

FY 2023 NEW YORK STATE EXECUTIVE BUDGET
EDUCATION, LABOR AND FAMILY ASSISTANCE
ARTICLE VII LEGISLATION

FY 2023 NEW YORK STATE EXECUTIVE BUDGET

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

CONTENTS

PART	DESCRIPTION	STARTING PAGE NUMBER
A	Amend Education Law and make other changes necessary to authorize School Aid and implement education-related programs in the Executive Budget	7
B	Achieve 100% Electric School Buses by 2035	45
C	Allows Provisional Certification of School Professionals	52
D	Provide State Support to CUNY and SUNY in FY 2023 to Fully Fund TAP Tuition Credits	54
E	Expand the Part-Time Tuition Assistance Program	55
F	Restore the Tuition Assistance Program for Incarcerated Individuals	58
G	Accelerate the Reset of Excelsior Scholarship Tuition Support Levels	59
H	Allow Use of College Savings (529) Accounts for Apprenticeship Programs.	60
I	Stop Transcript Withholding at Institutions of Higher Education Due to Unpaid Student Bills	61
J	Streamline new higher education program approval to meet workforce needs	62
K	Allow Public Accounting Firms to Have Minority Ownership by Individuals Who Are Not Certified Public Accountants	65
L	Expand income eligibility for child care subsidies	86
M	Continue the Current Financing Structure for Residential Placements of Children with Special Needs Outside of New York City	92
N	Extend the Current Structure of Child Welfare Financing	93
O	Modernize Maximum State Aid Rates for Voluntary Agencies	94
P	Homeless Youth Health Care Consent	95
Q	Juvenile Justice Delinquency Prevention Act Compliance	96

PART	DESCRIPTION	STARTING PAGE NUMBER
R	Investments for Veterans Services	105
S	Authorize the pass-through of any Federal Supplemental Security Income Cost of Living Adjustment	106
T	Extend Temporary Operator Authorization for Shelters	109
U	Make Changes to Public Assistance to Address Poverty	110
V	Ban Non-Compete and No-Poach Agreements	113
W	Increase Criminal Penalties for Wage Theft	119
X	Prohibit Discrimination Against Domestic Violence Victims in All Jurisdictional Areas	121
Y	Make Explicit that Discrimination on the Basis of Citizenship and Immigration Status is Unlawful	141
Z	Authorize Mortgage Insurance Fund Utilization	162
AA	Permit the Creation of Accessory Dwelling Units	164
BB	Improve Access to Housing for People with Prior Conviction Records	175
CC	Amend New York City's Floor-Area Ratio Limit on Residential Density	176
DD	Facilitate the Conversion of Hotel and Commercial Space into Residential Housing	176
EE	Encourage Transit-Oriented Development of Housing	180
FF	Reform the Use of Credit Checks in Tenant Screenings for Housing.	188
GG	Codify language access policy	190
HH	Waive the Income Cap for Retired Teachers and School Workers	192
II	Enact the Affordable Neighborhoods for New Yorkers Tax Incentive	193

Legislative Bill Drafting Commission
12672-01-2

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
2022-2023 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 foundation aid;
to amend the education law, in
relation to maintenance of equity
aid; to amend the education law, in
relation to building aid and the New
York state energy research and
development authority P-12 schools
clean green schools initiative; 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
s34 Biaggi	s12 Gianaris	s28 Krueger	s21 Parker	s41 Serino
s57 Borrello	s22 Gounardes	s24 Lanza	s19 Persaud	s29 Serrano
s04 Boyle	s47 Griffo	s11 Liu	s13 Ramos	s39 Skoufis
s44 Breslin	s40 Harckham	s50 Mannion	s61 Rath	s16 Stavisky
s25 Brisport	s54 Helming	s42 Martucci	s38 Reichlin-	s45 Stec
s08 Brooks	s46 Hinchey	s02 Mattera	Melnick	s35 Stewart-
s55 Brouk	s27 Hoylman	s53 May	s48 Ritchie	Cousins
s30 Cleare	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	a045 Cymbrowitz	a100 Gunther	a015 Montesano	a076 Seawright	
a092 Abinanti	a018 Darling	a139 Hawley	a145 Morinello	a084 Septimo	
a031 Anderson	a053 Davila	a083 Heastie	a065 Niou	a016 Sillitti	
a122 Angelino	a003 DeStefano	a028 Hevesi	a037 Nolan	a052 Simon	
a107 Ashby	a070 Dickens	a128 Hunter	a144 Norris	a114 Simpson	
a035 Aubry	a054 Dilan	a029 Hyndman	a069 O'Donnell	a005 Smith	
a120 Barclay	a081 Dinowitz	a079 Jackson	a091 Otis	a118 Smullen	
a030 Barnwell	a147 DiPietro	a104 Jacobson	a132 Palmesano	a022 Solages	
a106 Barrett	a009 Durso	a011 Jean-Pierre	a088 Paulin	a110 Steck	
a082 Benedetto	a048 Eichenstein	a134 Jensen	a141 Peoples-	a010 Stern	
a042 Bichotte	a004 Englebright	a115 Jones	Stokes	a127 Stirpe	
	Hermelyn	a074 Epstein	a077 Joyner	a058 Perry	a102 Tague
a117 Blankenbush	a109 Fahy	a125 Kelles	a023 Pheffer	a064 Tannousis	
a098 Brabenc	a061 Fall	a040 Kim	Amato	a086 Tapia	
a026 Braunstein	a080 Fernandez	a105 Lalor	a089 Pretlow	a071 Taylor	
a138 Bronson	a008 Fitzpatrick	a013 Lavine	a073 Quart	a001 Thiele	
a012 Brown	a057 Forrest	a097 Lawler	a019 Ra	a033 Vanel	
a093 Burdick	a124 Friend	a126 Lemondes	a038 Rajkumar	a116 Walczyk	
a085 Burgos	a046 Frontus	a135 Lunsford	a006 Ramos	a055 Walker	
a142 Burke	a095 Galef	a123 Lupardo	a062 Reilly	a143 Wallace	
a119 Buttenschon	a050 Gallagher	a129 Magnarelli	a087 Reyes	a112 Walsh	
a094 Byrne	a131 Gallahan	a036 Mamdani	a043 Richardson	a041 Weinstein	
a133 Byrnes	a007 Gandolfo	a130 Manktelow	a078 Rivera, J.	a024 Weprin	
a103 Cahill	a002 Giglio, J.A.	a108 McDonald	a149 Rivera, J.D.	a059 Williams	
a044 Carroll	a148 Giglio, J.M.	a014 McDonough	a027 Rosenthal, D.	a113 Woerner	
a136 Clark	a066 Glick	a146 McMahan	a067 Rosenthal, L.	a096 Zebrowski	
a047 Colton	a034 Gonzalez-	a137 Meeks	a025 Rozic	a056 Zinerman	
a140 Conrad	Rojas	a017 Mikulin	a121 Salka	a060	
a032 Cook	a150 Goodell	a101 Miller, B.	a111 Santabarbara	a068	
a039 Cruz	a075 Gottfried	a020 Miller, M.	a090 Sayegh	a072	
a063 Cusick	a021 Griffin	a051 Mitaynes	a099 Schmitt		

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).

amend the education law, in relation to modifying the length of school sessions; to amend the education law, in relation to supplemental public excess cost aid; to amend the education law, in relation to academic enhancement aid; to amend the education law, in relation to high tax aid; to amend chapter 91 of the laws of 2002 amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof; to amend chapter 345 of the laws of 2009 amending the education law and other laws relating to the New York city board of education, chancellor, community councils, and community superintendents, in relation to the effectiveness thereof; to amend the education law, in relation to extending the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to state aid adjustments; 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 2022-2023 school year, withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, 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 making certain provisions thereof permanent; to amend the No Child Left Behind Act of 2001, in relation to making the provisions thereof permanent; to amend chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; providing for school bus driver training grants; providing for special apportionment for salary expenses; providing for special apportionment for public pension accruals; to amend the education law, in relation to permitting the city school district of the city of Rochester to make certain purchases from the board of cooperative educational services of the supervisory district serving its geographic region; providing for set-asides from the state funds which certain districts are receiving from the total foundation aid; providing for support of public libraries; and providing for the repeal of certain provisions upon expiration thereof (Part A); to amend the education law and the local finance law, in relation to zero-emission school buses (Part B); to amend the education law, in relation to creating a temporary professional permit for employment in a public school; and providing for the repeal of certain provisions upon expiration thereof (Part C); to amend the education law, in relation to state appropriations for reimbursement of tuition credits (Part D); to amend the education law, in relation to the expansion of the part-time tuition assistance program (Part E); to amend the education law, in relation to eligibility requirements and conditions for tuition assistance program awards; and to repeal certain provisions of the education law relating to the ban on incarcerated individuals to be eligible to receive state aid (Part F); to amend the education law, in relation to establishing the amount awarded for the excelsior scholarship (Part G);

to amend the education law, in relation to including certain apprenticeships in the definition of "eligible educational institution" for the New York state college choice tuition savings program (Part H); to amend the education law, in relation to prohibiting certain practices in the collection of education debt (Part I); 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 J); to amend the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part K); to amend the social services law, in relation to child care assistance; and providing for the repeal of certain provisions upon expiration thereof (Part L); 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 the effectiveness thereof (Part M); to amend part C of chapter 83 of the laws of 2002, amending the executive law and other laws relating to funding for children and family services, in relation to extending the effectiveness thereof (Part N); to amend the social services law, in relation to reimbursement for a portion of the costs of social services districts for care provided to foster children in institutions, group residences, group homes, and agency operated boarding homes (Part O); to amend the public health law, in relation to consent for medical services (Part P); to amend the executive law and the criminal procedure law, in relation to the detention of juveniles (Part Q); to amend the executive law, in relation to increasing the amount of reimbursement the division of veterans' affairs shall provide to local veterans' service agencies for the cost of maintenance of such agencies (Part R); 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 S); to amend part W of chapter 54 of the laws of 2016 amending the social services law relating to the powers and duties of the commissioner of social services relating to the appointment of a temporary operator, in relation to the effectiveness thereof (Part T); to amend the social services law, in relation to the public benefits and requirements; and to repeal certain provisions of such law relating thereto (Part U); to amend the labor law and the general business law, in relation to restrictions on employment (Part V); to amend the labor law, in relation to increasing penalties for certain violations of the labor law (Part W); to amend the executive law, in relation to prohibiting discrimination based on status as a victim of domestic violence (Part X); to amend the executive law, in relation to prohibiting discrimination based on citizenship or immigration status (Part Y); to utilize reserves in the mortgage insurance fund for various housing purposes (Part Z); to amend the real property law, in relation to providing for the creation of accessory dwelling units (Part AA); to amend the executive law, in relation to making it unlawful for an individual who has been convicted of one or more criminal offenses to be discriminated against in housing (Part BB); to amend the multiple dwelling law, in relation to the floor area ratio (FAR) in the city of New York (Part CC); to amend the multiple dwelling law, in relation to hotel and commercial conversion (Part DD); to amend the general city law, the town law, and the village law, in relation to transit-oriented development (Part EE); to amend the real property law, in relation to tenant selection screening guidelines (Part FF); to amend the executive law, in relation to the state's language access policy (Part GG); to amend the retirement and social

security law, in relation to waiving approval and income limitations on retirees employed in public schools; and providing for the repeal of such provisions upon expiration thereof (Part HH); and to amend the real property tax law, in relation to enacting the affordable neighborhoods for New Yorkers tax incentive (Part II)

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 2022-2023 state fiscal year. Each component is
4 wholly contained within a Part identified as Parts A through II. 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 2021, 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; and provided further that, a school
17 district that submitted a contract for excellence for the two thousand
18 twenty-one--two thousand twenty-two school year, unless all schools in
19 the district are identified as in good standing, shall submit a contract
20 for excellence for the two thousand twenty-two--two thousand twenty-
21 three 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 twenty-one--two thousand twenty-two school year.
26 For purposes of this paragraph, the "gap elimination adjustment percent-
27 age" shall be calculated as the sum of one minus the quotient of the sum
28 of the school district's net gap elimination adjustment for two thousand

1 ten--two thousand eleven computed pursuant to chapter fifty-three of the
2 laws of two thousand ten, making appropriations for the support of
3 government, plus the school district's gap elimination adjustment for
4 two thousand eleven--two thousand twelve as computed pursuant to chapter
5 fifty-three of the laws of two thousand eleven, making appropriations
6 for the support of the local assistance budget, including support for
7 general support for public schools, divided by the total aid for adjust-
8 ment computed pursuant to chapter fifty-three of the laws of two thou-
9 sand eleven, making appropriations for the local assistance budget,
10 including support for general support for public schools. Provided,
11 further, that such amount shall be expended to support and maintain
12 allowable programs and activities approved in the two thousand nine--two
13 thousand ten school year or to support new or expanded allowable
14 programs and activities in the current year.

15 § 2. Subdivision 4 of section 3602 of education law is amended by
16 adding a new paragraph j to read as follows:

17 j. Foundation aid payable in the two thousand twenty-two--two thousand
18 twenty-three school year. Notwithstanding any provision of law to the
19 contrary, foundation aid payable in the two thousand twenty-two--two
20 thousand twenty-three school year shall be equal to the sum of the total
21 foundation aid base computed pursuant to paragraph j of subdivision one
22 of this section plus the greater of (a) the product of the phase-in
23 foundation increase factor as computed pursuant to subparagraph (ii) of
24 paragraph b of this subdivision multiplied by the positive difference,
25 if any, of (i) total foundation aid computed pursuant to paragraph a of
26 this subdivision less (ii) the total foundation aid base computed pursu-
27 ant to paragraph j of subdivision one of this section, or (b) the prod-
28 uct of three hundredths (0.03) multiplied by the total foundation aid

1 base computed pursuant to paragraph j of subdivision one of this
2 section.

3 § 3. Section 3602 of the education law is amended by adding a new
4 subdivision 4-a to read as follows:

5 4-a. Foundation Aid Maintenance of Equity Aid. 1. For purposes of
6 this subdivision the following terms shall be defined as follows:

7 a. "High-need LEAs" shall mean local educational agencies with (1) the
8 highest percentage of economically disadvantaged students as calculated
9 based on the most recent small area income and poverty estimates
10 provided by the United States census bureau and (2) the cumulative sum
11 of local educational agency enrollment for the base year is greater than
12 or equal to the product of five-tenths (0.5) and the statewide total of
13 such enrollment.

14 b. "Highest-poverty LEAs" shall mean local educational agencies with
15 (1) the highest percentage of economically disadvantaged students as
16 calculated based on the most recent small area income and poverty esti-
17 mates provided by the United States census bureau and (2) the cumulative
18 sum of local educational agency enrollment for the base year is greater
19 than or equal to the product of two-tenths (0.2) and the statewide total
20 of such enrollment.

21 c. "Eligible districts" shall mean school districts defined as high-
22 need LEAs or highest-poverty LEAs in the current year which are subject
23 to the state level maintenance of equity requirement in the American
24 Rescue Plan Act of 2021, Section 2004, Part 1, Subtitle A, Title II,
25 (Public Law 117-2) for the current year.

26 d. "State funding" shall mean any apportionment provided pursuant to
27 sections seven hundred one, seven hundred eleven, seven hundred fifty-
28 one, and seven hundred fifty-three of this chapter plus apportionments

1 pursuant to subdivisions four, five-a, ten, twelve, and sixteen of this
2 section.

3 e. "Local Educational Agency Enrollment" shall mean the unduplicated
4 count of all children registered to receive educational services in
5 grades kindergarten through twelve, including children in ungraded
6 programs, as registered on the date prior to November first that is
7 specified by the commissioner as the enrollment reporting date, regis-
8 tered in a local educational agency as defined pursuant to section 7801
9 of title 20 of the United States Code.

10 2. Eligible districts shall receive an apportionment of foundation aid
11 maintenance of equity aid in the current year if the commissioner, in
12 consultation with the director of the budget, determines the district
13 would otherwise receive a reduction in state funding on a per pupil
14 basis inconsistent with the federal state level maintenance of equity
15 requirement. This apportionment shall be equal to the amount necessary
16 to ensure compliance with the federal state level maintenance of equity
17 requirement. This apportionment shall be paid in the current year
18 pursuant to section thirty-six hundred nine-a of this part.

19 § 4. Clause (ii) of paragraph j of subdivision 1 of section 3602 of
20 the education law, as amended by section 11 of part B of chapter 57 of
21 the laws of 2007, is amended to read as follows:

22 (ii) For aid payable in the two thousand eight--two thousand nine
23 school year and thereafter, the total foundation aid base shall equal
24 the total amount a district was eligible to receive in the base year
25 pursuant to subdivision four of this section plus foundation aid mainte-
26 nance of equity aid pursuant to subdivision four-a of this section.

27 § 5. Section 3602-b of the education law is amended by adding a new
28 subdivision 3 to read as follows:

1 3. a. In addition to apportionments calculated pursuant to subdivi-
2 sions one and two of this section, each school district employing fewer
3 than eight teachers defined as eligible pursuant to paragraph one of
4 subdivision four-a of section thirty-six hundred two of this part shall
5 receive an additional apportionment of public money in the current year
6 if the commissioner, in consultation with the director of the budget,
7 determines the district would otherwise receive a reduction in state
8 funding, as defined in subparagraph d of paragraph one of subdivision
9 four-a of section thirty-six hundred two of this part, on a per pupil
10 basis inconsistent with the federal state level maintenance of equity
11 requirement.

12 b. The maintenance of equity aid shall be equal to the amount neces-
13 sary to ensure compliance with the federal state level maintenance of
14 equity requirement in the American Rescue Plan Act of 2021, Section
15 2004, Part 1, Subtitle A, Title II, (Public Law 117-2) for the current
16 year.

17 § 6. Section 3602 of the education law is amended by adding a new
18 subdivision 6-i to read as follows:

19 6-i. Building aid and the New York state energy research and develop-
20 ment authority P-12 schools: clean green schools initiative. 1. For aid
21 payable in the school years two thousand twenty-two--two thousand twen-
22 ty-three and thereafter, notwithstanding any provision of law to the
23 contrary, the apportionment to any district under subdivision six,
24 six-a, six-b, six-c, six-e, six-f, or six-h of this section for capital
25 outlays for school building projects for energy efficiency shall not
26 exclude grants authorized pursuant to the New York state energy research
27 and development authority P-12 schools: clean green schools initiative
28 from aidable expenditures, provided that the sum of apportionments for

1 these projects calculated pursuant to subdivision six, six-a, six-b,
2 six-c, six-e, six-f, or six-h of this section and such grants shall not
3 exceed the actual project expenditures.

