

Amend Senate S8006, Assembly A9006, AN ACT to amend the education law, in relation to school contracts ...

Page	Line	Amendment
Page 3,	Unnumbered line 28 through 31 (AN ACT CLAUSE),	After "(Part DD);" strike "to amend the general city law, the town law, and the village law, in relation to transit-oriented development" and insert "intentionally omitted"
Page 10,	Between lines 19 and 20,	<p>Insert "\$ 11-a. Subdivision 1 of section 3625 of the education law, as amended by section 47 of part L of chapter 405 of the laws of 1999, is amended to read as follows:</p> <p>1. Form of transportation contracts. Every contract for transportation of school children shall be in writing <u>or in an electronic form approved by the commissioner when available</u>, and before such contract is filed with the department as required by subdivision two of this section, the same shall be submitted for approval to the superintendent of schools of said district and such contract shall not be approved and filed by such superintendent unless he or she shall first investigate the same with particular reference to the type of conveyance, the character and ability of the driver, the routes over which the conveyances shall travel, the time schedule, and such other matters as in the judgement of the superintendent are necessary for the comfort and protection of the children while being transported to and from school. Every such contract for transportation of children shall contain an agreement upon the part of the contractor that the vehicle shall come to a full stop before crossing the track or tracks of any railroad and before crossing any state highway."</p>
Page 43,	Line 39,	After "hundred" insert " <u>percent of the state income standard, two hundred</u> "
Page 43,	Line 40,	After " <u>effective</u> " strike out " <u>October sixteen</u> " insert " <u>August first</u> "
Page 43,	Line 48,	After "hundred" insert " <u>percent of the state income standard, two hundred</u> "
Page 43,	Line 49,	After " <u>effective</u> " strike out " <u>October sixteen</u> " insert " <u>August first</u> "
Page 44,	Line 4,	After "hundred" insert " <u>percent of the state income standard, two hundred</u> "
Page 44,	Line 5,	After " <u>effective</u> " strike out " <u>October sixteen</u> " insert " <u>August first</u> "

Page 44,	Line 42,	After "hundred" insert " <u>percent of the state income standard, two hundred</u> "
Page 44,	Line 43,	After " <u>effective</u> " strike out " <u>October sixteen</u> " insert " <u>August first</u> "
Page 45,	Line 3,	After "hundred" insert " <u>percent of the state income standard, two hundred</u> "
Page 45,	Line 4,	After " <u>effective</u> " strike out " <u>October sixteen</u> " insert " <u>August first</u> "
Page 45,	Line 12,	After "hundred" insert " <u>percent of the state income standard, two hundred</u> "
Page 45,	Line 13,	After " <u>effective</u> " strike out " <u>October sixteen</u> " insert " <u>August first</u> "
Page 45,	Line 20,	After "hundred" insert " <u>percent of the state income standard, two hundred</u> "
Page 45,	Line 21,	After " <u>effective</u> " strike out " <u>October sixteen</u> " insert " <u>August first</u> "
Page 45,	Line 53,	After "hundred" insert " <u>percent of the state income standard, two hundred</u> "
Page 45,	Line 54,	After " <u>effective</u> " strike out " <u>October sixteen</u> " insert " <u>August first</u> "
Page 46,	Line 27,	After "effect" strike out "October 16, 2022" and insert "immediately"
Page 56,	Line 54,	After "however," insert "that effective immediately, any percentage adjustments reflecting changes in the poverty guidelines of the United States Bureau of the Census required in subparagraph (iii) of paragraph (a) of subdivision 8 of section 131-a of the social services law shall cease; and provided further"
Page 82,	Line 28,	Strike out "accessory dwelling unit" and insert "equitable and sustainable land use"
Page 82,	Line 35,	Strike out " <u>482. Low and moderate income homeowners program.</u> "
Page 82,	Line 36,	Strike out " <u>483</u> " and insert " <u>482</u> "
Page 82,	Line 46 through 54,	Strike out " <u>2. "Local government" shall mean a city, town or village.</u> <u>3. "Low-income homeowners" shall mean homeowners with an income, adjusted for family size, not exceeding eighty percent of the area median income.</u>

