compensable periods. Benefits shall be paid for each [accumulation
26 of effective days within a] week of unemployment.

27 4. Duration. Benefits shall not be paid for more than [one hundred and
28 four effective days] an amount exceeding twenty-six times the claimant's

1 weekly benefit rate in any benefit year, except as provided in section
2 six hundred one and subdivision two of section five hundred ninety-nine
3 of this [chapter] title.

4 (a) A claimant's weekly benefit amount shall be one twenty-sixth of
5 the remuneration paid during the highest calendar quarter of the base
6 period by employers, liable for contributions or payments in lieu of
7 contributions under this article, provided the claimant has remuneration
8 paid in all four calendar quarters during his or her base period or
9 alternate base period. However, for any claimant who has remuneration
10 paid in all four calendar quarters during his or her base period or
11 alternate base period and whose high calendar quarter remuneration
12 during the base period is three thousand five hundred seventy-five
13 dollars or less, the benefit amount shall be one twenty-fifth of the
14 remuneration paid during the highest calendar quarter of the base period
15 by employers liable for contributions or payments in lieu of contrib-
16 utions under this article. A claimant's weekly benefit shall be one
17 twenty-sixth of the average remuneration paid in the two highest quar-
18 ters paid during the base period or alternate base period by employers
19 liable for contributions or payments in lieu of contributions under this
20 article when the claimant has remuneration paid in two or three calendar
21 quarters provided however, that a claimant whose high calendar quarter
22 is four thousand dollars or less but greater than three thousand five
23 hundred seventy-five dollars shall have a weekly benefit amount of one
24 twenty-sixth of such high calendar quarter. However, for any claimant
25 who has remuneration paid in two or three calendar quarters during his
26 or her base period or alternate base period and whose high calendar
27 quarter remuneration during the base period is three thousand five
28 hundred seventy-five dollars or less, the benefit amount shall be one

1 twenty-fifth of the remuneration paid during the highest calendar quar-
2 ter of the base period by employers liable for contributions or payments
3 in lieu of contributions under this article. Any claimant whose high
4 calendar quarter remuneration during the base period is more than three
5 thousand five hundred seventy-five dollars shall not have a weekly bene-
6 fit amount less than one hundred forty-three dollars. The weekly benefit
7 amount, so computed, that is not a multiple of one dollar shall be
8 lowered to the next multiple of one dollar. On the first Monday of
9 September, nineteen hundred ninety-eight the weekly benefit amount shall
10 not exceed three hundred sixty-five dollars nor be less than forty
11 dollars, until the first Monday of September, two thousand, at which
12 time the maximum benefit payable pursuant to this subdivision shall
13 equal one-half of the state average weekly wage for covered employment
14 as calculated by the department no sooner than July first, two thousand
15 and no later than August first, two thousand, rounded down to the lowest
16 dollar. On and after the first Monday of October, two thousand fourteen,
17 the weekly benefit shall not be less than one hundred dollars, nor shall
18 it exceed four hundred twenty dollars until the first Monday of October,
19 two thousand fifteen when the maximum benefit amount shall be four
20 hundred twenty-five dollars, until the first Monday of October, two
21 thousand sixteen when the maximum benefit amount shall be four hundred
22 thirty dollars, until the first Monday of October, two thousand seven-
23 teen when the maximum benefit amount shall be four hundred thirty-five
24 dollars, until the first Monday of October, two thousand eighteen when
25 the maximum benefit amount shall be four hundred fifty dollars, until
26 the first Monday of October, two thousand nineteen when the maximum
27 benefit amount shall be thirty-six percent of the average weekly wage
28 until the first Monday of October, two thousand twenty when the maximum

1 benefit amount shall be thirty-eight percent of the average weekly wage,
2 until the first Monday of October two thousand twenty-one when the maxi-
3 mum benefit amount shall be forty percent of the average weekly wage,
4 until the first Monday of October, two thousand twenty-two when the
5 maximum benefit amount shall be forty-two percent of the average weekly
6 wage, until the first Monday of October, two thousand twenty-three when
7 the maximum benefit amount shall be forty-four percent of the average
8 weekly wage, until the first Monday of October, two thousand twenty-four
9 when the maximum benefit amount shall be forty-six percent of the aver-
10 age weekly wage, until the first Monday of October, two thousand twen-
11 ty-five when the maximum benefit amount shall be forty-eight percent of
12 the average weekly wage, until the first Monday of October, two thousand
13 twenty-six and each year thereafter on the first Monday of October when
14 the maximum benefit amount shall be fifty percent of the average weekly
15 wage provided, however, that in no event shall the maximum benefit
16 amount be reduced from the previous year. A claimant shall receive his
17 or her full benefit rate for each week of total unemployment.

18 (c) For a week of partial unemployment, a claimant shall be eligible
19 for an amount equal to the difference between the claimant's weekly
20 benefit amount, as calculated pursuant to paragraph (a) of this subdivi-
21 sion, and any wages for such week in excess of one hundred dollars or
22 forty percent of the weekly benefit amount, whichever is greater. If
23 such partial benefit amount is not a multiple of one dollar, such amount
24 shall be reduced to the nearest lower full dollar amount.

25 6. Notification requirement. [No effective day shall be counted for
26 any purposes except effective days as to] Benefits shall be payable only
27 for a week of unemployment for which notification has been given in a
28 manner prescribed by the commissioner.

1 7. Waiting period. A claimant shall not be entitled to [accumulate
2 effective days for the purpose of] receive benefit payments until [he]
3 the claimant has [accumulated] completed a waiting period of [four
4 effective days either wholly within the] one week [in which he estab-
5 lished his valid original claim or partly within such week and partly
6 within his benefit year initiated by such claim] of unemployment.

7 § 8. Subdivisions 1 and 2, paragraph (a) of subdivision 3 and para-
8 graph (a) of subdivision 6 of section 591 of the labor law, subdivisions
9 1 and 2 as amended by chapter 413 of the laws of 2003, paragraph (a) of
10 subdivision 3 as amended by chapter 794 of the laws of 1963 and para-
11 graph (a) of subdivision 6 as added by section 13 of part 0 of chapter
12 57 of laws of 2013, are amended to read as follows:

13 1. Unemployment. Benefits, except as provided in section five hundred
14 ninety-one-a of this title, shall be paid only to a claimant who is
15 totally unemployed or partially unemployed [and who is unable to engage
16 in his usual employment or in any other for which he is reasonably
17 fitted by training and experience]. A claimant who is receiving benefits
18 under this article shall not be denied such benefits pursuant to this
19 subdivision or to subdivision two of this section because of such claim-
20 ant's service on a grand or petit jury of any state or of the United
21 States.

22 2. Availability and capability. Except as provided in section five
23 hundred ninety-one-a of this title, no benefits shall be payable to any
24 claimant who is not capable of work or who is not ready, willing and
25 able to work in his or her usual employment or in any other for which he
26 or she is reasonably fitted by training and experience. The commission-
27 er shall promulgate regulations defining a claimant's eligibility for
28 benefits when such claimant is not capable of work or not ready, willing

1 and able to work in his or her usual employment or in any other which he
2 or she is reasonably fitted by training and experience.