4 2. The New York state energy research and development authority shall
5 provide a list of energy efficiency grants awarded to each school
6 district to the commissioner no later than one month prior to the end of
7 each calendar year and each school year. This list shall include the
8 capital construction project or projects funded by the grants, the award
9 amounts of each individual project grant, the district receiving such
10 grants, the schools receiving such grants, the date on which the grant
11 was received, and any other information necessary for the calculation of
12 aid pursuant to subdivision six, six-a, six-b, six-c, six-e, six-f, or
13 six-h of this section.

14 § 7. Paragraph a of subdivision 4 of section 3204 of the education law
15 is amended to read as follows:

16 a. A full time day school or class, except as otherwise prescribed,
17 shall be in session for not less than one hundred [ninety] eighty days
18 each year, [inclusive] exclusive of legal holidays that occur during the
19 term of said school and exclusive of Saturdays.

20 § 8. Paragraph s of subdivision 1 of section 3602 of the education
21 law, as amended by section 11 of part B of chapter 57 of the laws of
22 2007, is amended to read as follows:

23 s. "Extraordinary needs count" shall mean the sum of the product of
24 the [limited English proficiency] English language learner count multi-
25 plied by fifty percent, plus, the poverty count and the sparsity count.

26 § 9. Subdivision 6 of section 3602 of the education law is amended by
27 adding a new paragraph k to read as follows:

1 k. Final cost report penalties. (1) All acts done and proceedings
2 heretofore had and taken or caused to be had and taken by school
3 districts and by all its officers or agents relating to or in connection
4 with final building cost reports required to be filed with the depart-
5 ment for approved building projects for which a certificate of substan-
6 tial completion was and/or is issued on or after April first, nineteen
7 hundred ninety-five, where a final cost report was not submitted by June
8 thirtieth of the school year in which the certificate of substantial
9 completion of the project was issued by the architect or engineer, or
10 six months after issuance of such certificate, whichever was later, and
11 all acts incidental thereto are hereby legalized, validated, ratified
12 and confirmed, notwithstanding any failure to comply with the approval
13 and filing provisions of the education law or any other law or any other
14 statutory authority, rule or regulation, in relation to any omission,
15 error, defect, irregularity or illegality in such proceedings had and
16 taken.

17 (2) The department is hereby directed to consider the approved costs
18 of the aforementioned projects as valid and proper obligations of such
19 school districts and shall not recover on or after July first, two thou-
20 sand thirteen any penalty arising from the late filing of a final cost
21 report, provided that any amounts already so recovered on or after July
22 first, two thousand thirteen shall be deemed a payment of moneys due
23 for prior years pursuant to paragraph c of subdivision five of section
24 thirty-six hundred four of this part and shall be paid to the appropri-
25 ate district pursuant to such provision, provided that:

26 (a) such school district submitted the late or missing final building
27 cost report to the commissioner;

28 (b) such cost report is approved by the commissioner;

1 (c) all state funds expended by the school district, as documented in
2 such cost report, were properly expended for such building project in
3 accordance with the terms and conditions for such project as approved by
4 the commissioner; and

5 (d) the failure to submit such report in a timely manner was an inad-
6 vertent administrative or ministerial oversight by the school district,
7 and there is no evidence of any fraudulent or other improper intent by
8 such district.

9 § 10. Section 3625 of education law is amended by adding a new subdi-
10 vision 5 to read as follows:

11 5. Transportation contract penalties. a. All acts done and proceedings
12 heretofore had and taken or caused to be had and taken relating to or in
13 connection with a transportation contract, and all acts incidental here-
14 to are hereby legalized, validated, ratified and confirmed, notwith-
15 standing any failure to comply with the contract award, approval and
16 filing provisions of the education law, the general municipal law or any
17 other law or any other statutory authority, rule or regulation, other
18 than those filing provisions defined in paragraph a of subdivision five
19 of section thirty-six hundred four of this article, in relation to any
20 omission, error, defect, irregularity or illegality in such proceeding
21 had and taken.

22 b. The department is hereby directed to consider the aforementioned
23 contracts for transportation aid as valid and proper obligations and
24 shall not recover from such school districts any penalty arising from
25 the failure to submit a transportation contract in a timely manner,
26 provided that any amounts already so recovered shall be deemed a payment
27 of moneys due for prior years pursuant to paragraph c of subdivision

1 five of section thirty-six hundred four of this article and shall be
2 paid to the school district pursuant to such provision, provided that:

3 (1) such school district submitted the contract to the commissioner
4 and such contract is for services in the two thousand twelve--two thou-
5 sand thirteen school year or thereafter;

6 (2) such contract is approved by the commissioner;

7 (3) all state funds expended by the school district were properly
8 expended for such transportation as approved by the commissioner; and

9 (4) the failure to execute or submit such contract in a timely manner
10 was an inadvertent administrative or ministerial oversight by the school
11 district, and there is no evidence of any fraudulent or other improper
12 intent by such district.

13 § 11. Subdivision 2 of section 3625 of education law, as amended by
14 chapter 474 of the laws of 1996, is amended to read as follows:

15 2. Filing of transportation contracts. Every transportation contract
16 shall be filed with the department within one hundred twenty days of the
17 commencement of service under such contract. No transportation expense
18 shall be allowed for a period greater than one hundred twenty days prior
19 to the filing of any contract for the transportation of pupils with the
20 education department. No contract shall be considered filed unless it
21 bears an original signature, in the case of a written document, or a
22 certification, in the case of an approved electronic form, of the super-
23 intendent of a school district or the designee of the superintendent and
24 the sole trustee or president of the board of education of the school
25 district. The final approval of any such contract by the commissioner
26 shall not, however, obligate the state to allow transportation expense
27 in an amount greater than the amount that would be allowed under the
28 provisions of this part. The state, acting through the department of

1 audit and control, may examine any and all accounts of the contractor in
2 connection with a contract for the transportation of pupils, and every
3 such contract shall contain the following provision: "The contractor
4 hereby consents to an audit of any and all financial records relating to
5 this contract by the department of audit and control."

6 § 12. Section 34 of chapter 91 of the laws of 2002 amending the educa-
7 tion law and other laws relating to reorganization of the New York city
8 school construction authority, board of education and community boards,
9 as amended by section 42 of part YYY of chapter 59 of the laws of 2019,
10 is amended to read as follows:

11 § 34. This act shall take effect July 1, 2002; provided, that sections
12 one through twenty, twenty-four, and twenty-six through thirty of this
13 act shall expire and be deemed repealed June 30, [2022] 2026 provided,
14 further, that notwithstanding any provision of article 5 of the general
15 construction law, on June 30, [2022] 2026 the provisions of subdivisions
16 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs
17 b, d, and e of subdivision 15, and subdivisions 17 and 21 of section
18 2554 of the education law as repealed by section three of this act,
19 subdivision 1 of section 2590-b of the education law as repealed by
20 section six of this act, paragraph (a) of subdivision 2 of section
21 2590-b of the education law as repealed by section seven of this act,
22 section 2590-c of the education law as repealed by section eight of this
23 act, paragraph c of subdivision 2 of section 2590-d of the education law
24 as repealed by section twenty-six of this act, subdivision 1 of section
25 2590-e of the education law as repealed by section twenty-seven of this
26 act, subdivision 28 of section 2590-h of the education law as repealed
27 by section twenty-eight of this act, subdivision 30 of section 2590-h of
28 the education law as repealed by section twenty-nine of this act, subdi-

1 vision 30-a of section 2590-h of the education law as repealed by
2 section thirty of this act shall be revived and be read as such
3 provisions existed in law on the date immediately preceding the effec-
4 tive date of this act; provided, however, that sections seven and eight
5 of this act shall take effect on November 30, 2003; provided further
6 that the amendments to subdivision 25 of section 2554 of the education
7 law made by section two of this act shall be subject to the expiration
8 and reversion of such subdivision pursuant to section 12 of chapter 147
9 of the laws of 2001, as amended, when upon such date the provisions of
10 section four of this act shall take effect.

11 § 13. Subdivision 12 of section 17 of chapter 345 of the laws of 2009
12 amending the education law and other laws relating to the New York city
13 board of education, chancellor, community councils, and community super-
14 intendants, as amended by section 43 of part YYY of chapter 59 of the
15 laws of 2019, is amended to read as follows:

16 12. any provision in sections one, two, three, four, five, six, seven,
17 eight, nine, ten and eleven of this act not otherwise set to expire
18 pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or
19 section 17 of chapter 123 of the laws of 2003, as amended, shall expire
20 and be deemed repealed June 30, [2022] 2026.

21 § 14. The closing paragraph of subdivision 5-a of section 3602 of the
22 education law, as amended by section 12-b of part A of chapter 56 of the
23 laws of 2021, is amended to read as follows:

24 For the two thousand eight--two thousand nine school year, each school
25 district shall be entitled to an apportionment equal to the product of
26 fifteen percent and the additional apportionment computed pursuant to
27 this subdivision for the two thousand seven--two thousand eight school
28 year. For the two thousand nine--two thousand ten through two thousand

1 [twenty-one] ~~twenty-two~~ two thousand [twenty-two] ~~twenty-three~~ school
2 years, each school district shall be entitled to an apportionment equal
3 to the amount set forth for such school district as "SUPPLEMENTAL PUB
4 EXCESS COST" under the heading "2008-09 BASE YEAR AIDS" in the school
5 aid computer listing produced by the commissioner in support of the
6 budget for the two thousand nine--two thousand ten school year and enti-
7 tled "SA0910".

8 § 15. Subdivision 12 of section 3602 of the education law, as amended
9 by section 13-a of part A of chapter 56 of the laws of 2021, is amended
10 to read as follows:

11 12. Academic enhancement aid. a. A school district that as of April
12 first of the base year has been continuously identified as a district in
13 need of improvement for at least five years shall, for the two thousand
14 eight--two thousand nine school year, be entitled to an additional
15 apportionment equal to the positive remainder, if any, of (a) the lesser
16 of fifteen million dollars or the product of the total foundation aid
17 base, as defined by paragraph j of subdivision one of this section,
18 multiplied by ten percent (0.10), less (b) the positive remainder of (i)
19 the sum of the total foundation aid apportioned pursuant to subdivision
20 four of this section and the supplemental educational improvement grants
21 apportioned pursuant to subdivision eight of section thirty-six hundred
22 forty-one of this article, less (ii) the total foundation aid base.

23 b. For the two thousand nine--two thousand ten through two thousand
24 fourteen--two thousand fifteen school years, each school district shall
25 be entitled to an apportionment equal to the amount set forth for such
26 school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading
27 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
28 the commissioner in support of the budget for the two thousand nine--two

1 thousand ten school year and entitled "SA0910", and such apportionment
2 shall be deemed to satisfy the state obligation to provide an apportion-
3 ment pursuant to subdivision eight of section thirty-six hundred forty-
4 one of this article.

5 c. For the two thousand fifteen--two thousand sixteen year, each
6 school district shall be entitled to an apportionment equal to the
7 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
8 under the heading "2014-15 ESTIMATED AIDS" in the school aid computer
9 listing produced by the commissioner in support of the budget for the
10 two thousand fourteen--two thousand fifteen school year and entitled
11 "SA141-5", and such apportionment shall be deemed to satisfy the state
12 obligation to provide an apportionment pursuant to subdivision eight of
13 section thirty-six hundred forty-one of this article.

14 d. For the two thousand sixteen--two thousand seventeen school year,
15 each school district shall be entitled to an apportionment equal to the
16 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
17 under the heading "2015-16 ESTIMATED AIDS" in the school aid computer
18 listing produced by the commissioner in support of the budget for the
19 two thousand fifteen--two thousand sixteen school year and entitled
20 "SA151-6", and such apportionment shall be deemed to satisfy the state
21 obligation to provide an apportionment pursuant to subdivision eight of
22 section thirty-six hundred forty-one of this article.

23 e. For the two thousand seventeen--two thousand eighteen school year,
24 each school district shall be entitled to an apportionment equal to the
25 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
26 under the heading "2016-17 ESTIMATED AIDS" in the school aid computer
27 listing produced by the commissioner in support of the budget for the
28 two thousand sixteen--two thousand seventeen school year and entitled

1 "SA161-7", and such apportionment shall be deemed to satisfy the state
2 obligation to provide an apportionment pursuant to subdivision eight of
3 section thirty-six hundred forty-one of this article.

4 f. For the two thousand eighteen--two thousand nineteen school year,
5 each school district shall be entitled to an apportionment equal to the
6 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
7 under the heading "2017-18 ESTIMATED AIDS" in the school aid computer
8 listing produced by the commissioner in support of the budget for the
9 two thousand seventeen--two thousand eighteen school year and entitled
10 "SA171-8", and such apportionment shall be deemed to satisfy the state
11 obligation to provide an apportionment pursuant to subdivision eight of
12 section thirty-six hundred forty-one of this article.

13 g. For the two thousand nineteen--two thousand twenty school year,
14 each school district shall be entitled to an apportionment equal to the
15 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
16 under the heading "2018-19 ESTIMATED AIDS" in the school aid computer
17 listing produced by the commissioner in support of the budget for the
18 two thousand eighteen--two thousand nineteen school year and entitled
19 "SA181-9", and such apportionment shall be deemed to satisfy the state
20 obligation to provide an apportionment pursuant to subdivision eight of
21 section thirty-six hundred forty-one of this article.

22 h. For the two thousand twenty--two thousand twenty-one school year,
23 each school district shall be entitled to an apportionment equal to the
24 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
25 under the heading "2019-20 ESTIMATED AIDS" in the school aid computer
26 listing produced by the commissioner in support of the budget for the
27 two thousand nineteen--two thousand twenty school year and entitled
28 "SA192-0", and such apportionment shall be deemed to satisfy the state

1 obligation to provide an apportionment pursuant to subdivision eight of
2 section thirty-six hundred forty-one of this article.

3 i. For the two thousand twenty-one--two thousand twenty-two school
4 year and the two thousand twenty-two--two thousand twenty-three school
5 year, each school district shall be entitled to an apportionment equal
6 to the amount set forth for such school district as "ACADEMIC ENHANCE-
7 MENT" under the heading "2020-21 ESTIMATED AIDS" in the school aid
8 computer listing produced by the commissioner in support of the budget
9 for the two thousand twenty--two thousand twenty-one school year and
10 entitled "SA202-1", and such apportionment shall be deemed to satisfy
11 the state obligation to provide an apportionment pursuant to subdivision
12 eight of section thirty-six hundred forty-one of this article.

13 § 16. The opening paragraph of subdivision 16 of section 3602 of the
14 education law, as amended by section 14-a of part A of chapter 56 of the
15 laws of 2021, is amended to read as follows:

16 Each school district shall be eligible to receive a high tax aid
17 apportionment in the two thousand eight--two thousand nine school year,
18 which shall equal the greater of (i) the sum of the tier 1 high tax aid
19 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
20 tax aid apportionment or (ii) the product of the apportionment received
21 by the school district pursuant to this subdivision in the two thousand
22 seven--two thousand eight school year, multiplied by the due-minimum
23 factor, which shall equal, for districts with an alternate pupil wealth
24 ratio computed pursuant to paragraph b of subdivision three of this
25 section that is less than two, seventy percent (0.70), and for all other
26 districts, fifty percent (0.50). Each school district shall be eligible
27 to receive a high tax aid apportionment in the two thousand nine--two
28 thousand ten through two thousand twelve--two thousand thirteen school

1 years in the amount set forth for such school district as "HIGH TAX AID"
2 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer
3 listing produced by the commissioner in support of the budget for the
4 two thousand nine--two thousand ten school year and entitled "SA0910".
5 Each school district shall be eligible to receive a high tax aid appor-
6 tionment in the two thousand thirteen--two thousand fourteen through two
7 thousand [twenty-one] twenty-two--two thousand [twenty-two] twenty-three
8 school years equal to the greater of (1) the amount set forth for such
9 school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR
10 AIDS" in the school aid computer listing produced by the commissioner in
11 support of the budget for the two thousand nine--two thousand ten school
12 year and entitled "SA0910" or (2) the amount set forth for such school
13 district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in
14 the school aid computer listing produced by the commissioner in support
15 of the executive budget for the 2013-14 fiscal year and entitled
16 "BT131-4".

17 § 17. Subdivision 16 of section 3602-ee of the education law, as
18 amended by section 23 of part A of chapter 56 of the laws of 2021, is
19 amended to read as follows:

20 16. The authority of the department to administer the universal full-
21 day pre-kindergarten program shall expire June thirtieth, two thousand
22 [twenty-two] twenty-three; provided that the program shall continue and
23 remain in full effect.