		<p>4. <u>"Moderate-income homeowners" shall mean homeowners with an income, adjusted for family size, not exceeding one hundred twenty percent of the area median income as defined by the division.</u></p> <p>5. <u>"Nonconforming zoning condition" shall mean a physical improvement on a property that does not conform with current zoning standards."</u></p>
Page 83,	Line 1 through 4,	<p>Strike out <u>"6. "Proposed dwelling" shall mean a dwelling that is the subject of a permit application and that meets the requirements for permitting.</u></p> <p>7. <u>"Division" shall mean the New York state division of homes and community renewal.</u></p>
Page 83,	Line 5,	Strike out <u>"8"</u> and insert <u>"2"</u>
Page 83,	Line 9,	Strike out <u>"9"</u> and insert <u>"3"</u>
Page 83,	Line 12 through 56,	<p>Strike out <u>"1. Notwithstanding any general, special, charter, local or other law, rule, policy, or regulation to the contrary, including any law authorizing the adoption of planning, zoning, or other land use regulation, a local government shall, by local law, provide for the creation of accessory dwelling units. Such local law shall:</u></p> <p><u>(a) Designate areas within the jurisdiction of the local government where accessory dwelling units shall be permitted. Designated areas shall include all areas zoned for single-family or multifamily residential use, and all lots with an existing residential use.</u></p> <p><u>(b) Authorize the creation of at least one accessory dwelling unit per lot.</u></p> <p><u>(c) Provide reasonable standards for accessory dwelling units that may include, but are not limited to, height, landscape, architectural review and maximum size of a unit. In no case shall such standards unreasonably restrict the creation of accessory dwelling units.</u></p> <p><u>(d) Require accessory dwelling units to comply with the following:</u></p> <p><u>(i) Such unit may be rented separate from the primary residence, but shall not be sold or otherwise conveyed separate from the primary residence;</u></p> <p><u>(ii) Such unit shall be located on a lot that includes a proposed or existing residential dwelling;</u></p> <p><u>(iii) Such unit shall not be rented for a term less than thirty days; and</u></p> <p><u>(iv) If there is an existing primary residence, the total floor area of an accessory dwelling unit shall not exceed fifty percent of the existing primary residence, unless such limit would prevent</u></p>

		<p>the creation of an accessory dwelling unit that is no greater than six hundred square feet.</p> <p>2. A local government shall not establish by any regulation any of the following:</p> <p>(a) In a local government having a population of one million or more, a minimum square footage requirement for an accessory dwelling unit greater than two hundred square feet, or in a local government having a population of less than one million, a minimum square footage requirement for an accessory dwelling unit that is greater than five hundred fifty square feet;</p> <p>(b) A maximum square footage requirement for an accessory dwelling unit that is less than fifteen hundred square feet;</p> <p>(c) Any other minimum or maximum size for an accessory dwelling unit, including those based upon a percentage of the proposed or existing primary residence, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for a dwelling that does not permit at least an eight hundred square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with"</p>
Page 84, 56,	Lines 1 through 56,	<p>Strike out "other local standards. Notwithstanding any other provision of this section to the contrary, a local government may provide, where a lot contains an existing residence, that an accessory dwelling unit located within and/or attached to the primary residence shall not exceed the buildable envelope for the existing residence, and that an accessory dwelling unit that is detached from an existing residence shall be constructed in the same location and to the same dimensions as an existing structure, if such structure exists.</p> <p>(d) A ceiling height requirement greater than seven feet, unless the local government can demonstrate that such a requirement is necessary for the preservation of health and safety;</p> <p>(e) If an accessory dwelling unit or a portion thereof is below curb level, a requirement that more than two feet of such unit's height be above curb level, unless the local government can demonstrate that such a requirement is necessary for the preservation of health and safety;</p> <p>(f) Any requirement that a pathway exist or be constructed in conjunction with the creation of an accessory dwelling unit, unless the local government can demonstrate that such requirement is necessary for the preservation of health and safety;</p> <p>(g) Any setback for an existing dwelling or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an</p>

accessory dwelling unit or to a portion of an accessory dwelling unit, or any setback of more than four feet from the side and rear lot lines for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure; or