3 (a) [No benefits shall be] Benefits payable to a claimant for any day
4 during a paid vacation period, or for a paid holiday, [nor shall any
5 such day be considered a day of total unemployment under section five
6 hundred twenty-two] shall be calculated as provided in section five
7 hundred twenty-three and subdivision five of section five hundred ninety
8 of this article.

9 (a) No benefits shall be payable to a claimant for any week during a
10 dismissal period for which a claimant receives dismissal pay[, nor shall
11 any day within such week be considered a day of total unemployment under
12 section five hundred twenty-two of this article,] if such weekly
13 dismissal pay exceeds the maximum weekly benefit rate plus one hundred
14 dollars or fifty percent of the claimant's weekly benefit amount, which-
15 ever is greater.

16 § 9. Subdivisions 1 and 2 of section 591 of the labor law, subdivision
17 1 as amended by chapter 446 of the laws of 1981 and subdivision 2 as
18 amended by chapter 252 of the laws of 2020, are amended to read as
19 follows:

20 1. Unemployment. Benefits shall be paid only to a claimant who is
21 totally unemployed or partially unemployed [and who is unable to engage
22 in his usual employment or in any other for which he is reasonably
23 fitted by training and experience]. A claimant who is receiving benefits
24 under this article shall not be denied such benefits pursuant to this
25 subdivision or to subdivision two of this section because of such claim-
26 ant's service on a grand or petit jury of any state or of the United
27 States.

1 2. Availability, capability, and work search. No benefits shall be
2 payable to any claimant who is not capable of work or who is not ready,
3 willing and able to work in his or her usual employment or in any other
4 for which he or she is reasonably fitted by training and experience and
5 who is not actively seeking work. In order to be actively seeking work a
6 claimant must be engaged in systematic and sustained efforts to find
7 work. The commissioner shall promulgate regulations defining systematic
8 and sustained efforts to find work and setting standards for the proof
9 of work search efforts. Such regulations shall take into account the
10 need for claimants to provide child care for their child or children,
11 and the regulations shall ensure that such claimants are able to satisfy
12 the standards for proof of work search efforts. The commissioner shall
13 promulgate regulations defining a claimant's eligibility for benefits
14 when such claimant is not capable of work or not ready, willing and able
15 to work in his or her usual employment or in any other which he or she
16 is reasonably fitted by training and experience.

17 § 10. Subdivision 2 of section 592 of the labor law, as amended by
18 chapter 415 of the laws of 1983, is amended to read as follows:

19 2. Concurrent payments prohibited. No [days of total unemployment
20 shall be deemed to occur] benefits shall be payable in any week [with
21 respect to which] or [a] part [of] thereof, in which a claimant has
22 received or is seeking unemployment benefits under an unemployment
23 compensation law of any other state or of the United States, provided
24 that this provision shall not apply if the appropriate agency of such
25 other state or of the United States finally determines that [he] the
26 claimant is not entitled to such unemployment benefits.

27 § 11. Paragraph (a) of subdivision 1, the opening paragraph of subdivi-
28 vision 2 and subdivisions 3 and 4 of section 593 of the labor law, para-

1 graph (a) of subdivision 1, the opening paragraph of subdivision 2 and
2 subdivision 3 as amended by section 15 of part 0 of chapter 57 of the
3 laws of 2013 and subdivision 4 as amended by chapter 589 of the laws of
4 1998, are amended to read as follows:

5 (a) No [days of total unemployment shall be deemed to occur] benefits
6 shall be payable for any week of unemployment that occurs after a claim-
7 ant's voluntary separation without good cause from employment until he
8 or she has subsequently worked in employment and earned remuneration at
9 least equal to ten times his or her weekly benefit rate. In addition to
10 other circumstances that may be found to constitute good cause, includ-
11 ing a compelling family reason as set forth in paragraph (b) of this
12 subdivision, voluntary separation from employment shall not in itself
13 disqualify a claimant if circumstances have developed in the course of
14 such employment that would have justified the claimant in refusing such
15 employment in the first instance under the terms of subdivision two of
16 this section or if the claimant, pursuant to an option provided under a
17 collective bargaining agreement or written employer plan which permits
18 waiver of his or her right to retain the employment when there is a
19 temporary layoff because of lack of work, has elected to be separated
20 for a temporary period and the employer has consented thereto.

21 No [days of total unemployment shall be deemed to occur] benefits
22 shall be payable for any week of unemployment beginning with the day on
23 which a claimant, without good cause, refuses to accept an offer of
24 employment for which he or she is reasonably fitted by training and
25 experience, including employment not subject to this article, until he
26 or she has subsequently worked in employment and earned remuneration at
27 least equal to ten times his or her weekly benefit rate. Except that
28 claimants who are not subject to a recall date or who do not obtain

1 employment through a union hiring hall and who are still unemployed
2 after receiving ten weeks of benefits shall be required to accept any
3 employment proffered that such claimants are capable of performing,
4 provided that such employment would result in a wage not less than
5 eighty percent of such claimant's high calendar quarter wages received
6 in the base period and not substantially less than the prevailing wage
7 for similar work in the locality as provided for in paragraph (d) of
8 this subdivision. No refusal to accept employment shall be deemed with-
9 out good cause nor shall it disqualify any claimant otherwise eligible
10 to receive benefits if:

11 3. Misconduct. No [days of total unemployment shall be deemed to
12 occur] benefits shall be payable for any week of unemployment that
13 occurs after a claimant lost employment through misconduct in connection
14 with his or her employment until he or she has subsequently worked in
15 employment and earned remuneration at least equal to ten times his or
16 her weekly benefit rate.

17 4. Criminal acts. No [days of total unemployment shall be deemed to
18 occur during] benefits shall be payable for any week of unemployment for
19 a period of twelve months after a claimant loses employment as a result
20 of an act constituting a felony in connection with such employment,
21 provided the claimant is duly convicted thereof or has signed a state-
22 ment admitting that he or she has committed such an act. Determinations
23 regarding a benefit claim may be reviewed at any time. Any benefits
24 paid to a claimant prior to a determination that the claimant has lost
25 employment as a result of such act shall not be considered to have been
26 accepted by the claimant in good faith. In addition, remuneration paid
27 to the claimant by the affected employer prior to the claimant's loss of
28 employment due to such criminal act may not be utilized for the purpose

1 of establishing entitlement to a subsequent, valid original claim. The
2 provisions of this subdivision shall apply even if the employment lost
3 as a result of such act is not the claimant's last employment prior to
4 the filing of his or her claim.

5 § 12. Subdivisions 1 and 2 of section 594 of the labor law, as amended
6 by section 16 of part 0 of chapter 57 of the laws of 2013, are amended
7 to read as follows:

8 (1) A claimant who has wilfully made a false statement or represen-
9 tation to obtain any benefit under the provisions of this article shall
10 forfeit benefits for at least the first [four] week of unemployment but
11 not more than the first [eighty effective days] twenty weeks of unem-
12 ployment following discovery of such offense for which he or she other-
13 wise would have been entitled to receive benefits. Such penalty shall
14 apply only once with respect to each such offense.

15 (2) For the purpose of subdivision four of section five hundred ninety
16 of this article, the claimant shall be deemed to have received benefits
17 for such forfeited [effective days] weeks of unemployment.