24 § 18. Paragraph a of subdivision 5 of section 3604 of the education
25 law, as amended by chapter 161 of the laws of 2005, is amended to read
26 as follows:

27 a. State aid adjustments. All errors or omissions in the apportionment
28 shall be corrected by the commissioner. Whenever a school district has

1 been apportioned less money than that to which it is entitled, the
2 commissioner may allot to such district the balance to which it is enti-
3 tled. Whenever a school district has been apportioned more money than
4 that to which it is entitled, the commissioner may, by an order, direct
5 such moneys to be paid back to the state to be credited to the general
6 fund local assistance account for state aid to the schools, or may
7 deduct such amount from the next apportionment to be made to said
8 district, provided, however, that, upon notification of excess payments
9 of aid for which a recovery must be made by the state through deduction
10 of future aid payments, a school district may request that such excess
11 payments be recovered by deducting such excess payments from the
12 payments due to such school district and payable in the month of June in
13 (i) the school year in which such notification was received and (ii) the
14 two succeeding school years, provided further that there shall be no
15 interest penalty assessed against such district or collected by the
16 state. Such request shall be made to the commissioner in such form as
17 the commissioner shall prescribe, and shall be based on documentation
18 that the total amount to be recovered is in excess of one percent of the
19 district's total general fund expenditures for the preceding school
20 year. The amount to be deducted in the first year shall be the greater
21 of (i) the sum of the amount of such excess payments that is recognized
22 as a liability due to other governments by the district for the preced-
23 ing school year and the positive remainder of the district's unreserved
24 fund balance at the close of the preceding school year less the product
25 of the district's total general fund expenditures for the preceding
26 school year multiplied by five percent, or (ii) one-third of such excess
27 payments. The amount to be recovered in the second year shall equal the
28 lesser of the remaining amount of such excess payments to be recovered

1 or one-third of such excess payments, and the remaining amount of such
2 excess payments shall be recovered in the third year. Provided further
3 that, notwithstanding any other provisions of this subdivision, any
4 pending payment of moneys due to such district as a prior year adjust-
5 ment payable pursuant to paragraph c of this subdivision for aid claims
6 that had been previously paid as current year aid payments in excess of
7 the amount to which the district is entitled and for which recovery of
8 excess payments is to be made pursuant to this paragraph, shall be
9 reduced at the time of actual payment by any remaining unrecovered
10 balance of such excess payments, and the remaining scheduled deductions
11 of such excess payments pursuant to this paragraph shall be reduced by
12 the commissioner to reflect the amount so recovered. [The commissioner
13 shall certify no payment to a school district based on a claim submitted
14 later than three years after the close of the school year in which such
15 payment was first to be made. For claims for which payment is first to
16 be made in the nineteen hundred ninety-six--ninety-seven school year,
17 the commissioner shall certify no payment to a school district based on
18 a claim submitted later than two years after the close of such school
19 year.] For claims for which payment is first to be made [in the nineteen
20 hundred ninety-seven--ninety-eight school year and thereafter] prior to
21 the two thousand twenty-one--two thousand twenty-two school year, the
22 commissioner shall certify no payment to a school district based on a
23 claim submitted later than one year after the close of such school year.
24 For claims for which payment is first to be made in the two thousand
25 twenty-one--two thousand twenty-two school year and thereafter, the
26 commissioner shall certify no payment to a school district based on a
27 claim submitted later than the first of November of such school year.
28 Provided, however, no payments shall be barred or reduced where such

1 payment is required as a result of a final audit of the state. [It is
2 further provided that, until June thirtieth, nineteen hundred ninety-
3 six, the commissioner may grant a waiver from the provisions of this
4 section for any school district if it is in the best educational inter-
5 ests of the district pursuant to guidelines developed by the commission-
6 er and approved by the director of the budget.] Further, provided, that,
7 for any apportionments provided pursuant to sections seven hundred one,
8 seven hundred eleven, seven hundred fifty-one, seven hundred fifty-
9 three, nineteen hundred fifty, thirty-six hundred two, thirty-six
10 hundred two-b, thirty-six hundred two-c, thirty-six hundred two-e and
11 forty-four hundred five of this chapter for the two thousand twenty-one-
12 -two thousand twenty-two and two thousand twenty-two--two thousand twen-
13 ty-three school years, the commissioner shall certify no payment to a
14 school district, other than payments pursuant to subdivisions four,
15 six-a, eleven, thirteen and fifteen of section thirty-six hundred two of
16 this part, in excess of the payment computed based on an electronic data
17 file used to produce the school aid computer listing produced by the
18 commissioner in support of the executive budget request submitted for
19 the two thousand twenty-two--two thousand twenty-three state fiscal year
20 and entitled "BT222-3", and further provided that for any apportionments
21 provided pursuant to sections seven hundred one, seven hundred eleven,
22 seven hundred fifty-one, seven hundred fifty-three, nineteen hundred
23 fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six
24 hundred two-c, thirty-six hundred two-e and forty-four hundred five of
25 this chapter for the two thousand twenty-three--two thousand twenty-four
26 school year and thereafter, the commissioner shall certify no payment to
27 a school district, other than payments pursuant to subdivisions four,
28 six-a, eleven, thirteen and fifteen of section thirty-six hundred two of

1 this part, in excess of the payment computed based on an electronic data
2 file used to produce the school aid computer listing produced by the
3 commissioner in support of the executive budget request submitted for
4 the state fiscal year in which the school year commences.

5 § 19. The opening paragraph of section 3609-a of the education law, as
6 amended by section 26 of part A of chapter 56 of the laws of 2021, is
7 amended to read as follows:

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

1 tionment calculated by the commissioner based on data on file at the
2 time the payment is processed; provided however, that for the purposes
3 of any payments made pursuant to this section prior to the first busi-
4 ness day of June of the current year, moneys apportioned shall not
5 include any aids payable pursuant to subdivisions six and fourteen, if
6 applicable, of section thirty-six hundred two of this part as current
7 year aid for debt service on bond anticipation notes and/or bonds first
8 issued in the current year or any aids payable for full-day kindergarten
9 for the current year pursuant to subdivision nine of section thirty-six
10 hundred two of this part. The definitions of "base year" and "current
11 year" as set forth in subdivision one of section thirty-six hundred two
12 of this part shall apply to this section. [For aid payable in the two
13 thousand twenty-one--two thousand twenty-two school year, reference to
14 such "school aid computer listing for the current year" shall mean the
15 printouts entitled "SA212-2".] For aid payable in the two thousand twen-
16 ty-two--two thousand twenty-three school year and thereafter, "moneys
17 apportioned" shall mean the sum of apportionments provided pursuant to
18 subdivision four of section thirty-six hundred two of this article plus
19 the lesser of: (1) the sum of one hundred percent of the respective
20 amount set forth for each school district as payable pursuant to this
21 section in the school aid computer listing for the current year produced
22 by the commissioner in support of the executive budget request which
23 includes the appropriation for the general support for public schools
24 for the prescribed payments and individualized payments due prior to
25 April first for the current year plus the apportionment payable during
26 the current school year pursuant to subdivisions six-a and fifteen of
27 section thirty-six hundred two of this part minus any reductions to
28 current year aids pursuant to subdivision seven of section thirty-six

1 hundred four of this part or any deduction from apportionment payable
2 pursuant to this chapter for collection of a school district basic
3 contribution as defined in subdivision eight of section forty-four
4 hundred one of this chapter, less any grants provided pursuant to
5 subparagraph two-a of paragraph b of subdivision four of section nine-
6 ty-two-c of the state finance law, less any grants provided pursuant to
7 subdivision six of section ninety-seven-nnnn of the state finance law,
8 less any grants provided pursuant to subdivision twelve of section thir-
9 ty-six hundred forty-one of this article, less apportionments provided
10 pursuant to subdivision four of section thirty-six hundred two of this
11 article, or (2) the apportionment calculated by the commissioner based
12 on data on file at the time the payment is processed, excluding appor-
13 tionments provided pursuant to subdivision four of section thirty-six
14 hundred two of this article; provided however, that for the purposes of
15 any payments made pursuant to this section prior to the first business
16 day of June of the current year, moneys apportioned shall not include
17 any aids payable pursuant to subdivisions six and fourteen, if applica-
18 ble, of section thirty-six hundred two of this part as current year aid
19 for debt service on bond anticipation notes and/or bonds first issued in
20 the current year or any aids payable for full-day kindergarten for the
21 current year pursuant to subdivision nine of section thirty-six hundred
22 two of this part. For aid payable in the two thousand twenty-two--two
23 thousand twenty-three school year, reference to such "school aid comput-
24 er listing for the current year" shall mean the printouts entitled
25 "BT222-3".

26 § 20. Subdivision b of section 2 of chapter 756 of the laws of 1992,
27 relating to funding a program for work force education conducted by the
28 consortium for worker education in New York city, as amended by section

1 39 of part A of chapter 56 of the laws of 2021, is amended to read as
2 follows:

3 b. Reimbursement for programs approved in accordance with subdivision
4 a of this section for the reimbursement for the 2018--2019 school year
5 shall not exceed 59.4 percent of the lesser of such approvable costs per
6 contact hour or fourteen dollars and ninety-five cents per contact hour,
7 reimbursement for the 2019--2020 school year shall not exceed 57.7
8 percent of the lesser of such approvable costs per contact hour or
9 fifteen dollars sixty cents per contact hour, reimbursement for the
10 2020--2021 school year shall not exceed 56.9 percent of the lesser of
11 such approvable costs per contact hour or sixteen dollars and twenty-
12 five cents per contact hour, [and] reimbursement for the 2021--2022
13 school year shall not exceed 56.0 percent of the lesser of such approva-
14 ble costs per contact hour or sixteen dollars and forty cents per
15 contact hour, and reimbursement for the 2022--2023 school year shall not
16 exceed 55.7 percent of the lesser of such approvable costs per contact
17 hour or seventeen dollars and five cents per contact hour, and where a
18 contact hour represents sixty minutes of instruction services provided
19 to an eligible adult. Notwithstanding any other provision of law to the
20 contrary, for the 2018--2019 school year such contact hours shall not
21 exceed one million four hundred sixty-three thousand nine hundred
22 sixty-three (1,463,963); for the 2019--2020 school year such contact
23 hours shall not exceed one million four hundred forty-four thousand four
24 hundred forty-four (1,444,444); for the 2020--2021 school year such
25 contact hours shall not exceed one million four hundred six thousand
26 nine hundred twenty-six (1,406,926); [and] for the 2021--2022 school
27 year such contact hours shall not exceed one million four hundred
28 sixteen thousand one hundred twenty-two (1,416,122) ; and for the 2022-

1 -2023 school year such contact hours shall not exceed one million three
2 hundred sixty-nine thousand eight hundred sixty-three (1,369,863).

3 Notwithstanding any other provision of law to the contrary, the appor-
4 tionment calculated for the city school district of the city of New York
5 pursuant to subdivision 11 of section 3602 of the education law shall be
6 computed as if such contact hours provided by the consortium for worker
7 education, not to exceed the contact hours set forth herein, were eligi-
8 ble for aid in accordance with the provisions of such subdivision 11 of
9 section 3602 of the education law.

10 § 21. Section 4 of chapter 756 of the laws of 1992, relating to fund-
11 ing a program for work force education conducted by the consortium for
12 worker education in New York city, is amended by adding a new subdivi-
13 sion aa to read as follows:

14 aa. The provisions of this subdivision shall not apply after the
15 completion of payments for the 2022-23 school year. Notwithstanding any
16 inconsistent provisions of law, the commissioner of education shall
17 withhold a portion of employment preparation education aid due to the
18 city school district of the city of New York to support a portion of the
19 costs of the work force education program. Such moneys shall be credited
20 to the elementary and secondary education fund-local assistance account
21 and shall not exceed thirteen million dollars (\$13,000,000).

22 § 22. Section 6 of chapter 756 of the laws of 1992, relating to fund-
23 ing a program for work force education conducted by the consortium for
24 worker education in New York city, as amended by section 41 of part A of
25 chapter 56 of the laws of 2021, is amended to read as follows:

26 § 6. This act shall take effect July 1, 1992, and shall be deemed
27 repealed on June 30, [2022] 2023.

1 § 23. Subdivision 1 of section 167 of chapter 169 of the laws of 1994,
2 relating to certain provisions related to the 1994-95 state operations,
3 aid to localities, capital projects and debt service budgets, as amended
4 by section 33 of part A of chapter 56 of the laws of 2020, is amended to
5 read as follows:

6 1. Sections one through seventy of this act shall be deemed to have
7 been in full force and effect as of April 1, 1994 provided, however,
8 that sections one, two, twenty-four, twenty-five and twenty-seven
9 through seventy of this act shall expire and be deemed repealed on March
10 31, 2000; provided, however, that section twenty of this act shall apply
11 only to hearings commenced prior to September 1, 1994, and provided
12 further that section twenty-six of this act shall expire and be deemed
13 repealed on March 31, 1997; and provided further that sections four
14 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
15 twenty-one-a of this act shall expire and be deemed repealed on March
16 31, 1997; and provided further that sections three, fifteen, seventeen,
17 twenty, twenty-two and twenty-three of this act shall expire and be
18 deemed repealed on March 31, [2022] 2024.

19 § 24. Section 12 of chapter 147 of the laws of 2001, amending the
20 education law relating to conditional appointment of school district,
21 charter school or BOCES employees, as amended by section 42 of part A of
22 chapter 56 of the laws of 2021, is amended to read as follows:

23 § 12. This act shall take effect on the same date as chapter 180 of
24 the laws of 2000 takes effect, and shall expire July 1, [2022] 2023 when
25 upon such date the provisions of this act shall be deemed repealed.

26 § 25. Section 4 of chapter 425 of the laws of 2002, amending the
27 education law relating to the provision of supplemental educational
28 services, attendance at a safe public school and the suspension of

1 pupils who bring a firearm to or possess a firearm at a school, as
2 amended by section 43 of part A of chapter 56 of the laws of 2021, is
3 amended to read as follows:

4 § 4. This act shall take effect July 1, 2002 and section one of this
5 act shall expire and be deemed repealed June 30, 2019[, and sections two
6 and three of this act shall expire and be deemed repealed on June 30,
7 2022].

8 § 26. Section 5 of chapter 101 of the laws of 2003, amending the
9 education law relating to the implementation of the No Child Left Behind
10 Act of 2001, as amended by section 44 of part A of chapter 56 of the
11 laws of 2021, is amended to read as follows:

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

15 § 27. Section 2 of chapter 552 of the laws of 1995, amending the
16 education law relating to contracts for the transportation of school
17 children, as amended by section 45 of part YYY of chapter 59 of the laws
18 of 2019, is amended to read as follows:

19 § 2. This act shall take effect on the first day of January next
20 succeeding the date on which it shall have become a law and shall remain
21 in full force and effect until January 1, [2023] 2028, when upon such
22 date the provisions of this act shall be deemed repealed.

23 § 28. School bus driver training. In addition to apportionments other-
24 wise provided by section 3602 of the education law, for aid payable in
25 the 2022-2023 through the 2026-2027 school years, subject to available
26 appropriation, the commissioner of education shall allocate school bus
27 driver training grants to school districts and boards of cooperative
28 educational services pursuant to sections 3650-a, 3650-b and 3650-c of

1 the education law, or for contracts directly with not-for-profit educa-
2 tional organizations for the purposes of this section. Such payments
3 shall not exceed four hundred thousand dollars (\$400,000) per school
4 year.

5 § 29. Special apportionment for salary expenses. a. Notwithstanding
6 any other provision of law, upon application to the commissioner of
7 education, not sooner than the first day of the second full business
8 week of June 2023 and not later than the last day of the third full
9 business week of June 2023, a school district eligible for an apportion-
10 ment pursuant to section 3602 of the education law shall be eligible to
11 receive an apportionment pursuant to this section, for the school year
12 ending June 30, 2023, for salary expenses incurred between April 1 and
13 June 30, 2022 and such apportionment shall not exceed the sum of (i) the
14 deficit reduction assessment of 1990--1991 as determined by the commis-
15 sioner of education, pursuant to paragraph f of subdivision 1 of section
16 3602 of the education law, as in effect through June 30, 1993, plus (ii)
17 186 percent of such amount for a city school district in a city with a
18 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
19 such amount for a city school district in a city with a population of
20 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
21 ing to the latest federal census, plus (iv) the net gap elimination
22 adjustment for 2010--2011, as determined by the commissioner of educa-
23 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
24 nation adjustment for 2011--2012 as determined by the commissioner of
25 education pursuant to subdivision 17 of section 3602 of the education
26 law, and provided further that such apportionment shall not exceed such
27 salary expenses. Such application shall be made by a school district,
28 after the board of education or trustees have adopted a resolution to do

1 so and in the case of a city school district in a city with a population
2 in excess of 125,000 inhabitants, with the approval of the mayor of such
3 city.

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

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

1 paragraph and then followed by the district's payments to the teachers'
2 retirement system pursuant to subparagraph 1 of such paragraph, and any
3 remainder to be deducted from the individualized payments due the
4 district pursuant to paragraph b of such subdivision shall be deducted
5 on a chronological basis starting with the earliest payment due the
6 district.

7 § 30. Special apportionment for public pension accruals. a. Notwith-
8 standing any other provision of law, upon application to the commission-
9 er of education, not later than June 30, 2023, a school district eligi-
10 ble for an apportionment pursuant to section 3602 of the education law
11 shall be eligible to receive an apportionment pursuant to this section,
12 for the school year ending June 30, 2023 and such apportionment shall
13 not exceed the additional accruals required to be made by school
14 districts in the 2004--2005 and 2005--2006 school years associated with
15 changes for such public pension liabilities. The amount of such addi-
16 tional accrual shall be certified to the commissioner of education by
17 the president of the board of education or the trustees or, in the case
18 of a city school district in a city with a population in excess of
19 125,000 inhabitants, the mayor of such city. Such application shall be
20 made by a school district, after the board of education or trustees have
21 adopted a resolution to do so and in the case of a city school district
22 in a city with a population in excess of 125,000 inhabitants, with the
23 approval of the mayor of such city.

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

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

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

27 § 31. Section 1950 of the education law is amended by adding a new
28 subdivision 8-d to read as follows:

1 8-d. Notwithstanding the provision of any law, rule, or regulation to
2 the contrary, the city school district of the city of Rochester, upon
3 the consent of the board of cooperative educational services of the
4 supervisory district serving its geographic region, may purchase from
5 such board as a non-component school district, services required by
6 article nineteen of the education law.

7 § 32. The amounts specified in this section shall be a set-aside from
8 the state funds which each such district is receiving from the total
9 foundation aid:

10 a. for the development, maintenance or expansion of magnet schools or
11 magnet school programs for the 2022--2023 school year. For the city
12 school district of the city of New York there shall be a set-aside of
13 foundation aid equal to forty-eight million one hundred seventy-five
14 thousand dollars (\$48,175,000) including five hundred thousand dollars
15 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
16 school district, twenty-one million twenty-five thousand dollars
17 (\$21,025,000); for the Rochester city school district, fifteen million
18 dollars (\$15,000,000); for the Syracuse city school district, thirteen
19 million dollars (\$13,000,000); for the Yonkers city school district,
20 forty-nine million five hundred thousand dollars (\$49,500,000); for the
21 Newburgh city school district, four million six hundred forty-five thou-
22 sand dollars (\$4,645,000); for the Poughkeepsie city school district,
23 two million four hundred seventy-five thousand dollars (\$2,475,000); for
24 the Mount Vernon city school district, two million dollars (\$2,000,000);
25 for the New Rochelle city school district, one million four hundred ten
26 thousand dollars (\$1,410,000); for the Schenectady city school district,
27 one million eight hundred thousand dollars (\$1,800,000); for the Port
28 Chester city school district, one million one hundred fifty thousand

1 dollars (\$1,150,000); for the White Plains city school district, nine
2 hundred thousand dollars (\$900,000); for the Niagara Falls city school
3 district, six hundred thousand dollars (\$600,000); for the Albany city
4 school district, three million five hundred fifty thousand dollars
5 (\$3,550,000); for the Utica city school district, two million dollars
6 (\$2,000,000); for the Beacon city school district, five hundred sixty-
7 six thousand dollars (\$566,000); for the Middletown city school
8 district, four hundred thousand dollars (\$400,000); for the Freeport
9 union free school district, four hundred thousand dollars (\$400,000);
10 for the Greenburgh central school district, three hundred thousand
11 dollars (\$300,000); for the Amsterdam city school district, eight
12 hundred thousand dollars (\$800,000); for the Peekskill city school
13 district, two hundred thousand dollars (\$200,000); and for the Hudson
14 city school district, four hundred thousand dollars (\$400,000).