(h) Any health or safety requirements on accessory dwelling units that are not necessary to protect the health and safety of the occupants of such a dwelling. Nothing in this provision shall be construed to prevent a local government from requiring that accessory dwelling units are, where applicable, supported by septic capacity necessary to meet state health, safety, and sanitary standards, that the creation of such units comports with flood resiliency policies or efforts, and that such units are consistent with the protection of wetlands and watersheds.

3. No local law for the creation of accessory dwelling units pursuant to subdivision one of this section shall be considered in the application of any local regulation policy, or program to limit residential growth.

4. No parking requirement shall be imposed on an accessory dwelling unit; except where no immediately adjacent public street permits year-round on-street parking and the accessory dwelling unit is greater than one-half mile from access to public transportation a local government may require up to one off-street parking space per accessory unit.

5. A local government shall not require that off-street parking spaces be replaced if a garage, carport, or covered parking structure is demolished in conjunction with the construction of accessory dwelling unit or converted to an accessory dwelling unit.

6. Notwithstanding any regulation to the contrary, a permit application to create an accessory dwelling unit in conformance with the local law enacted under this section shall be considered ministerial without discretionary review or a hearing. If there is an existing single-family or multi-family dwelling on the lot, the local agency with reviewing authority under this section shall issue a determination on the completed application to create an accessory dwelling unit within ninety days from the date the local agency receives such completed application"

Page 85,

Lines 1 through 55,

Strike out "or, in a local government having a population of one million or more, within sixty days. If the permit application to create an accessory dwelling unit is submitted with a permit application to create a new residential dwelling on the lot, the permitting local government may

delay acting on the permit application for the accessory dwelling unit until the permitting local government acts on the permit application to create the new dwelling, but the application to create the accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the time period for review shall be tolled for the period of the delay. Such review shall include all necessary permits and approvals including, without limitation, those related to health and safety. A local government shall not require an additional or amended certificate of occupancy in connection with an accessory dwelling unit. A local government may charge a fee not to exceed one thousand dollars per application for the reimbursement of the actual costs such local agency incurs pursuant to this subdivision.

7. Local governments shall establish an administrative appeal process for an applicant to appeal the denial of a permit for accessory dwelling units. When a permit to create an accessory dwelling unit pursuant to a local law adopted pursuant to this section is denied, the local government agency that denied the permit shall issue a notice of denial which shall contain the reason or reasons such permit application was denied and instructions on how the applicant may appeal such denial.

8. No policy or regulation other than the local law authorized under this section shall be the basis for the denial of a building permit or other permission to develop in accordance with this section except to the extent necessary to protect the health and safety of the occupants of an accessory dwelling unit the primary residence to such dwelling unit, and provided such policy or regulation is consistent with the requirements of this section.

9. If a local government has an existing accessory dwelling unit regulation that fails to meet the requirements of this section, the sections of such regulation that conflicts with this section shall be null and void. Such local government shall thereafter apply the standards established in this section for the approval of an accessory dwelling unit until such local government adopts a local law that complies with this section.