18 § 13. Subdivisions 1 and 4 of section 596 of the labor law, subdivi-
19 sion 1 as amended by chapter 204 of the laws of 1982 and subdivision 4
20 as added by chapter 705 of the laws of 1944 and as renumbered by section
21 148-a of part B of chapter 436 of the laws of 1997, are amended to read
22 as follows:

23 1. Claim filing and certification to unemployment. A claimant shall
24 file a claim for benefits [at] with the [local state employment office
25 serving the area in which he was last employed or in which he resides]
26 department within such time and in such manner as the commissioner shall
27 prescribe. [He] The claimant shall disclose whether he or she owes child
28 support obligations, as hereafter defined. If a claimant making such

1 disclosure is eligible for benefits, the commissioner shall notify the
2 state or local child support enforcement agency, as hereafter defined,
3 that the claimant is eligible.

4 A claimant shall correctly report any [days of] employment and any
5 compensation [he] received for such employment, including [employments]
6 employment not subject to this article, and the days on which he or she
7 was totally unemployed or partially unemployed and shall make such
8 reports in accordance with such regulations as the commissioner shall
9 prescribe.

10 4. Registration and reporting for work. A claimant shall register as
11 totally unemployed or partially unemployed [at a local state employment
12 office serving the area in which he was last employed or in which he
13 resides] with the department in accordance with such regulations as the
14 commissioner shall prescribe. After so registering, such claimant shall
15 [report for work at the same local state employment office or otherwise]
16 give notice of [the continuance of his] continued total or partial unem-
17 ployment as often and in such manner as the commissioner shall
18 prescribe.

19 § 14. Paragraph (a) of subdivision 2 of section 599 of the labor law,
20 as amended by chapter 593 of the laws of 1991, is amended to read as
21 follows:

22 (a) Notwithstanding any other provision of this chapter, a claimant
23 attending an approved training course or program under this section may
24 receive additional benefits of up to [one hundred four effective days]
25 twenty-six times his or her weekly benefit amount following exhaustion
26 of regular and, if in effect, any other extended benefits, provided that
27 entitlement to a new benefit claim cannot be established. Certification
28 of continued satisfactory participation and progress in such training

1 course or program must be submitted to the commissioner prior to the
2 payment of any such benefits. The [duration] amount of such additional
3 benefits shall in no case exceed twice the [number of effective days]
4 amount of regular benefits to which the claimant is entitled at the time
5 the claimant is accepted in, or demonstrates application for appropriate
6 training.

7 § 15. The opening paragraph and paragraph (e) of subdivision 2 of
8 section 601 of the labor law, as amended by chapter 35 of the laws of
9 2009, are amended to read as follows:

10 Extended benefits shall be payable to a claimant for [effective days
11 occurring in] any week of total unemployment or partial unemployment
12 within an eligibility period, provided the claimant

13 (e) is not claiming benefits pursuant to an interstate claim filed
14 under the interstate benefit payment plan in a state where an extended
15 benefit period is not in effect, except that this condition shall not
16 apply with respect to the first [eight effective days] two weeks of
17 total unemployment or partial unemployment for which extended benefits
18 shall otherwise be payable pursuant to an interstate claim filed under
19 the interstate benefit payment plan; and

20 § 16. Subdivisions 3, 4 and paragraphs (b) and (e) of subdivision 5 of
21 section 601 of the labor law, as amended by chapter 35 of the laws of
22 2009, are amended to read as follows:

23 3. Extended benefit amounts; rate and duration. Extended benefits
24 shall be paid to a claimant

25 (a) at a rate equal to his or her rate for regular benefits during his
26 or her applicable benefit year but

27 (b) for not more than [fifty-two effective days with respect to his or
28 her applicable benefit year, with a total maximum amount equal to] fifty

1 percentum of the total maximum amount of regular benefits payable in
2 such benefit year, and

3 (c) if a claimant's benefit year ends within an extended benefit peri-
4 od, the remaining balance of extended benefits to which he or she would
5 be entitled, if any, shall be reduced by the [number of effective days]
6 amount of benefits for which he or she was entitled to receive trade
7 readjustment allowances under the federal trade act of nineteen hundred
8 seventy-four during such benefit year, and

9 (d) for periods of high unemployment for not more than [eighty effec-
10 tive days with respect to the applicable benefit year with a total maxi-
11 mum amount equal to] eighty percent of the total maximum amount of regu-
12 lar benefits payable in such benefit year.

13 4. Charging of extended benefits. The provisions of paragraph (e) of
14 subdivision one of section five hundred eighty-one of this article shall
15 apply to benefits paid pursuant to the provisions of this section, and
16 if they were paid for [effective days] weeks of unemployment occurring
17 in weeks following the end of a benefit year, they shall be deemed paid
18 with respect to that benefit year. However, except for governmental
19 entities as defined in section five hundred sixty-five and Indian tribes
20 as defined in section five hundred sixty-six of this article, only one-
21 half of the amount of such benefits shall be debited to the employers'
22 account; the remainder thereof shall be debited to the general account,
23 and such account shall be credited with the amount of payments received
24 in the fund pursuant to the provisions of the federal-state extended
25 unemployment compensation act. Notwithstanding the foregoing, where the
26 state has entered an extended benefit period triggered pursuant to
27 subparagraph one of paragraph (a) of subdivision one of this section for
28 which federal law provides for one hundred percent federal sharing of

1 the costs of benefits, all charges shall be debited to the general
2 account and such account shall be credited with the amount of payments
3 received in the fund pursuant to the provisions of the federal-state
4 extended unemployment compensation act or other federal law providing
5 for one hundred percent federal sharing for the cost of such benefits.

6 (b) No [days of total unemployment shall be deemed to occur in] bene-
7 fits shall be payable for any week within an eligibility period during
8 which a claimant fails to accept any offer of suitable work or fails to
9 apply for suitable work to which he or she was referred by the commis-
10 sioner, who shall make such referral if such work is available, or
11 during which he or she fails to engage actively in seeking work by
12 making a systematic and sustained effort to obtain work and providing
13 tangible evidence of such effort, and until he or she has worked in
14 employment during at least four subsequent weeks and earned remuneration
15 of at least four times his or her benefit rate.

16 (e) No [days of total unemployment] benefits shall be [deemed to occur
17 in] payable for any week within an eligibility period under section five
18 hundred ninety-three of this [article] title, until he or she has subse-
19 quently worked in employment in accordance with the requirements set
20 forth in section five hundred ninety-three of this [article] title.

21 § 17. Section 603 of the labor law, as amended by section 21 of part 0
22 of chapter 57 of the laws of 2013, is amended to read as follows:

23 § 603. Definitions. For purposes of this title: "Total unemployment"
24 and "partial unemployment" shall [mean the total lack of any employment
25 on any day,] have the same meanings as defined in this article, other
26 than with an employer applying for a shared work program. "Work force"
27 shall mean the total work force, a clearly identifiable unit or units

1 thereof, or a particular shift or shifts. The work force subject to
2 reduction shall consist of no less than two employees.

3 § 18. Severability. If any amendment contained in a clause, sentence,
4 paragraph, section or part of this act shall be adjudged by the United
5 States Department of Labor to violate requirements for maintaining bene-
6 fit standards required of the state in order to be eligible for any
7 financial benefit offered through federal law or regulation, such amend-
8 ments shall be severed from this act and shall not affect, impair or
9 invalidate the remainder thereof.