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

24 c. The commissioner of education shall not be authorized to withhold
25 foundation aid from a school district that used such funds in accordance
26 with this paragraph, notwithstanding any inconsistency with a request
27 for proposals issued by such commissioner for the purpose of attendance
28 improvement and dropout prevention for the 2022--2023 school year, and

1 for any city school district in a city having a population of more than
2 one million, the set-aside for attendance improvement and dropout
3 prevention shall equal the amount set aside in the base year. For the
4 2022--2023 school year, it is further provided that any city school
5 district in a city having a population of more than one million shall
6 allocate at least one-third of any increase from base year levels in
7 funds set aside pursuant to the requirements of this section to communi-
8 ty-based organizations. Any increase required pursuant to this section
9 to community-based organizations must be in addition to allocations
10 provided to community-based organizations in the base year.

11 d. For the purpose of teacher support for the 2022--2023 school year:
12 for the city school district of the city of New York, sixty-two million
13 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city
14 school district, one million seven hundred forty-one thousand dollars
15 (\$1,741,000); for the Rochester city school district, one million seven-
16 ty-six thousand dollars (\$1,076,000); for the Yonkers city school
17 district, one million one hundred forty-seven thousand dollars
18 (\$1,147,000); and for the Syracuse city school district, eight hundred
19 nine thousand dollars (\$809,000). All funds made available to a school
20 district pursuant to this section shall be distributed among teachers
21 including prekindergarten teachers and teachers of adult vocational and
22 academic subjects in accordance with this section and shall be in addi-
23 tion to salaries heretofore or hereafter negotiated or made available;
24 provided, however, that all funds distributed pursuant to this section
25 for the current year shall be deemed to incorporate all funds distrib-
26 uted pursuant to former subdivision 27 of section 3602 of the education
27 law for prior years. In school districts where the teachers are repres-
28 ented by certified or recognized employee organizations, all salary

1 increases funded pursuant to this section shall be determined by sepa-
2 rate collective negotiations conducted pursuant to the provisions and
3 procedures of article 14 of the civil service law, notwithstanding the
4 existence of a negotiated agreement between a school district and a
5 certified or recognized employee organization.

6 § 33. Support of public libraries. The moneys appropriated for the
7 support of public libraries by a chapter of the laws of 2022 enacting
8 the aid to localities budget shall be apportioned for the 2022--2023
9 state fiscal year in accordance with the provisions of sections 271,
10 272, 273, 282, 284, and 285 of the education law as amended by the
11 provisions of this chapter and the provisions of this section, provided
12 that library construction aid pursuant to section 273-a of the education
13 law shall not be payable from the appropriations for the support of
14 public libraries and provided further that no library, library system or
15 program, as defined by the commissioner of education, shall receive less
16 total system or program aid than it received for the year 2001--2002
17 except as a result of a reduction adjustment necessary to conform to the
18 appropriations for support of public libraries.

19 Notwithstanding any other provision of law to the contrary the moneys
20 appropriated for the support of public libraries for the year 2022--2023
21 by a chapter of the laws of 2022 enacting the education, labor and fami-
22 ly assistance budget shall fulfill the state's obligation to provide
23 such aid and, pursuant to a plan developed by the commissioner of educa-
24 tion and approved by the director of the budget, the aid payable to
25 libraries and library systems pursuant to such appropriations shall be
26 reduced proportionately to ensure that the total amount of aid payable
27 does not exceed the total appropriations for such purpose.

1 § 34. Severability. The provisions of this act shall be severable, and
2 if the application of any clause, sentence, paragraph, subdivision,
3 section or part of this act to any person or circumstance shall be
4 adjudged by any court of competent jurisdiction to be invalid, such
5 judgment shall not necessarily affect, impair or invalidate the applica-
6 tion of any such clause, sentence, paragraph, subdivision, section or
7 part of this act or remainder thereof, as the case may be, to any other
8 person or circumstance, but shall be confined in its operation to the
9 clause, sentence, paragraph, subdivision, section or part thereof
10 directly involved in the controversy in which such judgment shall have
11 been rendered.

12 § 35. This act shall take effect immediately, and shall be deemed to
13 have been in full force and effect on and after April 1, 2022, provided,
14 however, that:

15 1. Sections one, two, seven, eight, fourteen, fifteen, sixteen, seven-
16 teen, nineteen, twenty-two, twenty-five, twenty-six, twenty-eight, thir-
17 ty-one, and thirty-two, of this act shall take effect July 1, 2022;

18 2. Sections three, four, and five shall take effect immediately and
19 shall expire September 30, 2024 when upon such date the provisions of
20 such sections shall be deemed repealed; and

21 3. The amendments to chapter 756 of the laws of 1992, relating to
22 funding a program for work force education conducted by a consortium for
23 worker education in New York city made by sections twenty and twenty-one
24 of this act shall not affect the repeal of such chapter and shall be
25 deemed repealed therewith.

1 Section 1. The education law is amended by adding a new section 3638
2 to read as follows:

3 § 3638. Zero-emission school buses. 1. For the purposes of this
4 section "zero-emission school bus" shall mean a school bus that: (a) is
5 propelled by an electric motor and associated power electronics which
6 provide acceleration torque to the drive wheels during normal vehicle
7 operations; and (b) draws electricity from a hydrogen fuel cell or
8 battery.

9 2. No later than July first, two thousand twenty-seven, every school
10 district shall:

11 (a) only purchase or lease zero-emission school buses when purchasing
12 or leasing new buses; and

13 (b) include requirements in any procurement for school transportation
14 services that any contractors providing transportation services for the
15 school district must only purchase or lease zero-emission school buses
16 when purchasing or leasing new school buses.

17 3. No later than July first, two thousand thirty-five, every school
18 district shall:

19 (a) only operate and maintain zero-emission school buses; and

20 (b) include requirements in any procurement for school transportation
21 services that any contractors providing transportation services for the
22 school district must only operate zero-emission school buses when
23 providing such transportation services to the school district.

24 § 2. Paragraphs c, d and e of subdivision 2 of section 3623-a of the
25 education law, paragraph c as amended by chapter 453 of the laws of
26 2005, paragraph d as added by chapter 474 of the laws of 1996, and para-
27 graph e as amended by section 66 of part A of chapter 436 of the laws of
28 1997, are amended and a new paragraph f is added to read as follows:

1 c. The purchase of equipment deemed a proper school district expense,
2 including: (i) the purchase of two-way radios to be used on old and new
3 school buses, (ii) the purchase of stop-arms, to be used on old and new
4 school buses, (iii) the purchase and installation of seat safety belts
5 on school buses in accordance with the provisions of section thirty-six
6 hundred thirty-five-a of this article, (iv) the purchase of school bus
7 back up beepers, (v) the purchase of school bus front crossing arms,
8 (vi) the purchase of school bus safety sensor devices, (vii) the
9 purchase and installation of exterior reflective marking on school
10 buses, (viii) the purchase of automatic engine fire extinguishing
11 systems for school buses used to transport students who use wheelchairs
12 or other assistive mobility devices, and (ix) the purchase of other
13 equipment as prescribed in the regulations of the commissioner; [and]

14 d. Other transportation capital, debt service and lease expense, as
15 approved pursuant to regulations of the commissioner[.];

16 e. Any approved cost of construction, reconstruction, lease or
17 purchase of a transportation storage facility or site in the amount of
18 ten thousand dollars or more shall be aidable in accordance with subdi-
19 vision six of section thirty-six hundred two of this article and shall
20 not be aidable as transportation expense[.]; and

21 f. Approved costs relating to the lease, purchase, construction, or
22 installation of zero-emission school bus electric charging or hydrogen
23 fueling stations. For the purposes of this section, a zero-emission
24 school bus electric charging station is a station that delivers elec-
25 tricity from a source outside a zero-emission school bus into one or
26 more zero-emission school buses. An electric school bus charging station
27 may include several charge points simultaneously connecting several

1 zero-emission school buses to the station and any related equipment
2 needed to facilitate charging plug-in zero-emission school buses.

3 § 3. Paragraph e of subdivision 7 of section 3602 of the education
4 law, as amended by section 4 of part L of chapter 57 of the laws of
5 2005, is amended to read as follows:

6 e. In determining approved transportation capital, debt service and
7 lease expense for aid payable in the two thousand five--two thousand six
8 school year and thereafter, the commissioner, after applying the
9 provisions of paragraph c of this subdivision to such expense, shall
10 establish an assumed amortization pursuant to this paragraph to deter-
11 mine the approved capital, debt service and lease expense of the school
12 district that is aidable in the current year, whether or not the school
13 district issues debt for such expenditures, subject to any deduction
14 pursuant to paragraph d of this subdivision. Such assumed amortization
15 shall be for a period of five years, and for the two thousand twenty-
16 two--two thousand twenty-three school year and thereafter such assumed
17 amortization for zero-emission school buses as defined in section thir-
18 ty-six hundred thirty-eight of this chapter and related costs pursuant
19 to paragraph f of subdivision two of section thirty-six hundred twenty-
20 three-a of this chapter shall be for a period of ten years, and shall
21 commence twelve months after the school district enters into a purchase
22 contract[,] or lease of the school bus, charging station, hydrogen refu-
23 eling station, or equipment, or a general contract for the construction,
24 reconstruction, lease or purchase of a transportation storage facility
25 or site in an amount less than ten thousand dollars[; except that where
26 expenses were incurred for the purchase or lease of a school bus or
27 equipment or the construction, reconstruction, lease or purchase of a
28 transportation storage facility or site prior to July first, two thou-

1 sand five and debt service was still outstanding or the lease was still
2 in effect as of such date, the assumed amortization shall commence as of
3 July first, two thousand five and the period of the amortization shall
4 be for a period equal to five years less the number of years, rounded to
5 the nearest year, elapsed from the date upon which the school district
6 first entered into such purchase contract or general contract and July
7 first, two thousand five, as determined by the commissioner, or the
8 remaining term of the lease as of such date]. Such assumed amortization
9 shall provide for equal semiannual payments of principal and interest
10 based on an assumed interest rate established by the commissioner pursu-
11 ant to this paragraph. By the first day of September of the current year
12 commencing with the two thousand five--two thousand six school year,
13 each school district shall provide to the commissioner in a format
14 prescribed by the commissioner such information as the commissioner
15 shall require for all capital debt incurred by such school district
16 during the preceding school year for expenses allowable pursuant to
17 subdivision two of section thirty-six hundred twenty-three-a of this
18 article. Based on such reported amortizations and a methodology
19 prescribed by the commissioner in regulations, the commissioner shall
20 compute an assumed interest rate that shall equal the average of the
21 interest rates applied to all such debt issued during the preceding
22 school year. The assumed interest rate shall be the interest rate of
23 each such school district applicable to the current year for the
24 purposes of this paragraph and shall be expressed as a decimal to five
25 places rounded to the nearest eighth of one-one hundredth.

26 § 4. Subparagraph 7 of paragraph e of subdivision 1 of section 3623-a
27 of the education law, as added by chapter 474 of the laws of 1996, is
28 amended to read as follows:

1 (7) fuel, oil, tires, chains, maintenance and repairs for school
2 buses, provided that for purposes of this article, fuel shall include
3 electricity used to charge or hydrogen used to refuel zero-emission
4 school buses for the aidable transportation of pupils, but shall not
5 include electricity or hydrogen used for other purposes;

6 § 5. Clause (a) of subdivision 29 of paragraph a of section 11.00 of
7 the local finance law, as amended by section 2 of chapter 300 of the
8 laws of 1971, is amended to read as follows:

9 (a) a passenger vehicle, other than a zero-emission school bus, having
10 a seating capacity of less than ten persons,

11 § 6. Subdivision 21-a of section 1604 of the education law, as added
12 by chapter 472 of the laws of 1998, is amended to read as follows:

13 21-a. To lease a motor vehicle or vehicles to be used for the trans-
14 portation of the children of the district from a school district, board
15 of cooperative educational services or county vocational education and
16 extension board or from any other source, under the conditions specified
17 in this subdivision. No such agreement for the lease of a motor vehicle
18 or vehicles shall be for a term of more than one school year, provided
19 that when authorized by a vote of the qualified voters of the district
20 such lease may have a term of up to five years, or ten years for the
21 lease of zero-emission school buses as defined in section thirty-six
22 hundred thirty-eight of this chapter. Where the trustee or board of
23 trustees enter into a lease of a motor vehicle or vehicles pursuant to
24 this subdivision for a term of one school year or less, such trustee or
25 board shall not be authorized to enter into another lease for the same
26 or an equivalent replacement vehicle or vehicles, as determined by the
27 commissioner, without obtaining approval of the qualified voters of the
28 school district.

1 § 7. Paragraph i of subdivision 25 of section 1709 of the education
2 law, as added by chapter 472 of the laws of 1998, is amended to read as
3 follows:

4 i. In addition to the authority granted in paragraph e of this subdi-
5 vision, the board of education shall be authorized to lease a motor
6 vehicle or vehicles to be used for the transportation of the children of
7 the district from sources other than a school district, board of cooper-
8 ative educational services or county vocational education and extension
9 board under the conditions specified in this paragraph. No such agree-
10 ment for the lease of a motor vehicle or vehicles shall be for a term of
11 more than one school year, provided that when authorized by a vote of
12 the qualified voters of the district such lease may have a term of up to
13 five years, or ten years for the lease of zero-emission school buses as
14 defined in section thirty-six hundred thirty-eight of this chapter.
15 Where the board of education enters a lease of a motor vehicle or vehi-
16 cles pursuant to this paragraph for a term of one school year or less,
17 such board shall not be authorized to enter into another lease of the
18 same or an equivalent replacement vehicle or vehicles, as determined by
19 the commissioner, without obtaining approval of the voters.

20 § 8. Subdivision 29-a of paragraph a of section 11.00 of the local
21 finance law, as added by section 1 of part BB of chapter 58 of the laws
22 of 2015, is amended to read as follows:

23 29-a. Transit motor vehicles. The purchase of municipally owned omni-
24 bus or similar surface transit motor vehicles or a zero-emission school
25 bus owned by a school district defined pursuant to subdivision two of
26 section two of this chapter, a city school district with a population of
27 more than one hundred twenty-five thousand inhabitants, or board of
28 cooperative educational services, ten years.

1 § 9. This act shall take effect immediately.

2 PART C

3 Section 1. Subdivision 2 of section 3001 of the education law, as
4 amended by chapter 658 of the laws of 2002, is amended to read as
5 follows:

6 2. Not in possession of a teacher's certificate or temporary permit
7 issued under the authority of this chapter or a diploma issued on the
8 completion of a course in state college for teachers or state teachers
9 college of this state.

10 The provisions of this subdivision shall not prohibit a certified
11 teacher from permitting a practice or cadet teacher enrolled in an
12 approved teacher education program from teaching a class without the
13 presence of the certified teacher in the classroom provided the class-
14 room certified teacher is available at all times and retains supervision
15 of the practice or cadet teacher. The number of certified teachers shall
16 not be diminished by reason of the presence of cadet teachers.

17 § 2. The education law is amended by adding a new section 3001-e to
18 read as follows:

19 § 3001-e. Temporary professional permit; applicant pending certif-
20 icate. Upon submission to the department of a completed application and
21 documentation necessary to demonstrate qualifications required to obtain
22 a teacher's certificate or other school profession certificate issued
23 under this article, and the applicant's written attestation under penal-
24 ty of perjury that the applicant has met all requirements of obtaining
25 such certificate, the commissioner shall issue to such applicant, within
26 five business days of the application's submission, a temporary permit

1 validating his or her employment in a teaching capacity or other profes-
2 sional capacity, as the case may be, in the public schools of the state.
3 Such application shall be in a form required by the commissioner. A
4 temporary permit shall expire one year from the date of issue, or upon
5 issuance of a certificate by the commissioner, or upon notice to the
6 applicant by the department that the application for a certificate has
7 been denied, whichever shall occur first. The holder of a temporary
8 permit shall be employed in a teaching capacity or other professional
9 capacity, as the case may be, in a public school only under the super-
10 vision and mentorship of a professional holding a permanent or profes-
11 sional certificate in the same profession in New York state and employed
12 in the same school building, and with the endorsement of the employing
13 school district or board of cooperative educational services.

14 § 3. The education law is amended by adding a new section 3001-f to
15 read as follows:

16 § 3001-f. Employment of individuals holding expired certificates.
17 Notwithstanding any other provision of law, regulation, or rule to the
18 contrary, an individual holding a certificate issued under this article
19 which has expired, and who has remained otherwise qualified to hold such
20 certificate, shall be authorized to be employed in a teaching capacity
21 or other professional capacity, as the case may be and as allowed under
22 their expired certificate, in the public schools of the state upon
23 notification to the commissioner and payment of the applicable certif-
24 icate fee. Such notification shall be in a form determined by the
25 commissioner. Nothing in this section shall be construed to prohibit the
26 commissioner from taking any investigatory or disciplinary action as
27 authorized under law.

1 § 4. Subdivision 1 of section 3006 of the education law is amended by
2 adding a new paragraph f to read as follows:

3 f. A temporary professional permit as authorized under section three
4 thousand one-e of this article.

5 § 5. This act shall take effect on the sixtieth day after it shall
6 have become a law; provided, however, that section three of this act
7 shall expire and be deemed repealed June 30, 2024. Effective immediate-
8 ly, the addition, amendment and/or repeal of any rule or regulation
9 necessary for the implementation of this act on its effective date are
10 authorized to be made and completed on or before such date.

11 PART D

12 Section 1. Subparagraph 4-b of paragraph h of subdivision 2 of section
13 355 of the education law, as added by section 1 of part GG of chapter 56
14 of the laws of 2021, is amended to read as follows:

15 (4-b) [(i)] In state fiscal year two thousand twenty-two--two thousand
16 twenty-three and thereafter, the state shall appropriate and make avail-
17 able general fund operating support in the amount of [thirty-three
18 percent of] the tuition credit calculated pursuant to section six
19 hundred eighty-nine-a of this chapter [for the two thousand twenty-two-
20 -two thousand twenty-three academic year.