10. The local government shall ensure that accessory dwelling units are not counted toward the allowable residential density, or any requirement respecting lot coverage or open space, for the lot upon which the accessory dwelling unit is located under the existing zoning designation for such lot. The accessory dwelling unit shall not be considered in the application of any

	<p><u>regulation, policy, or program to limit residential growth.</u></p> <p><u>11. In a city with a population greater than one million, the local government shall create a program to address accessory dwelling units that were created prior to the effective date of this article. Such program may provide amnesty to owners of buildings that contain such accessory dwelling units. Such city shall waive portions of the multiple dwelling law and relevant regulations, other than the local law adopted pursuant to this section, as necessary to administer such program. Such waiver or waivers shall not require additional regulations or zoning or other land use amendments.</u></p> <p><u>12. A local government shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory"</u></p>
<p>Page 86, 55,</p>	<p><u>Strike out "dwelling unit, the correction of nonconforming zoning conditions or minor violations of local law.</u></p> <p><u>13. Where an accessory dwelling unit requires a new or separate utility connection directly between the accessory dwelling unit and the utility, and such connection is provided by a governmental or public authority, the connection may be subject to a connection fee or capacity charge by such governmental or public authority that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures upon the water or sewer system. Such fee or charge shall not exceed the reasonable cost of providing such utility connection. A local government shall not impose any other fee in connection with an accessory dwelling unit.</u></p> <p><u>14. A local government may require that a unit in the primary residence be owner-occupied for an accessory dwelling unit to be lawfully rented. In addition, any such local government may require such owner-occupation must continue for at least one year following the first legal occupancy of the accessory dwelling unit.</u></p> <p><u>15. A local government shall not issue a certificate of occupancy or its equivalent for an accessory dwelling unit before the local government issues a certificate of occupancy or equivalent for the primary residence.</u></p> <p><u>16. A local government shall adopt a local law pursuant to this article within one year of the effective date of this article.</u></p> <p><u>17. A property owner who has been denied a permit by a local government in violation of this article or who lives within the local government that fails to adopt a local law pursuant to this article may apply to the supreme court for review</u></p>

of the local government action by a proceeding under article seventy-eight of the civil practice law and rules. Costs shall not be allowed against a local government or any of its officers unless it shall appear to the court that the local government or the officer or officers acted with gross negligence or in bad faith or with malice.

§ 482. Low and moderate-income homeowners program.

1. Within one hundred eighty days of the effective date of this article, the division or affiliated authority shall establish a lending program to assist low-income homeowners and moderate-income homeowners in securing financing for the creation of accessory dwelling units, including, without limitation, financing for design and construction, flood prevention, permitting, and septic enhancement.

2. The division or affiliated authority shall promulgate program criteria and guidelines necessary to carry out such program.

3. Such program shall be funded within amounts appropriated or otherwise available therefor.

4. The division shall issue an annual report, on or before July first of each year, that includes an aggregated list of projects financed through the program, including the counties where such projects were financed.

5. Within one hundred eighty days of the effective date of this article, the division or affiliated authorities shall establish a program to provide technical assistance to low-income and moderate-income homeowners seeking to create an accessory dwelling unit. Such program may be contracted out to approved non-governmental entities. Technical assistance shall include, without limitation, guidance on design and construction, flood prevention, permitting, financing, and septic= enhancement.” and insert

“Notwithstanding any other provision of state or local law to the contrary, in a city with a population greater than one million, the local government may, by local law, establish a program to address, as appropriate, the legalization of specified accessory dwelling units in existence prior to the effective date of this article. Such program may provide amnesty to owners of buildings that contain such accessory dwelling units from violations, as applicable, of local law, regulation, and the zoning resolution of the local government. Such program may provide that any provision of the multiple dwelling law and any other provision of local law, regulation, and the zoning resolution of such local government shall not be applicable, as necessary, to administer and implement this program. Such program shall not require additional zoning