10 § 19. This act shall take effect one year after the date on which it
11 shall have become a law; provided that the amendments to subdivisions 1
12 and 2 of section 591 of the labor law made by section eight of this act
13 shall be subject to the expiration and reversion of such subdivisions
14 pursuant to section 10 of chapter 413 of the laws of 2003, as amended,
15 when upon such date the provisions of section nine of this act shall
16 take effect.

17 PART U

18 Section 1. Section 577 of the private housing finance law is amended
19 by adding a new subdivision 2-a to read as follows:

20 2-a. Notwithstanding any inconsistent provision of law to the contra-
21 ry, a project of a housing development fund company managed or operated
22 by a company incorporated pursuant to the not-for-profit corporation law
23 and this article, that has entered into a regulatory agreement with the
24 commissioner or supervisory agency pursuant to section five hundred
25 seventy-six of this article shall be exempt from the sales and compen-
26 sating use taxes imposed pursuant to article twenty-eight or twenty-nine

1 of the tax law, and such tax exemption shall continue only so long as
2 such agreement is in force and effect.

3 § 2. This act shall take effect immediately and shall apply to
4 projects that entered into regulatory agreements pursuant to section 576
5 of the private housing finance law on or after January 1, 2020.

6 PART V

7 Section 1. Subdivisions 5, 6, 7, 12, 13, 14, 15, 16, and 17 of section
8 111-h of the social services law are REPEALED, subdivisions 18, 19, and
9 20 are renumbered subdivisions 12, 13, and 14 and three new subdivisions
10 5, 6, and 7 are added to read as follows:

11 5. Except as provided in subdivision six of this section, any funds
12 paid to a support collection unit established by a social services
13 district which have not been disbursed after two years of diligent
14 efforts to locate the person entitled to such funds shall be paid to the
15 state comptroller in accordance with subdivision seven of this section
16 unless information has been received that is likely to lead to the
17 location of the person who is entitled to such funds; provided, however,
18 where the support collection unit determines that the person entitled to
19 the funds is deceased and cannot locate an estate for the person enti-
20 tled to the funds, or the estate does not claim the funds, such funds
21 may be paid to the state comptroller in accordance with subdivision
22 seven of this section without two years of diligent efforts.

23 6. Any funds paid to a support collection unit established by a social
24 services district for which the remitter of such funds has not provided
25 sufficient identifying information to associate the funds with an exist-
26 ing or previously existing child support account, and such information

1 cannot be determined after diligent efforts, shall be paid to the state
2 comptroller in accordance with subdivision seven of this section.

3 7. In the month of April, on or before the tenth day thereof, such
4 payment shall be delivered to the state comptroller pursuant to section
5 thirteen hundred eighteen of the abandoned property law, and shall be
6 accompanied by a written report, affirmed as true and accurate under the
7 penalty of perjury, classified as the state comptroller shall prescribe,
8 setting forth:

9 (a) the names and last known addresses, if any, of the persons enti-
10 tled to receive such abandoned property;

11 (b) the title of any proceeding relating to such abandoned property;
12 and

13 (c) such other identifying information as the state comptroller may
14 require.

15 § 2. Paragraph (c) of subdivision 1 of section 600 of the abandoned
16 property law is REPEALED.

17 § 3. Subdivision 3 of section 602 of the abandoned property law is
18 REPEALED.

19 § 4. The abandoned property law is amended by adding a new section
20 1318 to read as follows:

21 § 1318. Unclaimed spousal and child support. Any amount representing
22 child support or child and spousal support paid to a support collection
23 unit established by a social services district which has been delivered
24 to the state comptroller pursuant to subdivision seven of section one
25 hundred eleven-h of the social services law shall be deemed abandoned
26 property. On or before the tenth day of April in each year, such aban-
27 doned property shall be paid to the state comptroller. Such payment

1 shall be accompanied by a verified written report in such form as the
2 state comptroller may prescribe.

3 § 5. Subparagraph (b) of paragraph 1 of subdivision 4 of section 240
4 of the domestic relations law, as added by chapter 398 of the laws of
5 1997, is amended to read as follows:

6 (b) The party filing the specific written objections shall bear the
7 burden of going forward and the burden of proof; provided, however, that
8 if the support collection unit has failed to provide the documentation
9 and information required by former subdivision fourteen of section one
10 hundred eleven-h of the social services law, the court shall first
11 require the support collection unit to furnish such documents and infor-
12 mation to the parties and the court.

13 § 6. Subparagraph 2 of paragraph b of subdivision 3 of section 413 of
14 the family court act, as added by chapter 398 of the laws of 1997, is
15 amended to read as follows:

16 (2) The party filing the specific written objections shall bear the
17 burden of going forward and the burden of proof; provided, however, that
18 if the support collection unit has failed to provide the documentation
19 and information required by former subdivision fourteen of section one
20 hundred eleven-h of the social services law, the court shall first
21 require the support collection unit to furnish such documents and infor-
22 mation to the parties and the court.

23 § 7. Paragraph (a) of subdivision 13, subdivisions 16 and 17 of
24 section 111-b of the social services law, paragraph (a) of subdivision
25 13 as added by chapter 59 of the laws of 1993, subdivision 16 as added
26 by chapter 706 of the laws of 1996, paragraph (a) of subdivision 16 as
27 amended by chapter 139 of the laws of 1999 and subdivision 17 as added
28 by chapter 398 of the laws of 1997, are amended to read as follows:

1 (a) The commissioner shall enter into the agreement provided for in
2 section one hundred seventy-one-g of the tax law and is authorized to
3 furnish to the commissioner of taxation and finance any information, and
4 to take such other actions, as may be necessary to carry out the agree-
5 ment provided for in such section, for the purpose of reviewing support
6 orders pursuant to former subdivision twelve of section one hundred
7 eleven-h of this title.

8 16. Bureaus of special hearings; child support unit. (a) The depart-
9 ment is authorized to establish a bureau of special hearings; child
10 support unit solely for the purposes of providing administrative law
11 judges to decide objections to the determination of a support collection
12 unit to refer an obligor's arrears to the department of taxation and
13 finance for collection pursuant to subdivision [nineteen] thirteen of
14 section one hundred eleven-h of this title. The administrative law judg-
15 es employed by the unit shall serve exclusively within the unit and
16 shall not be utilized for any purpose other than those described in this
17 subdivision and shall be salaried employees of the department and shall
18 not be removed from such unit except for cause.