21 (ii) In state fiscal year two thousand twenty-three--two thousand
22 twenty-four, the state shall appropriate and make available general fund
23 operating support in the amount of sixty-seven percent of the tuition
24 credit calculated pursuant to section six hundred eighty-nine-a of this
25 chapter for the two thousand twenty-three--two thousand twenty-four
26 academic year.

1 (iii) Beginning in state fiscal year two thousand twenty-four--two
2 thousand twenty-five and thereafter, the state shall appropriate and
3 make available general fund operating support in the amount of the
4 tuition credit calculated pursuant to section six hundred eighty-nine-a
5 of this chapter] annually.

6 § 2. Paragraph (f) of subdivision 7 of section 6206 of the education
7 law, as added by section 2 of part GG of chapter 56 of the laws of 2021,
8 is amended to read as follows:

9 (f) [(i)] In state fiscal year two thousand twenty-two--two thousand
10 twenty-three and thereafter, the state shall appropriate and make avail-
11 able general fund operating support in the amount of [thirty-three
12 percent of] the tuition credit calculated pursuant to section six
13 hundred eighty-nine-a of this chapter [for the two thousand twenty-two-
14 -two thousand twenty-three academic year.

15 (ii) In state fiscal year two thousand twenty-three--two thousand
16 twenty-four, the state shall appropriate and make available general fund
17 operating support in the amount of sixty-seven percent of the tuition
18 credit calculated pursuant to section six hundred eighty-nine-a of this
19 chapter for the two thousand twenty-three--two thousand twenty-four
20 academic year.

21 (iii) Beginning in state fiscal year two thousand twenty-four--two
22 thousand twenty-five and thereafter, the state shall appropriate and
23 make available general fund operating support in the amount of the
24 tuition credit calculated pursuant to section six hundred eighty-nine-a
25 of this chapter] annually.

26 § 3. This act shall take effect immediately.

1 Section 1. Section 667-c of the education law, as added by section 1
2 of part N of chapter 58 of the laws of 2006, is amended to read as
3 follows:

4 § 667-c. Part-time tuition assistance program awards. 1. Notwithstand-
5 ing any law, rule or regulation to the contrary, the president of the
6 higher education services corporation is authorized to make tuition
7 assistance program awards to:

8 a. part-time students enrolled at the state university, a community
9 college, the city university of New York, and a non-profit college or
10 university incorporated by the regents or by the legislature who meet
11 all requirements for tuition assistance program awards except for the
12 students' part-time attendance; or

13 b. students enrolled part-time at a community college in a non-degree
14 workforce credential program approved by the New York state empire state
15 development corporation and the New York state regional economic devel-
16 opment councils based on an analysis of regional industry trends, work-
17 force needs and existing program offerings.

18 2. For purposes of this section[, a part-time student is one who]:

19 a. for students defined in paragraph a of subdivision one of this
20 section, a part-time student is one who: (i) enrolled as a first-time
21 freshman during the two thousand six--two thousand seven academic year
22 or thereafter at a college or university within the state university,
23 including a statutory or contract college, a community college estab-
24 lished pursuant to article one hundred twenty-six of this chapter, the
25 city university of New York, or a non-profit college or university
26 incorporated by the regents or by the legislature;

1 [b. has earned at least twelve credits in each of two consecutive
2 semesters at one of the institutions named in paragraph a of this subdi-
3 vision by the time of the awards;

4 c.] (ii) is enrolled for at least six but less than twelve semester
5 hours, or the equivalent, per semester in an approved undergraduate
6 degree program; and

7 [d.] (iii) has a cumulative grade-point average of at least 2.00.

8 b. for students defined in paragraph b of subdivision one of this
9 section, a part-time student is one who: (i) meets all requirements for
10 tuition assistance program awards except for the student's part-time
11 attendance and any other requirements that are inconsistent with the
12 student's enrollment in a non-degree program; and

13 (ii) is enrolled in an approved non-degree workforce credential
14 program at a community college established pursuant to article one
15 hundred twenty-six of this chapter.

16 3. a. For part-time students defined in this section, the award shall
17 be calculated as provided in section six hundred sixty-seven of this
18 article and shall be in an amount equal to the enrollment factor percent
19 of the award the student would have been eligible for if the student
20 were enrolled full-time. [The] For part-time students defined in para-
21 graph a of subdivision one of this section, the enrollment factor
22 percent is the percentage obtained by dividing the number of credits the
23 student is enrolled in, as certified by the school, by the number of
24 credits required for full-time study in the semester, quarter or term as
25 defined by the commissioner. For part-time students defined in para-
26 graph b of subdivision one of this section, the enrollment factor shall
27 be calculated pursuant to regulations established by the higher educa-
28 tion services corporation.

1 b. [Any] (i) For part-time students defined in paragraph a of subdivi-
2 sion one of this section, any semester, quarter or term of attendance
3 during which a student receives an award pursuant to this section shall
4 be counted as the enrollment factor percent of a semester, quarter or
5 term toward the maximum term of eligibility for tuition assistance
6 awards pursuant to section six hundred sixty-seven of this article. The
7 total period of study for which payment may be made shall not exceed the
8 equivalent of the maximum period authorized for that award.

9 (ii) For part-time students as defined in paragraph b of subdivision
10 one of this section, the total period of study for which payment may be
11 made shall not exceed the equivalent of the maximum period authorized
12 for the non-degree workforce credential program.

13 § 2. This act shall take effect immediately.

14 PART F

15 Section 1. Subparagraph (v) of paragraph b-1 of subdivision 4 of
16 section 661 of the education law is REPEALED.

17 § 2. Subparagraphs (iii) and (iv) of paragraph b-1 of subdivision 4 of
18 section 661 of the education law, as added by section 1 of part Z of
19 chapter 58 of the laws of 2011, are amended to read as follows:

20 (iii) does not maintain good academic standing pursuant to paragraph c
21 of subdivision six of section six hundred sixty-five of this subpart,
22 and if there is no applicable existing academic standards schedule
23 pursuant to such subdivision, then such recipient shall be placed on the
24 academic standards schedule applicable to students enrolled in a four-
25 year or five-year undergraduate program; or

1 (iv) is in default in the repayment of any state or federal student
2 loan, has failed to comply with the terms of any service condition
3 imposed by an academic performance award made pursuant to this article,
4 or has failed to make a refund of any award[; or].

5 § 3. Paragraph d of subdivision 6 of section 661 of the education law
6 is REPEALED.

7 § 4. This act shall take effect immediately.

8 PART G

9 Section 1. Subdivision 2 of section 669-h of the education law, as
10 amended by section 1 of part G of chapter 56 of the laws of 2021, is
11 amended to read as follows:

12 2. Amount. Within amounts appropriated therefor and based on avail-
13 ability of funds, awards shall be granted beginning with the two thou-
14 sand seventeen--two thousand eighteen academic year and thereafter to
15 applicants that the corporation has determined are eligible to receive
16 such awards. The corporation shall grant such awards in an amount up to
17 five thousand five hundred dollars or actual tuition, whichever is less;
18 provided, however, (a) a student who receives educational grants and/or
19 scholarships that cover the student's full cost of attendance shall not
20 be eligible for an award under this program; and (b) an award under this
21 program shall be applied to tuition after the application of payments
22 received under the tuition assistance program pursuant to section six
23 hundred sixty-seven of this subpart, tuition credits pursuant to section
24 six hundred eighty-nine-a of this article, federal Pell grant pursuant
25 to section one thousand seventy of title twenty of the United States
26 code, et seq., and any other program that covers the cost of attendance

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

23 § 2. This act shall take effect immediately.

1 Section 1. Subdivision 5 of section 695-b of the education law, as
2 amended by chapter 535 of the laws of 2000, is amended to read as
3 follows:

4 5. "Eligible educational institution" shall mean (a) any institution
5 of higher education defined as an eligible educational institution in
6 section 529(e)(5) of the Internal Revenue Code of 1986, as amended, or
7 (b) any apprenticeship program described in section 529(c)(8) of the
8 Internal Revenue Code of 1986, as amended.

9 § 2. This act shall take effect immediately.

10 PART I

11 Section 1. The education law is amended by adding a new article 13-C
12 to read as follows:

13 ARTICLE 13-C

14 STUDENT DEBT; PROHIBITED PRACTICES

15 Section 640. Student debt; prohibited practices.

16 § 640. Student debt; prohibited practices. 1. Notwithstanding any
17 inconsistent provision of law, rule, or regulation, no institution of
18 higher education, including colleges, universities, and organizations
19 offering career education, as defined in section two of this chapter
20 shall:

21 (a) withhold a student's transcript for failure to pay past or pres-
22 ently due tuition;

23 (b) condition the receipt of a transcript or of credit or other offi-
24 cial recognition for work completed satisfactorily on the payment of a

1 debt, other than the condition of a fee charged to provide the tran-
2 script;

3 (c) charge a higher fee for obtaining a transcript, or provide less
4 favorable treatment of a transcript request because a student owes a
5 debt; or

6 (d) use transcript issuance as a tool for debt collection.

7 2. The commissioner or the superintendent of financial services may,
8 after notice and hearing, enjoin such transcript withholding practices
9 and require any college found to be in violation of the provisions of
10 this article or the rules or regulations promulgated hereunder to pay to
11 the people of this state a penalty of five hundred dollars for each
12 violation.

13 3. In addition to the right of action granted to the department or the
14 superintendent of financial services pursuant to this section, any
15 person who has been injured by reason of any violation of this section
16 may bring an action in their own name to enjoin such unlawful act or
17 practice. The court may, in its discretion, award reasonable attorney's
18 fees to the prevailing plaintiff.

19 4. In addition to the penalties imposed under this section, a
20 violation of this article shall be considered a violation of the laws
21 and rules governing higher education award programs for the purpose of
22 article fourteen of this chapter and the president of the higher educa-
23 tion services corporation may suspend, limit or terminate an insti-
24 tution's participation in state higher education financial aid programs
25 under such article.

26 5. Nothing in this article shall limit any statutory or common law
27 right of any person to bring any action in any court for any act, or the
28 right of the state to punish any person for any violation of law.

1 § 2. This act shall take effect on the thirtieth day after it shall
2 have become a law.

3 PART J

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

6 § 210-d. Registration of curricula. Notwithstanding any law, rule or
7 regulation to the contrary, any new curriculum or program of study
8 offered by any not-for-profit college or university chartered by the
9 regents or incorporated by special act of the legislature that does not
10 require a master plan amendment pursuant to section two hundred thirty-
11 seven of this part, or charter amendment pursuant to section two hundred
12 sixteen of this part, or lead to professional licensure; and that is
13 approved by the state university board of trustees, the city university
14 board of trustees, or the trustees or governing body of any other not-
15 for-profit college or university chartered by the regents which (1) has
16 maintained a physical presence in New York state for the immediately
17 preceding ten years and has been operated continuously by the same
18 governing body during the same immediately preceding ten year period and
19 (2) is accredited and has continued in accreditation by the Middle
20 States Commission on Higher Education ("MSCHE") or the department for
21 the immediately preceding ten years, shall be deemed authorized for
22 temporary operation pending program approval forty-five days after
23 certification by the department of submission of a completed application
24 for program approval. As used in this section, "authorized for temporary
25 operation pending program approval" means a college or university may
26 operate the curriculum or program of study on a contingent basis during

1 the remainder of the department's program review process, including but
2 not limited to accepting admission of students into the program, charg-
3 ing applicable tuition and fees, and providing the educational program-
4 ming to students. Any college or university operating a program author-
5 ized for temporary operation pending program approval must disclose this
6 status and its meaning to potential students in writing. If the academic
7 program being operated on a temporary basis is ultimately disapproved by
8 the department, the college or university operating such program shall
9 immediately cease operation of the program and refund all monies paid by
10 students to attend such programs. If the college or university is placed
11 on probation or has its accreditation terminated by MSCHE, such college
12 or university shall notify the regents in writing no later than thirty
13 days after receiving notice of its probationary status or loss of
14 accreditation by the MSCHE. Any college or university which has its
15 accreditation placed on probation or terminated by the MSCHE or the
16 department shall be subject to the commissioner's program approval and
17 may not operate a curriculum or program of study under the authority of
18 this section until it has been removed from probation or regained
19 accreditation by MSCHE or the department, and shall further remain so
20 restricted until it has continued without probation for a period of not
21 less than six years. If a college or university subject to this section
22 intends to offer or institute an additional degree or program which
23 constitutes a substantive change, as defined and determined by MSCHE,
24 then the college or university shall provide the commissioner with
25 copies of any reports or other documents filed with MSCHE as part of
26 MSCHE's substantive change review process and shall inform the commis-
27 sioner when the substantive change is approved. Any such college or
28 university that does not satisfy all of the provisions of this section

1 shall comply with the procedures and criteria established by the regents
2 and commissioner for academic program approval. Nothing in this section
3 shall be deemed to limit the department's existing authority to investi-
4 gate a complaint concerning the institution, or any program offered,
5 including the authority to deregister the program.

6 § 2. This act shall take effect July 1, 2022.

7 PART K

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

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

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

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

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

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

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

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

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

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

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

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

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

1 § 1509. Disqualification of shareholders, directors, officers and
2 employees.

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

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

27 (a) No shareholder of a professional service corporation [or], includ-
28 ing a design professional service corporation, may sell or transfer his

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

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

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

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

23 (c) Each firm established for the business purpose of incorporating as
24 a professional service corporation pursuant to paragraph (h) of section
25 fifteen hundred three of this article shall, at least once every three
26 years on or before the date prescribed by the licensing authority,
27 furnish a statement to the licensing authority listing the names and
28 residence addresses of each shareholder, director and officer of such

1 corporation and certify as the date of certification and at all times
2 over the entire three year period that:

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

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

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

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

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

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

17 (d) "Foreign professional service corporation" means a professional
18 service corporation, whether or not denominated as such, organized under
19 the laws of a jurisdiction other than this state, all of the sharehold-
20 ers, directors and officers of which are authorized and licensed to
21 practice the profession for which such corporation is licensed to do
22 business; except that all shareholders, directors and officers of a
23 foreign professional service corporation which provides health services
24 in this state shall be licensed in this state. A foreign professional
25 service corporation formed to lawfully engage in the practice of public
26 accountancy, as such practice is defined under article one hundred
27 forty-nine of the education law, or equivalent state law, shall be
28 required to show (1) that a simple majority of the ownership of the

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

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

27 (q) Each partner of a registered limited liability partnership formed
28 to provide medical services in this state must be licensed pursuant to

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

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

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

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

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

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

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

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

24 (h) "Limited partnership" and "domestic limited partnership" mean,
25 unless the context otherwise requires, a partnership (i) formed by two
26 or more persons pursuant to this article or which complies with subdivi-
27 sion (a) of section 121-1202 of this article and (ii) having one or more
28 general partners and one or more limited partners. Notwithstanding any

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

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

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

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

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

1 purposes of this subdivision, "actively participate" means to provide
2 services to clients or to otherwise individually take part in the day-
3 to-day business or management of the firm.

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

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

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

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

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

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

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

12 § 14. This act shall take effect immediately.

13 PART L

14 Section 1. Subdivision 2 of section 410-u of the social services law,
15 as added by section 52 of part B of chapter 436 of the laws of 1997, is
16 amended to read as follows:

17 2. The state block grant for child care shall be divided into two
18 parts pursuant to a plan developed by the department and approved by the
19 director of the budget. One part shall be retained by the state to
20 provide child care on a statewide basis to special groups and for
21 activities to increase the availability and/or quality of child care
22 programs, including, but not limited to, the start-up of child care
23 programs, the operation of child care resource and referral programs,
24 training activities, the regulation and monitoring of child care
25 programs, the development of computerized data systems, and consumer
26 education, provided however, that child care resource and referral

1 programs funded under title five-B of article six of this chapter shall
2 meet additional performance standards developed by the department of
3 social services including but not limited to: increasing the number of
4 child care placements for persons who are at or below two hundred twen-
5 ty-five percent of the state income standard effective October sixteen,
6 two thousand twenty-two, two hundred sixty percent of the state income
7 standard effective April first, two thousand twenty-three, or three
8 hundred percent of the state income standard effective April first, two
9 thousand twenty-four, provided such persons are at or below eighty-five
10 percent of the state median income, with emphasis on placements support-
11 ing local efforts in meeting federal and state work participation
12 requirements, increasing technical assistance to all modalities of legal
13 child care to persons who are at or below two hundred twenty-five
14 percent of the state income standard[,] effective October sixteen, two
15 thousand twenty-two, two hundred sixty percent of the state income stan-
16 dard effective April first, two thousand twenty-three, or three hundred
17 percent of the state income standard effective April first, two thousand
18 twenty-four, provided such persons are at or below eighty-five percent
19 of the state median income, including the provision of training to
20 assist providers in meeting child care standards or regulatory require-
21 ments, and creating new child care opportunities, and assisting social
22 services districts in assessing and responding to child care needs for
23 persons at or below two hundred twenty-five percent of the state income
24 standard effective October sixteen, two thousand twenty-two, two hundred
25 sixty percent of the state income standard effective April first, two
26 thousand twenty-three, or three hundred percent of the state income
27 standard effective April first, two thousand twenty-four, provided such
28 persons are at or below eighty-five percent of the state median income.

1 The department shall have the authority to withhold funds from those
2 agencies which do not meet performance standards. Agencies whose funds
3 are withheld may have funds restored upon achieving performance stand-
4 ards. The other part shall be allocated to social services districts to
5 provide child care assistance to families receiving family assistance
6 and to other low income families.

7 § 2. Subdivision 3 of section 410-v of the social services law, as
8 added by section 52 of part B of chapter 436 of the laws of 1997, is
9 amended to read as follows:

10 3. Any portion of a social services district's block grant allocation
11 for a particular federal fiscal year that is not claimed by such
12 district during that federal fiscal year [shall] may be added to that
13 social services district's block grant allocation for the next federal
14 fiscal year.