		actions or discretionary land use or environmental review."
Page 87,	Line 1,	Before " <u>Tenant</u> " strike out " <u>483.</u> " and insert " <u>482.</u> "
Page 90 through 94,	Line 11 through 2,	Strike Part EE in its entirety and insert "Intentionally omit"
Page 97,	Line 18	After " <u>the</u> " insert " <u>applicable</u> "
Page 97,	Line 19	Before " <u>, is affordable</u> " strike out " <u>or extended restriction period, as applicable</u> "
Page 97,	Line 28	Before " <u>restriction</u> " insert " <u>applicable</u> "
Page 97,	Line 28	After " <u>period</u> " strike out " <u>or extended restriction period, as applicable</u> "
Page 97,	Line 37	Before " <u>restriction</u> " insert " <u>applicable</u> "
Page 97,	Line 37	After " <u>period</u> " strike out " <u>or extended restriction period, as applicable</u> "
Page 99,	Line 50 through 52	Strike out "(bb) <u>"Prime development area" shall mean the Manhattan prime development area, the Brooklyn prime development area and the Queens prime development area.</u> "
Page 99,	Line 53	Strike out " <u>cc</u> " and insert " <u>bb</u> "
Page 99,	Line 55	Strike out " <u>dd</u> " and insert " <u>cc</u> "
Page 100,	Line 3	Strike out " <u>ee</u> " and insert " <u>dd</u> "
Page 100,	Line 7	Strike out " <u>ff</u> " and insert " <u>ee</u> "
Page 100,	Line 12	Strike out " <u>gg</u> " and insert " <u>ff</u> "
Page 100,	Line 14	Strike out " <u>hh</u> " and insert " <u>gg</u> "
Page 100,	Line 18	Strike out " <u>ii</u> " and insert " <u>hh</u> "
Page 100,	Line 21	Strike out " <u>jj</u> " and insert " <u>ii</u> "
Page 100,	Line 29	Strike out " <u>kk</u> " and insert " <u>jj</u> "
Page 100,	Line 33	Strike out " <u>ll</u> " and insert " <u>kk</u> "
Page 100,	Line 36	Strike out " <u>mm</u> " and insert " <u>ll</u> "
Page 100,	Line 39	Strike out " <u>nn</u> " and insert " <u>mm</u> "
Page 100,	Line 41	Strike out " <u>oo</u> " and insert " <u>nn</u> "

Page 100,	Line 43	Strike out " <u>pp</u> " and insert " <u>oo</u> "
Page 100,	Line 45	Before " <u>(qq)</u> " insert " <u>(pp) Prime development area shall mean the Manhattan prime development area, the Brooklyn prime development area and the Queens prime development area.</u> "
Page 102,	Line 12	After " <u>the</u> " insert " <u>small rental project</u> "
Page 102,	Line 12	After " <u>period</u> " insert " <u>or the large rental project restriction period, as applicable</u> "
Page 102,	Line 14	After " <u>the</u> " insert " <u>small rental project</u> "
Page 102,	Line 14	After " <u>period</u> " insert " <u>or for the next ten years of the large rental project restriction period, as applicable</u> "
Page 103,	Line 24	After " <u>during the</u> " strike out " <u>extended</u> " and insert " <u>large rental project</u> "
Page 103,	Line 26	After " <u>exceed</u> " strike out " <u>eighty</u> " and insert " <u>ninety</u> "
Page 107,	Line 35	After " <u>wage</u> " insert " <u>for the duration of the applicable benefit period, regardless of whether such benefits are revoked or terminated</u> "
Page 108,	Line 21 and 22	Strike out " <u>(i) an eligible multiple dwelling outside of the prime development area;</u> "
Page 108,	Line 23	Strike out " <u>(ii)</u> " and insert " <u>(i)</u> "
Page 108,	Line 23	After " <u>than</u> " strike out " <u>three hundred</u> " and insert " <u>thirty</u> "
Page 108,	Line 25	Strike out " <u>(iii)</u> " and insert " <u>(ii)</u> "
Page 109,	Line 1	After " <u>with</u> " strike " <u>paragraph (c) of</u> " and after " <u>subdivision</u> " strike " <u>fifteen</u> " and insert " <u>three</u> "
Page 109,	Line 2	After " <u>section</u> " insert " <u>, with the exception of paragraph (a) of such subdivision. If an applicant has committed three violations of the requirements of paragraph b of subdivision 8 of this section within a five-year period, the agency may revoke any benefits under this section. For purposes of this paragraph, a "violation" of paragraph b of subdivision 8 of this section shall be deemed a finding by the fiscal officer that the applicant has failed to comply with paragraph b of subdivision 8 of this section and has failed to cure the deficiency within three months of such finding. Provided, however, that after a second such violation, the applicant shall be notified</u> "