19 (b) The unit shall review a support collection unit's denial of a
20 challenge made by a support obligor pursuant to paragraph two of subdi-
21 vision [nineteen] thirteen of section one hundred eleven-h of this title
22 if objections thereto are filed by a support obligor who has received
23 notice that the department intends to notify the department of taxation
24 and finance to collect such support obligor's support arrears. Specific
25 written objections to a support collection unit's denial must be submit-
26 ted by the support obligor to the unit within thirty days of the date of
27 the notice of the support collection unit's denial. A support obligor
28 who files such objections shall serve a copy of the objections upon the

1 support collection unit, which shall have ten days from such service to
2 file a written rebuttal to such objections and a copy of the record upon
3 which the support collection unit's denial was made, including all
4 documentation submitted by the support obligor. Proof of service shall
5 be filed with the unit at the time of filing of objections and any
6 rebuttal. The unit's review shall be based solely upon the record and
7 submissions of the support obligor and the support collection unit upon
8 which the support collection unit's denial was made. Within fifteen days
9 after the rebuttal, if any, is filed, an administrative law judge of the
10 unit shall (i) deny the objections and remand to the support collection
11 unit or (ii) affirm the objections if the administrative law judge finds
12 the determination of the support collection unit is based upon an erro-
13 neous determination of fact by the support collection unit. Such deci-
14 sion shall pertain solely to the mistaken identity of the obligor, a
15 prejudicial error in the calculation of the obligor's arrears, the
16 obligor's financial exemption from collection of support arrears by the
17 department of taxation and finance or the absence of an underlying court
18 order establishing arrears to support eligibility for such enforcement.
19 Upon an affirmation of the objections the administrative law judge shall
20 direct the support collection unit not to notify the department of taxa-
21 tion and finance of their authority to collect the support obligor's
22 arrears. Provisions set forth in this subdivision relating to procedures
23 for hearing objections by the unit shall apply solely to such cases and
24 not affect or modify any other procedure for review or appeal of admin-
25 istrative enforcement of child support requirements. The decision of the
26 administrative law judge pursuant to this section shall be final and not
27 reviewable by the commissioner, and shall be reviewable only pursuant to
28 article seventy-eight of the civil practice law and rules.

1 17. Special services for review and adjustment. The department shall
2 develop procedures for and require local social services districts to
3 dedicate special staff to the review and adjustment of child support
4 orders entered prior to September fifteenth, nineteen hundred eighty-
5 nine on behalf of children in receipt of public assistance or child
6 support services pursuant to section one hundred eleven-g of this title.
7 Such review and adjustment shall be performed pursuant to former subdi-
8 visions twelve, thirteen, fourteen, fifteen and sixteen of section one
9 hundred eleven-h of this title. All such cases shall be reviewed and if
10 necessary adjusted no later than December thirty-first, two thousand.

11 § 8. This act shall take effect immediately; provided, however, that
12 any funds which were deposited with the county treasurer or the commis-
13 sioner of finance of the city of New York in accordance with section
14 111-h of the social services law prior to the effective date of this act
15 shall be delivered to the state comptroller on or before April 1, 2022
16 in accordance with subdivision 7 of section 111-h of the social services
17 law, as added by section one of this act.

18 PART W

19 Section 1. 1. Upon the oral or written request of an employee, each
20 employer shall provide each employee up to four hours of leave to be
21 used for each of up to two COVID-19 vaccine injections, provided however
22 that an employer that provides or arranges to provide a COVID-19 vacci-
23 nation at the employee's workplace shall provide sufficient time to the
24 employee for such vaccine injections.

1 2. For purposes of this act, the term "employer" has the same meaning
2 as the term "employer" in section 190 of the labor law except that it
3 also includes government agencies.

4 3. Except where prohibited by law, an employer may request documenta-
5 tion from an employee confirming the employee's eligibility to take
6 leave under this act before authorizing such leave.

7 4. Each employee shall be compensated at his or her regular rate of
8 pay for those regular work hours during which the employee is absent
9 from work due to leave provided by this act.

10 5. The leave provided by this act shall be provided without loss or
11 reduction of an employee's accrued leave under section 196-b of the
12 labor law or earned benefits or wage supplements subject to section
13 198-c of the labor law.

14 6. No employer or any other person, shall discharge, threaten, penal-
15 ize, or in any other manner discriminate or retaliate against any
16 employee because such employee has exercised his or her rights afforded
17 under this act, consistent with and subject to the provisions of section
18 215 of the labor law.

19 7. The commissioner of labor shall have authority to adopt regu-
20 lations, including emergency regulations, and issue guidance to effectu-
21 ate any of the provisions of this act. Employers shall comply with regu-
22 lations promulgated by the commissioner of labor for this purpose which
23 may include, but is not limited to, standards for the use, payment, and
24 employee eligibility of leave pursuant to this act.

25 8. The provisions of this act and any regulations adopted thereunder
26 may be enforced by the commissioner of labor through the remedies and
27 protections provided in, and applied to, article 6 of the labor law.

1 9. Nothing in this act shall be deemed to impede, infringe, diminish
2 or impair the rights of an employee or employer under any law, rule,
3 regulation or collectively negotiated agreement, or the rights and bene-
4 fits which accrue to employees through collective bargaining agreements,
5 or otherwise diminish the integrity of the existing collective bargain-
6 ing relationship, or to prohibit any personnel action which otherwise
7 would have been taken regardless of any request to use, or utilization
8 of, any leave provided by this act.

9 § 2. This act shall take effect immediately.

10 PART X

11 Section 1. Section 2401 of the public authorities law is amended by
12 adding a new undesignated paragraph to read as follows:

13 It is further found and determined that there is a shortage of
14 adequate funds to assist in the new construction of housing, including
15 modular and manufactured housing.

16 § 2. Subdivisions 2, 5, and 12 of section 2402 of the public authori-
17 ties law, subdivision 2 as amended by chapter 806 of the laws of 1990,
18 subdivision 5 as amended by chapter 151 of the laws of 2013, and subdi-
19 vision 12 as added by chapter 915 of the laws of 1982, are amended to
20 read as follows:

21 (2) "Bank". Any bank or trust company, savings bank, savings and loan
22 association, industrial bank, credit union, national banking associ-
23 ation, federal savings and loan association, federal savings bank or
24 federal credit union which is located in the state. The term "bank"
25 shall also include a New York state licensed mortgage banker, or a
26 domestic not-for-profit corporation whose public purposes include

1 combatting community deterioration and which is an exempt organization
2 as defined in paragraph (e) of subdivision one of section five hundred
3 ninety of the banking law, or an entity exempt from licensing provisions
4 in accordance with paragraph (a) of subdivision two of such section
5 [five hundred ninety of such law], which in any such case is approved as
6 a mortgage lender by the Federal National Mortgage Association or by the
7 Federal Home Loan Mortgage Corporation, or domestic not-for-profit
8 corporations that are certified by the United States department of trea-
9 sury as community development financial institutions or licensed by the
10 New York state department of financial services.

11 (5) "Mortgage". A loan owed to a bank secured by a first lien on a fee
12 simple or leasehold estate in real property located in the state and
13 improved by a residential structure or on which a residential structure
14 shall be constructed using the proceeds of such loan, whether or not
15 insured or guaranteed by the United States of America or any agency
16 thereof. The term "mortgage" shall also include a loan owed to a bank
17 secured by a second lien on a fee simple or leasehold estate in real
18 property located in the state and improved by a residential structure or
19 on which a residential structure shall be constructed using the proceeds
20 of the related loan described in paragraph (a) or (b) of this subdivi-
21 sion, whether or not insured or guaranteed by the United States of Amer-
22 ica or any agency thereof, provided, however, that such second lien: (a)
23 secures a loan purchased by the agency, and (b) is made at the same time
24 as a first lien securing a loan purchased by the agency pursuant to its
25 programs or by a government sponsored enterprise or is made at the same
26 time as a new housing loan purchased by the agency pursuant to section
27 twenty-four hundred five-c of this part. The term "mortgage" shall also
28 include loans made by the agency and secured by a second lien on a fee

1 simple or leasehold estate in real property located in the state and
2 improved by a residential structure or on which a residential structure
3 shall be constructed using the proceeds of such loan, whether or not
4 insured or guaranteed by the United States of America or any agency
5 thereof, provided however, that the loan made by the agency and secured
6 by such second lien is made at the same time as a first lien securing a
7 mortgage loan purchased by the agency pursuant to its programs or by a
8 government sponsored enterprise. In the case of any second lien
9 purchased or made hereunder, the mortgagor shall be obligated to
10 contribute from his or her own verifiable funds an amount not less than
11 such percentage as the agency shall determine, of the lower of the
12 purchase price or appraised value of the property subject to the first
13 lien. "Real property" as used in this subdivision shall include air
14 rights.