15 § 3. Subdivisions 1, 3 and 4 of section 410-w of the social services
16 law, as amended by chapter 569 of the laws of 2001 and paragraph (a) of
17 subdivision 4 as amended by chapter 135 of the laws of 2007, are amended
18 and two new subdivisions 2-a and 10 are added to read as follows:

19 1. A social services district may use the funds allocated to it from
20 the block grant to provide child care assistance to:

21 (a) families receiving public assistance when such child care assist-
22 ance is necessary: to enable a parent or caretaker relative to engage in
23 work, participate in work activities or perform a community service
24 pursuant to title nine-B of article five of this chapter; to enable a
25 teenage parent to attend high school or other equivalent training
26 program; because the parent or caretaker relative is physically or
27 mentally incapacitated; or because family duties away from home necessi-
28 tate the parent or caretaker relative's absence; child day care shall be

1 provided during breaks in activities, for a period of up to two weeks.
2 Such child day care may be authorized for a period of up to one month if
3 child care arrangements shall be lost if not continued, and the program
4 or employment is scheduled to begin within such period;

5 (b) families with incomes up to two hundred twenty-five percent of the
6 state income standard effective October sixteen, two thousand twenty-
7 two, two hundred sixty percent of the state income standard effective
8 April first, two thousand twenty-three, or three hundred percent of the
9 state income standard effective April first, two thousand twenty-four
10 who are attempting through work activities to transition off of public
11 assistance when such child care is necessary in order to enable a parent
12 or caretaker relative to engage in work provided such families' public
13 assistance has been terminated as a result of increased hours of or
14 income from employment or increased income from child support payments
15 or the family voluntarily ended assistance; [and,] provided that the
16 family received public assistance at least three of the six months
17 preceding the month in which eligibility for such assistance terminated
18 or ended or provided that such family has received child care assistance
19 under subdivision four of this section; and provided, the family income
20 does not exceed eighty-five percent of the state median income;

21 (c) families with incomes up to two hundred twenty-five percent of the
22 state income standard effective October sixteen, two thousand twenty-
23 two, two hundred sixty percent of the state income standard effective
24 April first, two thousand twenty-three, or three hundred percent of the
25 state income standard effective April first, two thousand twenty-four,
26 which are determined in accordance with the regulations of the depart-
27 ment to be at risk of becoming dependent on family assistance; provided,

1 the family income does not exceed eighty-five percent of the state medi-
2 an income;

3 (d) families with incomes up to two hundred twenty-five percent of the
4 state income standard effective October sixteen, two thousand twenty-
5 two, two hundred sixty percent of the state income standard effective
6 April first, two thousand twenty-three, or three hundred percent of the
7 state income standard effective April first, two thousand twenty-four
8 who are attending a post secondary educational program and working at
9 least seventeen and one-half hours per week; provided, the family income
10 does not exceed eighty-five percent of the state median income; and

11 (e) other families with incomes up to two hundred twenty-five percent
12 of the state income standard effective October sixteen, two thousand
13 twenty-two, two hundred sixty percent of the state income standard
14 effective April first, two thousand twenty-three, or three hundred
15 percent of the state income standard effective April first, two thousand
16 twenty-four which the social services district designates in its consol-
17 idated services plan as eligible for child care assistance in accordance
18 with criteria established by the department; provided, the family income
19 does not exceed eighty-five percent of the state median income.

20 2-a. A social services district may, upon approval by the office of
21 children and family services and in accordance with criteria established
22 by the office, use the funds allocated to it from the block grant to
23 provide child care assistance to families with incomes up to three
24 hundred percent of the state income standard, provided such families
25 income does not exceed eighty-five percent of the state median income
26 standard.

27 3. A social services district shall guarantee child care assistance to
28 families in receipt of public assistance with children under thirteen

1 years of age when such child care assistance is necessary for a parent
2 or caretaker relative to engage in work or participate in work activ-
3 ities pursuant to the provisions of title nine-B of article five of this
4 chapter. Child care assistance shall continue to be guaranteed for such
5 a family for a period of twelve months after the month in which the
6 family's eligibility for public assistance has terminated or ended when
7 such child care is necessary in order to enable the parent or caretaker
8 relative to engage in work, provided that the family's public assistance
9 has been terminated as a result of an increase in the hours of or income
10 from employment or increased income from child support payments or
11 because the family voluntarily ended assistance; that the family
12 received public assistance in at least three of the six months preceding
13 the month in which eligibility for such assistance terminated or ended
14 or provided that such family has received child care assistance under
15 subdivision four of this section; [and] that the family's income does
16 not exceed two hundred twenty-five percent of the state income standard
17 effective October sixteen, two thousand twenty-two, two hundred sixty
18 percent of the state income standard effective April first, two thou-
19 sand twenty-three, or three hundred percent of the state income standard
20 effective April first, two thousand twenty-four; and that the family
21 income does not exceed eighty-five percent of the state median income.
22 Such child day care shall recognize the need for continuity of care for
23 the child and a district shall not move a child from an existing provid-
24 er unless the participant consents to such move.

25 4. (a) Local social services districts shall guarantee applicants who
26 would otherwise be eligible for, or are recipients of, public assistance
27 benefits and who are employed, the option to choose to receive continu-
28 ing child day care subsidies in lieu of public assistance benefits, for

1 such period of time as the recipient continues to be eligible for public
2 assistance. For the purposes of this subdivision, an eligible applicant
3 for, or recipient of, public assistance benefits and who is employed
4 includes a person whose gross earnings equal, or are greater than, the
5 required number of work hours times the state minimum wage. Recipients
6 of child care subsidies under this subdivision who are no longer eligi-
7 ble for public assistance benefits, shall be eligible for transitional
8 child care described in paragraph (b) of subdivision one of this section
9 as if they had been recipients of public assistance.

10 (b) Nothing herein shall be construed to waive the right of an appli-
11 cant who chooses to receive continuing child day care subsidies pursuant
12 to this section from applying for ongoing public assistance.

13 10. For the purposes of this section, the term "state median income"
14 means the most recent state median income data published by the bureau
15 of the census, for a family of the same size, updated by the department
16 for a family size of four and adjusted by the department for family
17 size.

18 § 4. This act shall take effect October 16, 2022; provided, however,
19 that subdivision 2-a of section 410-w of the social services law, as
20 added by section three of this act, shall expire and be deemed repealed
21 April 1, 2024.

22 PART M

23 Section 1. Section 3 of part N of chapter 56 of the laws of 2020,
24 amending the social services law relating to restructuring financing for
25 residential school placements, as amended by section 1 of part I of
26 chapter 56 of the laws of 2021, is amended to read as follows:

1 § 3. This act shall take effect immediately [and shall expire and be
2 deemed repealed April 1, 2022]; provided however that the amendments to
3 subdivision 10 of section 153 of the social services law made by section
4 one of this act, shall not affect the expiration of such subdivision and
5 shall be deemed to expire therewith.

6 § 2. This act shall take effect immediately.

7 PART N

8 Section 1. Section 28 of part C of chapter 83 of the laws of 2002,
9 amending the executive law and other laws relating to funding for chil-
10 dren and family services, as amended by section 1 of subpart A of part K
11 of chapter 56 of the laws of 2017, is amended to read as follows:

12 § 28. This act shall take effect immediately; provided that sections
13 nine through eighteen and twenty through twenty-seven of this act shall
14 be deemed to have been in full force and effect on and after April 1,
15 2002; provided, however, that section fifteen of this act shall apply to
16 claims that are otherwise reimbursable by the state on or after April 1,
17 2002 except as provided in subdivision 9 of section 153-k of the social
18 services law as added by section fifteen of this act; provided further
19 however, that nothing in this act shall authorize the office of children
20 and family services to deny state reimbursement to a social services
21 district for violations of the provisions of section 153-d of the social
22 services law for services provided from January 1, 1994 through March
23 31, 2002; provided that section nineteen of this act shall take effect
24 September 13, 2002 and shall expire and be deemed repealed June 30,
25 2012; and, provided further, however, that notwithstanding any law to
26 the contrary, the office of children and family services shall have the

1 authority to promulgate, on an emergency basis, any rules and regu-
2 lations necessary to implement the requirements established pursuant to
3 this act; provided further, however, that the regulations to be devel-
4 oped pursuant to section one of this act shall not be adopted by emer-
5 gency rule; and provided further that the provisions of sections nine
6 through eighteen and twenty through twenty-seven of this act shall
7 expire and be deemed repealed on June 30, [2022] 2027.

8 § 2. This act shall take effect immediately.

9 PART O

10 Section 1. Section 398-a of the social services law is amended by
11 adding a new subdivision 2-c to read as follows:

12 (2-c) Those social services districts that as of July first, two thou-
13 sand twenty-two were paying at least one hundred percent of the applica-
14 ble rates published by the office of children and family services for
15 the two thousand twenty-two--two thousand twenty-three rate year for
16 care provided to foster children in regular, therapeutic, special needs,
17 and emergency foster boarding homes shall pay for the two thousand twen-
18 ty-two--two thousand twenty-three rate year and for each subsequent rate
19 year thereafter at least one hundred percent of the applicable rates
20 published by the office of children and family services for that rate
21 year. Those social services districts that as of July first, two thou-
22 sand twenty-two were paying less than the applicable rates published by
23 the office of children and family services for the two thousand twenty-
24 two--two thousand twenty-three rate year for care provided to foster
25 children in regular, therapeutic, special needs and emergency foster
26 boarding homes shall increase their rates of payment so that: effective

1 July first, two thousand twenty-two the difference between the percent-
2 age of the applicable rates published by the office of children and
3 family services for the two thousand twenty-two--two thousand twenty-
4 three rate year and the rates such districts are paying is at least
5 one-half less than the difference between the percentage of the applica-
6 ble rates published by the office of children and family services for
7 the two thousand twenty-two--two thousand twenty-three rate year and the
8 rates that such districts were paying for such programs on July first,
9 two thousand twenty-two; and effective July first, two thousand twenty-
10 three for the two thousand twenty-three--two thousand twenty-four rate
11 year and for each subsequent year thereafter all social services
12 districts shall pay at least one hundred percent of the applicable rates
13 published by the office of children and family services for the applica-
14 ble rate year.

15 § 2. This act shall take effect immediately.

16 PART P

17 Section 1. Subdivision 1 of section 2504 of the public health law, as
18 added by chapter 769 of the laws of 1972, is amended to read as follows:

19 1. Any person who is eighteen years of age or older, or is the parent
20 of a child or has married, or is a homeless youth as defined by subdivi-
21 sion two of section five hundred thirty-two-a of the executive law, may
22 give effective consent for medical, dental, health and hospital services
23 for himself or herself, and the consent of no other person shall be
24 necessary.

25 § 2. This act shall take effect on the ninetieth day after it shall
26 have become a law. Effective immediately, the addition, amendment and/or

1 repeal of any rule or regulation necessary for the implementation of
2 this act on its effective date are authorized to be made and completed
3 on or before such effective date.

4 PART Q

5 Section 1. Paragraph (a) of subdivision 3 of section 259-i of the
6 executive law is amended by adding a new subparagraph (ix) to read as
7 follows:

8 (ix) Notwithstanding any other provisions of this paragraph, an offi-
9 cer who takes into custody pursuant to a warrant authorized by this
10 section a juvenile offender or adolescent offender under the age of
11 twenty-one, or any other defendant under the age of eighteen, shall take
12 such person and have them detained in a place certified by the office of
13 children and family services as a secure or specialized secure detention
14 facility, as appropriate, except that a person paroled, conditionally
15 released, or released to post-release supervision from a secure facility
16 operated by the office of children and family services may also be held
17 in such a facility. If a person sixteen years of age or older and under
18 the age of eighteen who is charged with a class A felony, a violent
19 felony offense, or a felony involving the use or possession of a firearm
20 taken into custody pursuant to this section is unable to be lodged in
21 such a facility, the officer having custody of such person or other
22 appropriate official must petition the sentencing court for approval to
23 lodge the person in a local correctional facility. The court shall hold
24 a hearing at which it determines whether it would be in the interest of
25 justice for the violator to be held in such a facility, considering (A)
26 the age of the alleged violator, (B) the physical and mental maturity of

1 the alleged violator, (C) the present mental state of the alleged viola-
2 tor, including whether the alleged violator presents an imminent risk of
3 harm to self or others, (D) the nature and circumstances of the alleged
4 offense, (E) the alleged violator's history of prior delinquent or crim-
5 inal acts, (F) the relative ability of the available local correctional
6 and detention facilities to not only meet the specific needs of the
7 alleged violator but also to protect the safety of the public as well as
8 other detained youth, and (G) any other relevant factor. If the court
9 finds that it would be in the interest of justice for the alleged viola-
10 tor to be lodged in a local correctional facility, the court must issue
11 a written order so indicating, and shall hold a hearing at least once
12 every thirty days to determine if such lodging continues to be in the
13 interest of justice. No alleged violator to whom the provisions of this
14 subparagraph apply may be detained in a local correctional facility for
15 longer than one hundred eighty days unless the violator waives such
16 limitation or the court finds good cause for such continued detention.
17 No alleged violator under the age of eighteen to whom the provisions of
18 this section apply may have sight or sound contact with adults incarcer-
19 ated in the local correctional facility. No alleged violator over the
20 age of eighteen shall be permitted to have sight or sound contact with
21 an incarcerated adult without a hearing as set forth in this subpara-
22 graph. Nothing in this subparagraph shall be construed to permit the
23 solitary confinement, disciplinary isolation, or punitive segregation of
24 such alleged violator. The hearing provided for by this subdivision is
25 not required for youth to be detained in an adult jail or lockup, with
26 sight and sound separation from adult inmates, when the youth is
27 detained in an adult jail or lockup for a period not to exceed six hours
28 for processing or release, while awaiting transfer to a juvenile facili-

1 ty, or while awaiting a court appearance; or the youth is awaiting an
2 initial court appearance that will occur within forty-eight hours of
3 being taken into custody (excluding Saturdays, Sundays, and legal holi-
4 days) and either conditions of distance to be traveled or the lack of
5 highway, road, or transportation do not allow for court appearances
6 within forty-eight hours (excluding Saturdays, Sundays, and legal holi-
7 days) so that a delay, not to exceed an additional forty-eight hours, is
8 excusable, or conditions of safety exist (such as severe, adverse, life-
9 threatening weather) that do not allow for reasonably safe travel, in
10 which case the time for an appearance may be delayed until twenty-four
11 hours after the time that such conditions allow for reasonably safe
12 travel.

13 § 2. Subdivisions 3, 4 and 5 of section 508 of the executive law,
14 subdivision 3 as amended by section 82 of part WWW of chapter 59 of the
15 laws of 2017 and subdivisions 4 and 5 as amended by section 97 of
16 subpart B of part C of chapter 62 of the laws of 2011, are amended to
17 read as follows:

18 3. The office of children and family services shall report in writing
19 to the sentencing court and district attorney, not less than once every
20 six months during the period of confinement, on the status, adjustment,
21 programs and progress of the offender.

22 [The office of children and family services may transfer an offender
23 not less than eighteen years of age to the department of corrections and
24 community supervision if the commissioner of the office certifies to the
25 commissioner of corrections and community supervision that there is no
26 substantial likelihood that the youth will benefit from the programs
27 offered by office facilities.]

1 4. The office of children and family services may apply to the
2 sentencing court for permission to transfer a youth not less than
3 [sixteen nor more than] eighteen years of age to the department of
4 corrections and community supervision. Such application shall be made
5 upon notice to the youth, who shall be entitled to be heard upon the
6 application and to be represented by counsel. [The court shall grant the
7 application if it is satisfied that there is no substantial likelihood
8 that the youth will benefit from the programs offered by the office
9 facilities.]

10 5. [The office of children and family services may transfer an offen-
11 der not less than eighteen nor more than twenty-one years of age to the
12 department of corrections and community supervision if the commissioner
13 of the office certifies to the commissioner of corrections and community
14 supervision that there is no substantial likelihood that the youth will
15 benefit from the programs offered by office facilities.] (a) Upon
16 receiving an application pursuant to subdivision four of this section,
17 the court shall hold a hearing to determine whether it would be in the
18 interest of justice for the youth to be transferred to the custody of
19 the department of corrections and community supervision.

20 (b) If the court finds that it would be in the interest of justice for
21 the youth to be transferred to the custody of the department of
22 corrections and community supervision, the court shall issue a written
23 order so stating and transferring the youth.

24 § 3. Section 210.10 of the criminal procedure law is amended by adding
25 a new subdivision 7 to read as follows:

26 7. Notwithstanding the provisions of subdivisions two, three, or six
27 of this section, when a police officer takes into custody pursuant to a
28 warrant issued by the superior court a defendant alleged to be a juve-

1 nile offender or adolescent offender under the age of twenty-one, or any
2 other defendant under the age of eighteen, if a court in which the
3 warrant is returnable is not available, the executing or delegating
4 officer shall not bring the defendant to the local correctional facility
5 of the county in which such court sits and shall bring the defendant
6 before the accessible magistrate, if any, designated by the appellate
7 division of the supreme court in the applicable department. If such
8 accessible magistrate is not available, the officer shall take to and
9 lodge the defendant in a place certified by the office of children and
10 family services as a secure or specialized secure detention facility.

11 § 4. Subdivision 1 of section 510.15 of the criminal procedure law, as
12 amended by chapter 813 of the laws of 2021, is amended and a new subdi-
13 vision 3 is added to read as follows:

14 1. When a principal who is under the age of sixteen is committed to
15 the custody of the sheriff the court must direct that the principal be
16 taken to and lodged in a place certified by the office of children and
17 family services as a juvenile detention facility for the reception of
18 children. When a principal who (a) commencing October first, two thou-
19 sand eighteen, is sixteen years of age; or (b) commencing October first,
20 two thousand nineteen, is sixteen or seventeen years of age, is commit-
21 ted to the custody of the sheriff, the court must direct that the prin-
22 cipal be taken to and lodged in a place certified by the office of chil-
23 dren and family services in conjunction with the state commission of
24 correction as a specialized secure juvenile detention facility for older
25 youth. Where such a direction is made the sheriff shall deliver the
26 principal in accordance therewith and such person shall although lodged
27 and cared for in a juvenile detention facility continue to be deemed to
28 be in the custody of the sheriff. No principal [under the age specified]

1 to whom the provisions of this section may apply shall be detained in
2 any prison, jail, lockup, or other place used for adults convicted of a
3 crime or under arrest and charged with the commission of a crime [with-
4 out the approval of the office of children and family services which
5 shall consult with the commission of correction if the principal is
6 sixteen years of age or older in the case of each principal and the
7 statement of its reasons therefor] except as provided in subdivision
8 three of this section; nor shall a principal under the age specified who
9 is charged solely with a violation as defined in subdivision three of
10 section 10.00 of the penal law be subject to detention. The sheriff
11 shall not be liable for any acts done to or by such principal resulting
12 from negligence in the detention of and care for such principal, when
13 the principal is not in the actual custody of the sheriff.