		that any further violation may result in the revocation of benefits under this section and that the fiscal officer shall publish on its website a list of all applicants with two violations as defined in this paragraph"
Page 109,	Line 5	After " <u>the</u> " insert " <u>applicable</u> "
Page 109,	Line 5 and 6	After " <u>for the</u> " strike out " <u>or extended restriction period, as applicable</u> "
Page 109,	Line 8 through 15	Strike out "(b) all of the market rate housing units shall remain subject to rent stabilization and all other requirements of this section for the restriction period or extended restriction period, as applicable, and any additional period expressly provided in this section, as if the ANNY Program benefits had not been terminated or revoked, provided, however, that the owner shall still be entitled to remove such market unit from rent stabilization upon vacancy by reason of the monthly rent exceeding any limit established thereunder;"
Page 109,	Line 15	After " <u>or</u> " strike out " <u>(c)</u> " and insert " <u>(b)</u> "
Page 109,	Line 16	After " <u>affordability</u> " strike out " <u>option D of</u> " and insert " <u>requirements set forth in</u> "
Page 109,	Line 47	After " <u>requirements of</u> " strike out " <u>paragraph (c) of this</u> " and insert " <u>subdivision three of this section, with the exception of paragraph (a) of such</u> "
Page 110,	Between lines 26 and 27,	<p>Insert "20. Penalties for violations of large rental project affordability requirements. (a) On and after the expiration date of the thirty-five year benefit for a large rental project, the agency may impose, after notice and an opportunity to be heard, a fine for any violation of the affordability requirements of subdivision seven of this section by such large rental project.</p> <p>§ 2. Subdivision 3 of section 224-a of the labor law is amended to read as follows:</p> <p>3. For purposes of this section, "paid for in whole or in part out of public funds" shall not include:</p> <p>a. Benefits under section four hundred twenty-one-a of the real property tax law;</p> <p>b. Funds that are not provided primarily to promote, incentivize, or ensure that construction work is performed, which would otherwise be captured in subdivision two of this section;</p> <p>c. Funds used to incentivize or ensure the development of a comprehensive sewage system,</p>

		<p><u>including connection to existing sewer lines or creation of new sewage lines or sewer capacity, provided, however, that such work shall be deemed to be a public work covered under the provisions of this article;</u></p> <p><u>d. tax benefits provided for projects the length or value of which are not able to be calculated at the time the work is to be performed;</u></p> <p><u>e. tax benefits related to brownfield remediation or brownfield redevelopment pursuant to section twenty-one, twenty-two, one hundred eighty-seven-g or one hundred eighty-seven-h of the tax law, subdivision seventeen or eighteen of section two hundred ten-B of the tax law, subsection (dd) or (ee) of section six hundred six of the tax law, or subdivision (u) or (v) of section fifteen hundred eleven of the tax law;</u></p> <p><u>f. funds provided pursuant to subdivision three of section twenty-eight hundred fifty-three of the education law; [and]</u></p> <p><u>g. any other public monies, credits, savings or loans, determined by the public subsidy board created in section two hundred twenty-four-c of this article as exempt from this definition[.];</u></p> <p><u>and</u></p> <p><u>h. benefits under section four hundred eighty-five-w of the real property tax law.</u></p>
Page 110,	Line 27,	Before "This" strike out "2." And insert 3."