15 For the purposes of this title and of [section one hundred ninety and
16 subsection (a) of section one thousand four hundred fifty-six] subdivi-
17 sion ten of section two hundred ten-B of the tax law, "mortgage" shall
18 include housing loans as defined below. Except for the purposes of
19 subdivision seven of section [two thousand four] twenty-four hundred
20 five and subdivision eight of section two thousand four hundred five-b
21 of this part, "mortgage" shall also include a loan owed to a bank by an
22 individual borrower incurred for the purpose of financing the purchase
23 of certificates of stock or other evidence of ownership of an interest
24 in, and a proprietary lease from, a cooperative housing corporation
25 formed for the purpose of the cooperative ownership of residential real
26 estate in the state, secured by an assignment or transfer of the bene-
27 fits of such cooperative ownership, and containing such terms and condi-
28 tions as the agency may approve.

1 (12) "Forward commitment mortgage". A mortgage, which includes new
2 construction loans, for which a commitment to advance funds is made not
3 earlier than the date the agency issues an invitation to purchase mort-
4 gages or such later date as specified in the invitation. A mortgage made
5 in satisfaction of the obligation of a bank under section twenty-four
6 hundred five of this [title] part is not a forward commitment mortgage.

7 § 3. Subdivisions 7 and 14 of section 2404 of the public authorities
8 law, subdivision 7 as amended by chapter 782 of the laws of 1992, and
9 subdivision 14 as added by chapter 612 of the laws of 1970, are amended
10 to read as follows:

11 (7) To (a) acquire, and contract to acquire, existing mortgages owned
12 by banks and to enter into advance commitments to banks for the purchase
13 of said mortgages, all subject to the provisions of section [two thou-
14 sand four] twenty-four hundred five of this [title] part, (b) acquire,
15 and contract to acquire, forward commitment mortgages made by banks and
16 to enter into advance commitments to banks for the purchase of said
17 mortgages, all subject to the provisions of section [two thousand four]
18 twenty-four hundred five-b of this [title] part, (c) acquire, and
19 contract to acquire, new housing loans made by banks and to enter into
20 advance commitments to banks for the purchase of said housing loans, all
21 subject to the provisions of section [two thousand four] twenty-four
22 hundred five-c of this [title] part, [and] (d) to acquire and contract
23 to acquire mortgages pursuant to section twenty-four hundred five-d of
24 this title, and (e) acquire, and contract to acquire, new construction
25 mortgage loans owned by banks and to enter into advance commitments to
26 banks for the purchase of such mortgages, all subject to the provisions
27 of section twenty-four hundred five-b of this part;

1 (14) To renegotiate, refinance or foreclose, or contract for the fore-
2 closure of, any mortgage in default; to waive any default or consent to
3 the modification of the terms of any mortgage; to commence any action to
4 protect or enforce any right conferred upon it by any law, mortgage,
5 contract or other agreement, and to bid for and purchase such property
6 at any foreclosure or at any other sale, or acquire or take possession
7 of any such property; to operate, manage, lease, dispose of, and other-
8 wise deal with such property, in such manner as [may be necessary to
9 protect the interests of the agency and the holders of its bonds and
10 notes] would further the purposes of the agency, subject to any agree-
11 ment with its bondholders or noteholders;

12 § 4. Subdivisions 3 and 5 and paragraphs (a), (f), and (h) of subdivi-
13 sion 8 of section 2405-b of the public authorities law, subdivisions 3
14 and 5 and paragraphs (a) and (h) of subdivision 8 as added by chapter
15 915 of the laws of 1982, paragraph (h) of subdivision 8 as further
16 amended by section 104 of part A of chapter 62 of the laws of 2011 and
17 paragraph (f) of subdivision 8 as amended by chapter 432 of the laws of
18 2009, are amended to read as follows:

19 (3) In conducting its program of purchasing forward commitment mort-
20 gages, the agency shall be governed by the provisions of paragraph (b)
21 of subdivision three of section twenty-four hundred five of this [title]
22 part; however, with respect to new construction loans, the agency shall
23 be governed by the provisions of only subparagraph (iii) of paragraph
24 (b) of subdivision three of section twenty-four hundred five of this
25 part.

26 (5) Notwithstanding the maximum interest rate, if any, fixed by
27 section 5-501 of the general obligations law or any other law not
28 specifically amending or applicable to this section, the agency may set

1 the interest rate to be borne by forward commitment mortgages purchased
2 by the agency from banks at a rate or rates which the agency from time
3 to time shall determine [to], provided however, that if such mortgages
4 are financed through the issuance of the agency's bonds or notes, the
5 interest rate shall be at least sufficient, together with any other
6 available monies, to provide for the payment of its bonds and notes, and
7 forward commitment mortgages bearing such interest rate shall not be
8 deemed to violate any such law or to be unenforceable if originated by a
9 bank in good faith pursuant to an undertaking with the agency with
10 respect to the sale thereof notwithstanding any subsequent failure of
11 the agency to purchase the mortgage or any subsequent sale or disposi-
12 tion of the mortgage by the agency to such bank or any other person.

13 (a) other than with respect to new construction loans, the mortgage
14 was not made in satisfaction of an obligation of the bank under section
15 twenty-four hundred five of this [title] part;

16 (f) the mortgage constitutes a valid first lien, or second lien with
17 respect to mortgages other than new construction loans, on the real
18 property described to the agency in accordance with subdivision five of
19 section twenty-four hundred two of this part subject only to real prop-
20 erty taxes not yet due, installments of assessments not yet due, and
21 easements and restrictions of record which do not adversely affect, to a
22 material degree, the use or value of the real property or improvements
23 thereon;

24 (h) the improvements to, or new construction of, the mortgaged real
25 property are covered by a valid and subsisting policy of insurance
26 issued by a company authorized by the superintendent of financial
27 services to issue such policies in the state of New York and providing
28 fire and extended coverage to an amount not less than eighty percent of

1 the insurable value of the improvements to, or new construction of, the
2 mortgaged real property.

3 § 5. This act shall take effect immediately; provided, however, that:

4 a. the amendments to subdivisions 2, 5 and 12 of section 2402 of the
5 public authorities law made by section two of this act shall not affect
6 the expiration of such subdivisions and shall be deemed to expire there-
7 with;

8 b. the amendments to subdivision 7 of section 2404 of the public
9 authorities law made by section three of this act shall not affect the
10 expiration of such subdivision and shall be deemed to expire therewith;
11 and

12 c. the amendments to section 2405-b of the public authorities law made
13 by section four of this act shall not affect the repeal of such section
14 and shall be deemed repealed therewith.