14 3. (a) When a principal sixteen years of age or older charged with a
15 class A felony, a violent felony offense, or a felony involving the use
16 or possession of a firearm who is committed to the custody of the sher-
17 iff pursuant to this section is unable to be lodged in a detention
18 facility because (1) the principal has committed violent acts while
19 lodged in a detention facility that make continued lodging in the facil-
20 ity a threat to the safety of the principal or others or to the security
21 of the facility, or (2) a lack of available and accessible detention bed
22 capacity, the district attorney, sheriff or detention administering
23 agency may petition the court for approval to temporarily lodge the
24 principal in a local correctional facility, subject to the limitations
25 set forth in section five hundred-p of the correction law.

26 (i) If the basis for the request is that the youth committed violent
27 acts while lodged in a detention facility that make their continued
28 lodging in a detention facility an imminent threat to others, or that

1 there are no available detention beds statewide, such an application may
2 be made by order to show cause and the court shall conduct a hearing
3 immediately, subject to continuance where necessary, prior to issuing a
4 securing order.

5 (ii) In all other instances, a motion for approval of a transfer of a
6 youth to a local correctional facility must be made in writing and
7 served at least eight days before the time at which the motion is
8 noticed to be heard. If the motion is based upon the existence or occur-
9 rence of facts, the motion papers must contain sworn allegations there-
10 of. Such sworn allegations may be based upon personal knowledge of the
11 affiant or upon information and belief, provided that in the latter
12 event the affiant must state the sources of such information and the
13 grounds of such belief. The people may further submit documentary
14 evidence supporting or tending to support the allegations of the moving
15 papers. At least two days before the time the motion is noticed to be
16 heard, the youth may file with the court, and in such case must serve a
17 copy thereof upon the people, an answering affidavit denying or admit-
18 ting any or all of the allegations of the moving papers, and may further
19 submit documentary evidence refuting or tending to refute such allega-
20 tions.

21 (iii) The parties shall have the right to present evidence, call
22 witnesses, and request to continue the hearing to complete presentation
23 of evidence.

24 (iv) The youth has a right to be present in person at such hearing.

25 (b) Notwithstanding any other provision of law to the contrary, the
26 office of children and family services may, in its sole discretion, make
27 available, upon such terms and conditions as it may deem appropriate,
28 any part of a secure facility operated by the office for the care and

1 maintenance of a principal defined in paragraph (a) of this subdivision,
2 upon request by the sheriff or detention administering agency.

3 (c) The court shall hold a hearing at which it determines whether it
4 would be in the interest of justice for the principal to be held in the
5 local correctional facility, considering (i) the age of the principal,
6 (ii) the physical and mental maturity of the principal, (iii) the pres-
7 ent mental state of the principal, including whether the principal
8 presents an imminent risk of harm to self or others, (iv) the nature and
9 circumstances of the alleged offense, (v) the principal's history of
10 prior delinquent or criminal acts, (vi) the relative ability of the
11 available local correctional and juvenile detention facilities to not
12 only meet the specific needs of the principal but also to protect the
13 safety of the public as well as other detained youth, and (vii) any
14 other relevant factor. The people shall have the burden of establishing
15 that such transfer is in the interest of justice by a preponderance of
16 the evidence.

17 (d) If the court finds that it would be in the interest of justice for
18 the principal to be lodged in the local correctional facility pursuant
19 to paragraph (c) of this subdivision, the court must issue a written
20 order to that effect, and shall direct the sheriff to deliver the prin-
21 cipal to such location.

22 (e) The court shall hold a hearing at least once every thirty days to
23 determine if the principal's lodging in the local correctional facility
24 continues to be in the interest of justice. No principal to whom the
25 provisions of this section apply shall be detained in a local correc-
26 tional facility for longer than one hundred eighty days unless the prin-
27 cipal waives such limitation or the court finds good cause for such
28 continued detention. No principal under the age of eighteen to whom the

1 provisions of this section apply shall have sight or sound contact with
2 adults incarcerated in the local correctional facility. No principal
3 over the age of eighteen shall be permitted to have sight or sound
4 contact with an incarcerated adult without a hearing as set forth in
5 this subdivision. Nothing in this paragraph shall be construed to permit
6 the solitary confinement, disciplinary isolation, or punitive segre-
7 gation of such principal. During any period in which a principal to whom
8 the provisions of this section applies is lodged in a local correctional
9 facility, the detention administering agency shall remain responsible
10 for assessing the health and wellbeing of the principal, consistent with
11 regulations promulgated by the office of children and family services.

12 (f) For any principal for whom a temporary jail placement has been
13 approved under this subdivision, the detention-administering agency
14 shall actively seek appropriate and available detention options. If the
15 request was based on a lack of detention bed capacity, the detention
16 administering agency or the office of children and family services shall
17 inform the court upon bed capacity becoming available. Upon such notice,
18 the court shall rescind the order approving transfer of the principal to
19 the jail and issue an order directing the sheriff to transport the prin-
20 cipal to a juvenile facility forthwith.

21 (g) The hearing provided for by this subdivision is not required for
22 youth to be detained in an adult jail or lockup, with sight and sound
23 separation from incarcerated adults, when:

24 (i) The youth is detained in an adult jail or lockup for a period not
25 to exceed six hours for: processing or release, while awaiting transfer
26 to a juvenile facility, or while awaiting a court appearance; or

27 (ii) The youth is awaiting an initial court appearance that will occur
28 within forty-eight hours after being taken into custody (excluding

1 Saturdays, Sundays, and legal holidays) and either: conditions of
2 distance to be traveled or the lack of highway, road, or transportation
3 do not allow for court appearances within forty-eight hours (excluding
4 Saturdays, Sundays, and legal holidays) so that a brief (not to exceed
5 an additional forty-eight hours) delay is excusable; or conditions of
6 safety exist (such as severe, adverse, life threatening weather condi-
7 tions) that do not allow for reasonably safe travel, in which case the
8 time for an appearance may be delayed until twenty-four hours after the
9 time that such conditions allow for reasonably safe travel.

10 § 5. This act shall take effect immediately.

11 PART R

12 Section 1. Subdivision 1 of section 359 of the executive law, as
13 amended by section 42 of part AA of chapter 56 of the laws of 2019, is
14 amended to read as follows:

15 1. A local director shall designate the location of the local and
16 branch offices of the local veterans' service agency within his or her
17 jurisdiction, which offices shall be open during convenient hours. The
18 cost of maintenance and operation of a county veterans' service agency
19 shall be a county charge and the cost of maintenance and operation of a
20 city veterans' service agency shall be a city charge, excepting that the
21 state director with the approval of the veterans' services commission
22 shall allot and pay, from state moneys made available to him or her for
23 such purposes, to each county veterans' service agency and each city
24 veterans' service agency, an amount equal to fifty per centum of its
25 expenditures for maintenance and operation approved by the state direc-
26 tor, provided that in no event shall the amount allotted and paid for

1 such approved expenditures incurred in any given year exceed (1) in the
2 case of any county veterans' service agency in a county having a popu-
3 lation of not more than one hundred thousand or in the case of any city
4 veterans' service agency in a city having a population of not more than
5 one hundred thousand, the sum of [ten] twenty-five thousand dollars, nor
6 (2) in the case of any county veterans' service agency in a county
7 having a population in excess of one hundred thousand excluding the
8 population of any city therein which has a city veterans' service agen-
9 cy, the sum of [ten] twenty-five thousand dollars, and, in addition
10 thereto, the sum of five thousand dollars for each one hundred thousand,
11 or major portion thereof, of the population of the county in excess of
12 one hundred thousand excluding the population of any city therein which
13 has a city veterans' service agency, nor (3) in the case of any city
14 veterans' service agency in a city having a population in excess of one
15 hundred thousand, the sum of [ten] twenty-five thousand dollars, and, in
16 addition thereto, the sum of five thousand dollars for each one hundred
17 thousand, or major portion thereof, of the population of the city in
18 excess of one hundred thousand. Such population shall be certified in
19 the same manner as provided by section fifty-four of the state finance
20 law.

21 § 2. This act shall take effect immediately and shall apply to all
22 expenditures made on and after April 1, 2022.

23 PART S

24 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
25 section 131-o of the social services law, as amended by section 1 of

1 part P of chapter 56 of the laws of 2021, are amended to read as
2 follows:

3 (a) in the case of each individual receiving family care, an amount
4 equal to at least [\\$152.00] \\$161.00 for each month beginning on or after
5 January first, two thousand [twenty-one] twenty-two.

6 (b) in the case of each individual receiving residential care, an
7 amount equal to at least [\\$176.00] \\$186.00 for each month beginning on
8 or after January first, two thousand [twenty-one] twenty-two.

9 (c) in the case of each individual receiving enhanced residential
10 care, an amount equal to at least [\\$210.00] \\$222.00 for each month
11 beginning on or after January first, two thousand [twenty-one] twenty-
12 two.

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

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

19 (2) the amount in subparagraph one of this paragraph, multiplied by
20 the percentage of any federal supplemental security income cost of
21 living adjustment which becomes effective on or after January first, two
22 thousand [twenty-two] twenty-three, but prior to June thirtieth, two
23 thousand [twenty-two] twenty-three, rounded to the nearest whole dollar.

24 § 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of
25 section 209 of the social services law, as amended by section 2 of part
26 P of chapter 56 of the laws of 2021, are amended to read as follows:

1 (a) On and after January first, two thousand [twenty-one] twenty-two,
2 for an eligible individual living alone, [\\$881.00] \\$928.00; and for an
3 eligible couple living alone, [\\$1,295.00] \\$1,365.00.

4 (b) On and after January first, two thousand [twenty-one] twenty-two,
5 for an eligible individual living with others with or without in-kind
6 income, [\\$817.00] \\$864.00; and for an eligible couple living with others
7 with or without in-kind income, [\\$1,237.00] \\$1,307.00.

8 (c) On and after January first, two thousand [twenty-one] twenty-two,
9 (i) for an eligible individual receiving family care, [\\$1,060.48]
10 \\$1,107.48 if he or she is receiving such care in the city of New York or
11 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
12 eligible couple receiving family care in the city of New York or the
13 county of Nassau, Suffolk, Westchester or Rockland, two times the amount
14 set forth in subparagraph (i) of this paragraph; or (iii) for an eligi-
15 ble individual receiving such care in any other county in the state,
16 [\\$1,022.48] \\$1,069.48; and (iv) for an eligible couple receiving such
17 care in any other county in the state, two times the amount set forth in
18 subparagraph (iii) of this paragraph.

19 (d) On and after January first, two thousand [twenty-one] twenty-two,
20 (i) for an eligible individual receiving residential care, [\\$1,229.00]
21 \\$1,276.00 if he or she is receiving such care in the city of New York or
22 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
23 eligible couple receiving residential care in the city of New York or
24 the county of Nassau, Suffolk, Westchester or Rockland, two times the
25 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
26 eligible individual receiving such care in any other county in the
27 state, [\\$1,199.00] \\$1,246.00; and (iv) for an eligible couple receiving

1 such care in any other county in the state, two times the amount set
2 forth in subparagraph (iii) of this paragraph.

3 (e) On and after January first, two thousand [twenty-one] twenty-two,
4 (i) for an eligible individual receiving enhanced residential care,
5 [\$1,488.00] \$1,535.00; and (ii) for an eligible couple receiving
6 enhanced residential care, two times the amount set forth in subpara-
7 graph (i) of this paragraph.

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

14 § 3. This act shall take effect December 31, 2022.

15 PART T

16 Section 1. Section 4 of part W of chapter 54 of the laws of 2016, as
17 amended by section 1 of part M of chapter 56 of the laws of 2019, amend-
18 ing the social services law relating to the powers and duties of the
19 commissioner of social services relating to the appointment of a tempo-
20 rary operator, is amended to read as follows:

21 § 4. This act shall take effect immediately and shall be deemed to
22 have been in full force and effect on and after April 1, 2016, provided
23 further that this act shall expire and be deemed repealed March 31,
24 [2022] 2025.

25 § 2. This act shall take effect immediately.

1

PART U

2 Section 1. Subdivision 4 of section 158 of the social services law, as
3 amended by section 44 of part B of chapter 436 of the laws of 1997, is
4 amended to read as follows:

5 4. Social services officials shall determine eligibility for safety
6 net assistance within [forty-five] thirty days of receiving an applica-
7 tion for safety net assistance. Such officials shall notify applicants
8 of safety net assistance about the availability of assistance to meet
9 emergency circumstances or to prevent eviction.

10 § 2. Subdivision 8 of section 153 of the social services law, as
11 amended by chapter 41 of the laws of 1992, is amended to read as
12 follows:

13 8. Any inconsistent provision of the law or regulation of the depart-
14 ment notwithstanding, state reimbursement shall not be made for any
15 expenditure made for the duplication of any grant and allowance for any
16 period, except as authorized by subdivision eleven of section one
17 hundred thirty-one of this chapter[, or for any home relief payment made
18 for periods prior to forty-five days after the filing of an application
19 unless the district determines pursuant to department regulations that
20 such assistance is required to meet emergency circumstances or prevent
21 eviction]. Notwithstanding any other provision of law, social services
22 districts are not required to provide [home relief] safety net assist-
23 ance to any person, otherwise eligible, if state reimbursement is not
24 available in accordance with this subdivision.

25 § 3. Subparagraphs (ii) and (iii) of paragraph (a) of subdivision 8 of
26 section 131-a of the social services law, subparagraph (ii) as amended
27 by section 12 of part B of chapter 436 of the laws of 1997 and subpara-

1 graph (iii) as amended by chapter 246 of the laws of 2002, are amended
2 to read as follows:

3 (ii) fifty percent of the earned income for such month of any recipi-
4 ent;

5 (iii) from the earned income of any [child or relative applying for or
6 receiving aid pursuant to such program, or of any other individual
7 living in the same household as such relative and child whose needs are
8 taken into account in making such determination, the first ninety]
9 applicant or recipient, one hundred fifty dollars of the [total of such]
10 earned income for such month that remains after application of subpara-
11 graph (ii) of this paragraph;

12 [(iii) forty-two percent of the earned income for such month of any
13 recipient in a household containing a dependent child which remains
14 after application of all other subparagraphs of this paragraph;
15 provided, however, that such percentage amount shall be adjusted in June
16 of each year, commencing in nineteen hundred ninety-eight, to reflect
17 changes in the most recently issued poverty guidelines of the United
18 States Bureau of the Census, such that a household of three without
19 special needs, living in a heated apartment in New York city and without
20 unearned income would become ineligible for assistance with gross earn-
21 ings equal to the poverty level in such guidelines; provided, however,
22 that no assistance shall be given to any household with gross earned and
23 unearned income, exclusive of income described in subparagraphs (i) and
24 (vi) of this paragraph, in excess of such poverty level;]

25 § 4. Subdivision 10 of section 131-a of the social services law is
26 REPEALED.

1 § 5. Subdivision 1 of section 131-n of the social services law, as
2 separately amended by chapters 323 and 329 of the laws of 2019, is
3 amended to read as follows:

4 1. The following resources shall be exempt and disregarded in calcu-
5 lating the amount of benefits of any household under any public assist-
6 ance program: (a) cash and liquid or nonliquid resources up to two thou-
7 sand five hundred dollars for applicants, [or] three thousand seven
8 hundred fifty dollars for applicants in [the case of] households in
9 which any member is sixty years of age or older or is disabled or ten
10 thousand dollars for recipients, (b) an amount up to four thousand six
11 hundred fifty dollars in a separate bank account established by an indi-
12 vidual while currently in receipt of assistance for the sole purpose of
13 enabling the individual to purchase a first or replacement vehicle for
14 the recipient to seek, obtain or maintain employment, so long as the
15 funds are not used for any other purpose, (c) an amount up to one thou-
16 sand four hundred dollars in a separate bank account established by an
17 individual while currently in receipt of assistance for the purpose of
18 paying tuition at a two-year or four-year accredited post-secondary
19 educational institution, so long as the funds are not used for any other
20 purpose, (d) the home which is the usual residence of the household, (e)
21 one automobile, up to ten thousand dollars fair market value, through
22 March thirty-first, two thousand seventeen; one automobile, up to eleven
23 thousand dollars fair market value, from April first, two thousand
24 seventeen through March thirty-first, two thousand eighteen; and one
25 automobile, up to twelve thousand dollars fair market value, beginning
26 April first, two thousand eighteen and thereafter, or such other higher
27 dollar value as the local social services district may elect to adopt,
28 (f) one burial plot per household member as defined in department regu-

1 lations, (g) bona fide funeral agreements up to a total of one thousand
2 five hundred dollars in equity value per household member, (h) funds in
3 an individual development account established in accordance with subdi-
4 vision five of section three hundred fifty-eight of this chapter and
5 section four hundred three of the social security act, (i) for a period
6 of six months, real property which the household is making a good faith
7 effort to sell, in accordance with department regulations and tangible
8 personal property necessary for business or for employment purposes in
9 accordance with department regulations, and (j) funds in a qualified
10 tuition program that satisfies the requirement of section 529 of the
11 Internal Revenue Code of 1986, as amended, and [(j)] (k) funds in a New
12 York achieving a better life experience savings account established in
13 accordance with article eighty-four of the mental hygiene law.

14 If federal law or regulations require the exemption or disregard of
15 additional income and resources in determining need for family assist-
16 ance, or medical assistance not exempted or disregarded pursuant to any
17 other provision of this chapter, the department may, by regulations
18 subject to the approval of the director of the budget, require social
19 services officials to exempt or disregard such income and resources.
20 Refunds resulting from earned income tax credits shall be disregarded in
21 public assistance programs.

22 § 6. This act shall take effect October 1, 2022; provided, however,
23 that the amendments to subdivision 1 of section 131-n of the social
24 services law made by section five of this act shall not affect the expi-
25 ration of such section and shall be deemed to expire therewith.

1 Section 1. The labor law is amended by adding a new section 202-m to
2 read as follows:

3 § 202-m. Restrictions on employment. 1. Definitions. For the purposes
4 of this section:

5 (a) "Covered employee" shall mean an employee earning less than the
6 median wage in New York state as determined and published on the depart-
7 ment's website by the commissioner on or before the first of June of
8 each year.

9 (b) "Prospective covered employee" shall mean an applicant or job
10 candidate for employment for a job earning less than the median wage in
11 New York state as determined and published by the commissioner.

12 (c) "Non-compete agreement" shall mean an agreement or contract that
13 prohibits, discourages, or otherwise restricts an employee from obtain-
14 ing employment in any specified geographic area, for a specific period
15 of time, or with any particular employer or in any particular industry.

16 (d) "Employee" means any person employed for hire by an employer in
17 any employment.

18 (e) "Employer" includes any person, corporation, limited liability
19 company, or association employing any individual in any occupation,
20 industry, trade, business or service. The term "employer" shall not
21 include a governmental agency.