15 PART Y

16 Section 1. Prohibited fees or charges. Notwithstanding any other
17 provision of law, no landlord, lessor, sub-lessor or grantor of a resi-
18 dential dwelling shall demand or be entitled to any payment, fee or
19 charge for late payment of rent from the period of March 20, 2020 until
20 May 1, 2021.

21 § 2. Security deposits. Notwithstanding any other provision of law,
22 landlords and tenants or licensees of residential properties may, upon
23 the consent of the tenant or licensee, enter into a written agreement by
24 which the security deposit and any interest which accrued or should have
25 accrued thereof, shall be used to pay rent that is in arrears or will
26 become due.

1 a. If the amount of the deposit represents less than a full month rent
2 payment, then such agreement shall not constitute a waiver of the
3 remaining rent due and owing for that month.

4 b. Execution in counterpart by email will constitute sufficient
5 execution for consent.

6 c. Landlords shall provide such relief to tenants or licensees who so
7 request it on or before May 1, 2021, provided that such tenants or
8 licensees complete a "Hardship Declaration" as defined by Part A of
9 chapter 381 of the laws of 2020 also known as the "COVID-19 Emergency
10 Eviction and Foreclosure Prevention Act of 2020." Landlords shall
11 provide the hardship declaration, in English and the tenant's primary
12 language if such translation is made available by the Office of Court
13 Administration, to tenants and licensees who request relief pursuant to
14 this act.

15 d. Utilization of such security deposit shall be at the tenant or
16 licensee's sole option and landlords shall not harass, threaten or
17 engage in any harmful act to compel such agreement.

18 e. Any security deposit used as a payment of rent shall be replenished
19 by the tenant or licensee, to be paid at the rate of 1/12 the amount
20 used as rent per month. The payments to replenish the security deposit
21 shall commence no earlier than June 1, 2021, but which may be extended
22 upon agreement by the parties. No landlord shall require interest
23 payments to be made as part of or in addition to the repayment schedule
24 as set forth in this paragraph.

25 f. The tenant or licensee may, at their sole option, retain insurance
26 that provides relief for the landlord in lieu of the monthly security
27 deposit replenishment. The landlord, must, if offered, accept such
28 insurance as replenishment.

1 § 3. This act shall take effect immediately, and shall be deemed to
2 have been in full force and effect on and after May 7, 2020.

3 PART Z

4 Section 1. This part enacts into law major components of legislation
5 which are related to making child care more affordable for low-income
6 families and easing administrative burdens for the child care workforce.
7 Each component is wholly contained within a Subpart identified as
8 Subparts A and B. The effective date for each particular provision
9 contained within such Subpart is set forth in the last section of such
10 Subpart. Any provision in any section contained within a Subpart,
11 including the effective date of the Subpart, which makes reference to a
12 section of "this act", when used in connection with that particular
13 component, shall be deemed to mean and refer to the corresponding
14 section of the Subpart in which it is found. Section two contains a
15 severability clause for all provisions contained in each subpart of this
16 Part. Section three of this act sets forth the general effective date of
17 this Part.

18 SUBPART A

19 Section 1. Subdivision 8 of section 410-w of the social services law,
20 as added by chapter 144 of the laws of 2015, is amended to read as
21 follows:

22 8. Notwithstanding any other provision of law, rule or regulations to
23 the contrary, a social services district that implements a plan amend-
24 ment to the child care portion of its child and family services plan,

1 either as part of an annual plan update, or through a separate plan
2 amendment process, where such amendment reduces eligibility for, or
3 increases the family share percentage of, families receiving child care
4 services, or that implements the process for closing child care cases as
5 set forth in the district's approved child and family services plan, due
6 to the district determining that it cannot maintain its current caseload
7 because all of the available funds are projected to be needed for open
8 cases, shall provide all families whose eligibility for child care
9 assistance or family share percentage will be impacted by such action
10 with at least thirty days prior written notice of the action. Provided,
11 however, that a family receiving assistance pursuant to this title shall
12 not be required to contribute more than twenty percent of their income
13 exceeding the state income standard.

14 § 2. Subdivision 6 of section 410-x of the social services law, as
15 added by section 52 of part B of chapter 436 of the laws of 1997, is
16 amended to read as follows:

17 6. Pursuant to department regulations, child care assistance shall be
18 provided on a sliding fee basis based upon the family's ability to pay;
19 provided, however, that a family receiving assistance pursuant to this
20 title shall not be required to contribute more than twenty percent of
21 their income exceeding the state income standard.

22 § 3. This act shall take effect immediately.

23 SUBPART B

24 Section 1. Paragraph (a) of subdivision 2 of section 390-a of the
25 social services law, as amended by chapter 416 of the laws of 2000, is
26 amended to read as follows:

1 (a) review and evaluate the backgrounds of and information supplied by
2 any person applying to be a child day care center or school-age child
3 care program employee or volunteer or group family day care assistant, a
4 provider of family day care or group family day care, or a director of a
5 child day care center, head start day care center or school-age child
6 care program. Such procedures shall include but not be limited to the
7 following requirements: that the applicant set forth his or her employ-
8 ment history[, provide personal and employment references]; submit such
9 information as is required for screening with the statewide central
10 register of child abuse and maltreatment in accordance with the
11 provisions of section four hundred twenty-four-a of this article; [sign
12 a sworn statement indicating whether, to the best of his or her know-
13 ledge, he or she has ever been convicted of a crime in this state or any
14 other jurisdiction;] and provide his or her fingerprints for submission
15 to the division of criminal justice services in accordance with the
16 provisions of section three hundred ninety-b of this title;

17 § 2. The opening paragraph of paragraph (b) of subdivision 2 of
18 section 390-b of the social services law, as added by section 9 of part
19 H of chapter 56 of the laws of 2019, is amended to read as follows:

20 notwithstanding any other provision of law to the contrary, [prior to
21 October first, two thousand twenty,] all clearances listed in subdivi-
22 sion one of this section that have not previously been conducted pursu-
23 ant to paragraph (a) of this subdivision and for which on-going criminal
24 history results are not already provided, shall be conducted in accord-
25 ance with a schedule developed by the office of children and family
26 services, for all:

1 § 3. Subparagraphs (i) and (iv) of paragraph (d) of subdivision 3-a of
2 section 390-b of the social services law, as added by section 9 of part
3 H of chapter 56 of the laws of 2019, are amended to read as follows:

4 (i) Where a clearance conducted pursuant to this section reveals that
5 an applicant to be the operator or director of a child day care program,
6 or applicant to be a caregiver, or anyone who is not related in any way
7 to all children for whom child care services will be provided, resides
8 in the home over the age of eighteen where child day care is proposed to
9 be provided to children in a home-based setting has been charged with a
10 crime, the office of children and family services shall hold the appli-
11 cation in abeyance until the charge is finally resolved; provided,
12 however, that the office of children and family services may approve the
13 application prior to resolution of the charge if a conviction on the
14 charge would not result in the individual, program, or provider being
15 deemed ineligible pursuant to subdivision three of this section.

16 (iv) Where a clearance conducted pursuant to this section reveals that
17 an applicant to be an employee or volunteer with the potential for unsu-
18 pervised contact with children of a child day care program or enrolled
19 legally-exempt provider has been charged with a crime, the office shall
20 hold the application in abeyance until the charge is finally resolved;
21 provided, however, that the office of children and family services may
22 approve the application prior to resolution of the charge if a
23 conviction on the charge would not result in the employee or volunteer
24 being deemed ineligible pursuant to subdivision three of this section.

25 § 4. Subparagraphs (ii) and (iii) of paragraph (a) of subdivision 1
26 of section 424-a of the social services law, as amended by section 14 of
27 part H of chapter 56 of the laws of 2019, are amended to read as
28 follows:

1 (ii) A licensing agency shall inquire of the office whether an appli-
2 cant for a certificate, license or permit to operate a child care
3 program including a family day care home, group family day care home,
4 child care center, school age child care program, or enrolled legally
5 exempt provider or an employee, volunteer or applicant to be an employee
6 or volunteer in such program who has potential for regular and substan-
7 tial contact with children in the program, is the confirmed subject of
8 an indicated child abuse report maintained by the statewide central
9 register of child abuse and maltreatment; provided, however, that a
10 licensing agency may, but is not required to, submit an inquiry pursuant
11 to this subparagraph if such individual has been the subject of an
12 inquiry pursuant to this subparagraph within the last five years and has
13 maintained a role in one or more child care programs during such five-
14 year period without a break in time where such individual ceased to play
15 a role in any child care program of not more than one hundred eighty
16 consecutive days. The office shall promulgate regulations related to the
17 process by which providers and applicants will be informed whether the
18 applicant is authorized or unauthorized to care for children based on
19 the outcome of such inquiry.

20 (iii) A licensing agency shall inquire of the office whether any
21 person age eighteen or older who is not related in any way to all chil-
22 dren for whom care is provided that resides on the premises of where
23 child care is provided in a setting that is not the child's own home by
24 an enrolled legally-exempt provider as such term is defined in subdivi-
25 sion one-a of section three hundred ninety-b of this [chapter] article
26 is the confirmed subject of an indicated child abuse report maintained
27 by the statewide central register of child abuse and maltreatment;
28 provided, however, that a licensing agency may, but is not required to

1 submit an inquiry pursuant to this subparagraph if such individual has
2 been the subject of an inquiry pursuant to this subparagraph within the
3 last five years and has maintained a role in one or more child care
4 programs during such five-year period without a break in time where such
5 individual ceased to play a role in any child care program of not more
6 than one hundred eighty consecutive days. The office shall promulgate
7 regulations related to the process by which providers and applicants
8 will be informed whether the applicant is authorized or unauthorized to
9 care for children based on the outcome of such inquiry.

10 § 5. This act shall take effect on the ninetieth day after it shall
11 have become a law. Effective immediately, the office of children and
12 family services is hereby authorized to promulgate such rules and regu-
13 lations as may be necessary to implement the provisions of this act on
14 or before such effective date.

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

25 § 3. This act shall take effect immediately, provided, however, that
26 the applicable effective date of Subparts A and B of this act shall be
27 as specifically set forth in the last section of such Subparts.

1

PART AA

2 Section 1. Legislative findings and intent. The legislature finds that
3 the transition to the green economy and creating good paying jobs are
4 not mutually exclusive priorities for New York State. In order to make
5 this transition and achieve the ambitious goals set forth in the Climate
6 Leadership and Community Protection Act, a clear focus on prioritizing
7 renewable energy sources is necessary. However, the workers who will
8 build the infrastructure of the green economy must not be left behind.
9 Setting clear standards for job quality will ensure the creation of good
10 jobs, protect workers in the ongoing transition of our energy sector,
11 and result in positive economic impacts. Due to such findings, the
12 legislature hereby declares that the mandate of prevailing wage or
13 project labor agreements for construction work and engineering and
14 consulting services performed in connection with the installation of
15 renewable energy systems provided in this bill will ensure that workers
16 are central to New York State's transition to the green economy.

17 § 2. 1. (a) For purposes of this act, a "covered renewable energy
18 project" means construction work and engineering and consulting services
19 performed under contract which is paid for in whole or in part out of
20 public funds as such term is defined in this section where the amount of
21 all such public funds, when aggregated, is at least thirty percent of
22 the total construction project costs, in connection with either:

23 (i) the installation of a renewable energy system, as such term is
24 defined in section 66-p of the public service law, with a capacity over
25 twenty-five megawatts alternating current and with a total project cost
26 of over ten million dollars; or

1 (ii) the installation of a solar energy system with a capacity over
2 five megawatts alternating current and with a total project cost of over
3 five million dollars.

4 (b) For purposes of this act, a covered renewable energy project shall
5 exclude construction work performed under a pre-hire collective bargain-
6 ing agreement between an owner or contractor and a bona fide building
7 and construction trade labor organization which has established itself
8 as the collective bargaining representative for all persons who will
9 perform work on such a project, and which provides that only contractors
10 and subcontractors who sign a pre-negotiated agreement with the labor
11 organization can perform work on such a project, or construction work
12 performed under a labor peace agreement, project labor agreement, or any
13 other construction work performed under an enforceable agreement between
14 an owner or contractor and a bona fide building and construction trade
15 labor organization.

16 (c) For purposes of this act, "paid for in whole or in part out of
17 public funds" shall mean (i) the payment of money, by a public entity,
18 or a third party acting on behalf of and for the benefit of a public
19 entity, directly to or on behalf of the contractor, subcontractor,
20 developer or owner that is not subject to repayment, including, without
21 limitation, grants, incentives, the procurement of renewable energy
22 credits, or loans to be repaid only on a contingent basis; or (ii)
23 savings achieved from fees, rents, interest rates, or other loan costs,
24 or insurance costs that are lower than market rate costs by virtue of
25 the involvement of a public entity.

26 2. Notwithstanding part FFF of chapter 58 of the laws of 2020 that
27 established prevailing wage for construction work done under contract
28 which is paid for in whole or in part out of public funds, a covered

1 renewable energy project shall be subject to prevailing wage require-
2 ments in accordance with sections 220 and 220-b of the labor law. Noth-
3 ing herein shall be construed to require the payment of prevailing wage
4 or require a project labor agreement for a renewable energy project
5 which is paid for with solely private funds, by private entities.

6 3. For purposes of this act, the "fiscal officer" shall be deemed to
7 be the commissioner of labor.

8 4. The enforcement of any covered renewable energy project pursuant to
9 this act shall be subject only to the requirement of sections 220,
10 220-b, and 224-b of the labor law and within the jurisdiction of the
11 fiscal officer; provided, however, nothing contained in this act shall
12 be deemed to construe any covered renewable energy project as otherwise
13 being considered public work pursuant to article 8 of the labor law.

14 5. The fiscal officer may issue rules and regulations governing the
15 provisions of this act. Violations of this act shall be grounds for
16 determinations and orders pursuant to section 220-b of the labor law.

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

26 § 4. This act shall take effect on January 1, 2022 and shall apply to
27 covered renewable energy projects that begin on or after that date.

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

10 § 3. This act shall take effect immediately provided, however, that
11 the applicable effective date of Parts A through AA of this act shall be
12 as specifically set forth in the last section of such Parts.