22 2. Prohibited non-compete agreements. No employer shall seek, demand,
23 require, or accept a non-compete agreement with a covered employee or a
24 prospective covered employee.

25 3. Limitations on permissible non-compete agreements. For all employ-
26 ees other than covered employees, no employer shall seek, require,
27 demand or accept a non-compete agreement from any employee unless the
28 non-compete agreement meets the following requirements:

1 (a) be strictly limited to be no more expansive than as required for
2 the protection of the legitimate interest of the employer;

3 (b) not impose undue hardship on the employee;

4 (c) not be injurious to the public;

5 (d) be disclosed in a written offer of employment or in a written
6 offer of a promotion at least ten days before the effective date of such
7 employment or promotion;

8 (e) be written in the primary language identified by the employee;

9 (f) be written at a reading comprehension level not exceeding that of
10 the employee;

11 (g) not contain a term of more than one year after the employment has
12 ended;

13 (h) not require that an employee adjudicate, including litigation or
14 arbitration, outside of the state of New York a claim arising in the
15 state of New York;

16 (i) be maintained by the employer for a period of not less than six
17 years from the end of the agreement;

18 (j) be voidable, at the option of the employee, if the employer cannot
19 demonstrate a continued willingness to employ the employee; and

20 (k) not deprive an employee of the substantive protection of New York
21 law with respect to a controversy arising in the state of New York.

22 4. This section shall not apply to:

23 (a) the enforcement of covenants not to disclose trade secrets;

24 (b) employees covered under section two hundred two-k of this article;
25 and

26 (c) agreements between bona fide owners or partners of a business.

27 5. Upon the request of the commissioner or his or her designee, any
28 contract or agreement described in this section shall be open for

1 inspection and copies of which shall be provided by the employer to the
2 commissioner promptly upon such request.

3 6. Any person who violates this section shall be civilly liable to a
4 covered employee for damages, attorney's fees, and costs. Any provision
5 of a contract that violates subdivision one, two, or three of this
6 section shall be voidable by the employee, and if a provision is
7 rendered void at the request of the employee, any matters arising there-
8 from shall be adjudicated in the state of New York and New York law
9 shall govern the dispute.

10 § 2. The opening paragraph of subdivision 1 of section 218 of the
11 labor law, as amended by chapter 2 of the laws of 2015, is amended to
12 read as follows:

13 If the commissioner determines that an employer has violated a
14 provision of article six (payment of wages), article nineteen (minimum
15 wage act), article nineteen-A (minimum wage standards and protective
16 labor practices for farm workers), section two hundred two-m
17 (restrictions on employment), section two hundred twelve-a, section two
18 hundred twelve-b, section one hundred sixty-one (day of rest) or section
19 one hundred sixty-two (meal periods) of this chapter, or a rule or regu-
20 lation promulgated thereunder, the commissioner shall issue to the
21 employer an order directing compliance therewith, which shall describe
22 particularly the nature of the alleged violation. A copy of such order
23 shall be provided to any employee who has filed a complaint and any
24 authorized representative of him or her. In addition to directing
25 payment of wages, benefits or wage supplements found to be due, and
26 liquidated damages in the amount of one hundred percent of unpaid wages,
27 such order, if issued to an employer who previously has been found in
28 violation of those provisions, rules or regulations, or to an employer

1 whose violation is willful or egregious, shall direct payment to the
2 commissioner of an additional sum as a civil penalty in an amount not to
3 exceed double the total amount of wages, benefits, or wage supplements
4 found to be due. In no case shall the order direct payment of an amount
5 less than the total wages, benefits or wage supplements found by the
6 commissioner to be due, plus the liquidated damages in the amount of one
7 hundred percent of unpaid wages, the appropriate civil penalty, and
8 interest at the rate of interest then in effect, as prescribed by the
9 superintendent of financial services pursuant to section fourteen-a of
10 the banking law per annum from the date of the underpayment to the date
11 of the payment. Where the violation is for a reason other than the
12 employer's failure to pay wages, benefits or wage supplements found to
13 be due, the order shall direct payment to the commissioner of a civil
14 penalty in an amount not to exceed one thousand dollars for a first
15 violation, two thousand dollars for a second violation or three thousand
16 dollars for a third or subsequent violation. In assessing the amount of
17 the penalty, the commissioner shall give due consideration to the size
18 of the employer's business, the good faith basis of the employer to
19 believe that its conduct was in compliance with the law, the gravity of
20 the violation, the history of previous violations and, in the case of
21 wages, benefits or supplements violations, the failure to comply with
22 recordkeeping or other non-wage requirements.

23 § 3. Subdivision 1 of section 219 of the labor law, as amended by
24 chapter 564 of the laws of 2010, the opening paragraph as further
25 amended by part A of section 104 of chapter 62 of the laws of 2011, is
26 amended to read as follows:

27 1. If the commissioner determines that an employer has failed to pay
28 wages, benefits or wage supplements required pursuant to article six

1 (payment of wages), section two hundred two-m (restrictions on employ-
2 ment), article nineteen (minimum wage act) or article nineteen-A (mini-
3 mum wage standards and protective labor practices for farm workers) of
4 this chapter, or a rule or regulation promulgated thereunder, the
5 commissioner shall issue to the employer an order directing compliance
6 therewith, which shall describe particularly the nature of the alleged
7 violation. A copy of such order shall be provided to any employee who
8 has filed a complaint and to his or her authorized representative. Such
9 order shall direct payment of wages or supplements found to be due,
10 liquidated damages in the amount of one hundred percent of unpaid wages,
11 and interest at the rate of interest then in effect as prescribed by the
12 superintendent of financial services pursuant to section fourteen-a of
13 the banking law per annum from the date of the underpayment to the date
14 of the payment.

15 At the discretion of the commissioner, the commissioner shall have
16 full authority to provide for inclusion of an automatic fifteen percent
17 additional amount of damages to come due and owing upon expiration of
18 ninety days from an order to comply becoming final. The commissioner
19 shall provide written notice to the employer in the order to comply of
20 this additional damage.

21 § 4. Section 340 of the general business law is amended by adding a
22 new subdivision 7 to read as follows:

23 7. No employer shall enter into a restrictive employment agreement
24 that prohibits or restricts any employer's ability to solicit or hire
25 another employer's current or former employees. It shall be unlawful for
26 any entity to enter into such a restrictive employment agreement or to
27 enforce or threaten to enforce such a restrictive employment agreement.
28 For purposes of this subdivision, the terms "employer" and "employee"

1 shall have the same meanings as defined pursuant to section two of the
2 labor law.

3 § 5. Severability clause. If any clause, sentence, paragraph, subdivi-
4 sion, section or part of this act shall be adjudged by any court of
5 competent jurisdiction to be invalid, such judgment shall not affect,
6 impair, or invalidate the remainder thereof, but shall be confined in
7 its operation to the clause, sentence, paragraph, subdivision, section
8 or part thereof directly involved in the controversy in which such judg-
9 ment shall have been rendered. It is hereby declared to be the intent of
10 the legislature that this act would have been enacted even if such
11 invalid provisions had not been included herein.

12 § 6. This act shall take effect on the one hundred eightieth day after
13 it shall have become a law.

14 PART W

15 Section 1. Subdivision 1 of section 198-a of the labor law, as amended
16 by chapter 564 of the laws of 2010, is amended to read as follows:

17 1. Every employer who does not pay the wages of all of his employees
18 in accordance with the provisions of this chapter, and the officers and
19 agents of any corporation, partnership, or limited liability company who
20 knowingly permit the corporation, partnership, or limited liability
21 company to violate this chapter by failing to pay the wages of any of
22 its employees in accordance with the provisions thereof, shall be guilty
23 [of a misdemeanor for the first offense and upon conviction therefor
24 shall be fined not less than five hundred nor more than twenty thousand
25 dollars or imprisoned for not more than one year, and, in the event that
26 any second or subsequent offense occurs within six years of the date of

1 conviction for a prior offense, shall be guilty of a felony for the
2 second or subsequent offense, and upon conviction therefor, shall be
3 fined not less than five hundred nor more than twenty thousand dollars
4 or imprisoned for not more than one year plus one day, or punished by
5 both such fine and imprisonment, for each such offense. An indictment of
6 a person or corporation operating a steam surface railroad for an
7 offense specified in this section may be found and tried in any county
8 within the state in which such railroad ran at the time of such
9 offense], except as otherwise provided in this chapter or in the penal
10 law, of a class A misdemeanor for failure to pay a single employee less
11 than one thousand dollars or less than twenty-five thousand dollars to
12 more than one employee; of a class E felony for failure to pay a single
13 employee greater than one thousand dollars or greater than twenty-five
14 thousand dollars to more than one employee; of a class D felony for
15 failure to pay a single employee greater than three thousand dollars or
16 one hundred thousand dollars to more than one employee; and a class C
17 felony for failure to pay a single employee greater than fifty thousand
18 dollars or greater than five hundred thousand dollars to more than one
19 employee. Further, a court may order restitution of wages in the amount
20 of the underpayment and together with such amounts provided for by
21 section two hundred eighteen of this chapter.

22 § 2. Section 213 of the labor law, as amended by chapter 729 of the
23 laws of 1980, is amended to read as follows:

24 § 213. Violations of provisions of labor law; the rules, regulations
25 or orders of the [industrial] commissioner and the [industrial] board
26 [of appeals]. Any person who violates or does not comply with any
27 provision of the labor law, any rule, regulation or lawful order of the
28 [industrial] commissioner or the [industrial] board [of appeals], and

1 the officers and agents of any corporation who knowingly permit the
2 corporation to violate such provisions, are guilty of a class A misde-
3 meanor and upon conviction shall be punished, [except as in this chapter
4 or in the penal law otherwise provided, for a first offense by a fine of
5 not more than one hundred dollars, provided, however, that if the first
6 offense is a violation of a rule or provision for the protection of the
7 safety or health of employees or persons lawfully frequenting a place to
8 which this chapter applies, the punishment shall be a fine of not more
9 than one hundred dollars or by imprisonment for not more than fifteen
10 days or by both such fine and imprisonment;] in accordance with the
11 penal law and, for a second [offense by a fine of not less than one
12 hundred nor more than five hundred dollars, or by imprisonment for not
13 more than thirty days or by both such fine and imprisonment; for a
14 second offense by a fine of not less than three hundred dollars, or by
15 imprisonment for not more than sixty days, or by both such fine and
16 imprisonment] or subsequent offense committed within six years of the
17 date of conviction of prior offense, are guilty of a class E felony and
18 upon conviction shall be punished in accordance with the penal law. This
19 section shall not apply to any person covered by section twenty-seven-a
20 of this chapter.

21 § 3. This act shall take effect immediately.

22 PART X

23 Section 1. Subdivision 1 of section 296 of the executive law, as
24 amended by chapter 365 of the laws of 2015, paragraphs (a), (b), (c) and
25 (d) as amended by chapter 8 of the laws of 2019, paragraph (h) as
26 amended by chapter 161 of the laws of 2019, paragraph (a) as separately

1 amended by chapter 176 of the laws of 2019, is amended to read as
2 follows:

3 1. It shall be an unlawful discriminatory practice:

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

12 (b) For an employment agency to discriminate against any individual
13 because of age, race, creed, color, national origin, sexual orientation,
14 gender identity or expression, military status, sex, disability, predis-
15 posing genetic characteristics, familial status, [or] marital status, or
16 status as a victim of domestic violence, in receiving, classifying,
17 disposing or otherwise acting upon applications for its services or in
18 referring an applicant or applicants to an employer or employers.

19 (c) For a labor organization, because of the age, race, creed, color,
20 national origin, sexual orientation, gender identity or expression,
21 military status, sex, disability, predisposing genetic characteristics,
22 familial status, [or] marital status, or status as a victim of domestic
23 violence, of any individual, to exclude or to expel from its membership
24 such individual or to discriminate in any way against any of its members
25 or against any employer or any individual employed by an employer.

26 (d) For any employer or employment agency to print or circulate or
27 cause to be printed or circulated any statement, advertisement or publi-
28 cation, or to use any form of application for employment or to make any

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

21 (e) For any employer, labor organization or employment agency to
22 discharge, expel or otherwise discriminate against any person because he
23 or she has opposed any practices forbidden under this article or because
24 he or she has filed a complaint, testified or assisted in any proceeding
25 under this article.

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

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

5 (h) For an employer, licensing agency, employment agency or labor
6 organization to subject any individual to harassment because of an indi-
7 vidual's age, race, creed, color, national origin, sexual orientation,
8 gender identity or expression, military status, sex, disability, predis-
9 posing genetic characteristics, familial status, marital status, status
10 as a victim of domestic violence [victim status], or because the indi-
11 vidual has opposed any practices forbidden under this article or because
12 the individual has filed a complaint, testified or assisted in any
13 proceeding under this article, regardless of whether such harassment
14 would be considered severe or pervasive under precedent applied to
15 harassment claims. Such harassment is an unlawful discriminatory prac-
16 tice when it subjects an individual to inferior terms, conditions or
17 privileges of employment because of the individual's membership in one
18 or more of these protected categories. The fact that such individual did
19 not make a complaint about the harassment to such employer, licensing
20 agency, employment agency or labor organization shall not be determina-
21 tive of whether such employer, licensing agency, employment agency or
22 labor organization shall be liable. Nothing in this section shall imply
23 that an employee must demonstrate the existence of an individual to whom
24 the employee's treatment must be compared. It shall be an affirmative
25 defense to liability under this subdivision that the harassing conduct
26 does not rise above the level of what a reasonable victim of discrimi-
27 nation with the same protected characteristic or characteristics would
28 consider petty slights or trivial inconveniences.

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

4 1-a. It shall be an unlawful discriminatory practice for an employer,
5 labor organization, employment agency or any joint labor-management
6 committee controlling apprentice training programs:

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

10 (b) To deny to or withhold from any person because of race, creed,
11 color, national origin, sexual orientation, gender identity or
12 expression, military status, sex, age, disability, familial status, [or]
13 marital status, or status as a victim of domestic violence, the right to
14 be admitted to or participate in a guidance program, an apprenticeship
15 training program, on-the-job training program, executive training
16 program, or other occupational training or retraining program;

17 (c) To discriminate against any person in his or her pursuit of such
18 programs or to discriminate against such a person in the terms, condi-
19 tions or privileges of such programs because of race, creed, color,
20 national origin, sexual orientation, gender identity or expression,
21 military status, sex, age, disability, familial status [or], marital
22 status, or status as a victim of domestic violence;

23 (d) To print or circulate or cause to be printed or circulated any
24 statement, advertisement or publication, or to use any form of applica-
25 tion for such programs or to make any inquiry in connection with such
26 program which expresses, directly or indirectly, any limitation, spec-
27 ification or discrimination as to race, creed, color, national origin,
28 sexual orientation, gender identity or expression, military status, sex,

1 age, disability, familial status [or], marital status, or status as a
2 victim of domestic violence, or any intention to make any such limita-
3 tion, specification or discrimination, unless based on a bona fide occu-
4 pational qualification.

5 § 3. Paragraph (a) of subdivision 2 of section 296 of the executive
6 law, as amended by chapter 8 of the laws of 2019, is amended to read as
7 follows:

8 (a) It shall be an unlawful discriminatory practice for any person,
9 being the owner, lessee, proprietor, manager, superintendent, agent or
10 employee of any place of public accommodation, resort or amusement,
11 because of the race, creed, color, national origin, sexual orientation,
12 gender identity or expression, military status, sex, disability [or],
13 marital status, or status as a victim of domestic violence, of any
14 person, directly or indirectly, to refuse, withhold from or deny to such
15 person any of the accommodations, advantages, facilities or privileges
16 thereof, including the extension of credit, or, directly or indirectly,
17 to publish, circulate, issue, display, post or mail any written or
18 printed communication, notice or advertisement, to the effect that any
19 of the accommodations, advantages, facilities and privileges of any such
20 place shall be refused, withheld from or denied to any person on account
21 of race, creed, color, national origin, sexual orientation, gender iden-
22 tity or expression, military status, sex, disability or marital status,
23 or that the patronage or custom thereat of any person of or purporting
24 to be of any particular race, creed, color, national origin, sexual
25 orientation, gender identity or expression, military status, sex or
26 marital status, or having a disability is unwelcome, objectionable or
27 not acceptable, desired or solicited.

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

4 (a) To refuse to sell, rent or lease or otherwise to deny to or with-
5 hold from any person or group of persons such housing accommodations
6 because of the race, creed, color, disability, national origin, sexual
7 orientation, gender identity or expression, military status, age, sex,
8 marital status, status as a victim of domestic violence, lawful source
9 of income or familial status of such person or persons, or to represent
10 that any housing accommodation or land is not available for inspection,
11 sale, rental or lease when in fact it is so available.

12 (b) To discriminate against any person because of his or her race,
13 creed, color, disability, national origin, sexual orientation, gender
14 identity or expression, military status, age, sex, marital status,
15 status as a victim of domestic violence, lawful source of income or
16 familial status in the terms, conditions or privileges of any publicly-
17 assisted housing accommodations or in the furnishing of facilities or
18 services in connection therewith.

19 (c) To cause to be made any written or oral inquiry or record concern-
20 ing the race, creed, color, disability, national origin, sexual orien-
21 tation, gender identity or expression, membership in the reserve armed
22 forces of the United States or in the organized militia of the state,
23 age, sex, marital status, status as a victim of domestic violence,
24 lawful source of income or familial status of a person seeking to rent
25 or lease any publicly-assisted housing accommodation; provided, however,
26 that nothing in this subdivision shall prohibit a member of the reserve
27 armed forces of the United States or in the organized militia of the
28 state from voluntarily disclosing such membership.

1 (c-1) 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 the purchase, rental or lease of such housing accommodation or
4 to make any record or inquiry in connection with the prospective
5 purchase, rental or lease of such a housing accommodation which
6 expresses, directly or indirectly, any limitation, specification or
7 discrimination as to race, creed, color, national origin, sexual orien-
8 tation, gender identity or expression, military status, sex, age, disa-
9 bility, marital status, status as a victim of domestic violence, lawful
10 source of income or familial status, or any intent to make any such
11 limitation, specification or discrimination.

12 § 5. Subdivisions 3-b and 4 of section 296 of the executive law, as
13 amended by chapter 8 of the laws of 2019, subdivision 4 as separately
14 amended by chapter 116 of the laws of 2019, are amended to read as
15 follows:

16 3-b. It shall be an unlawful discriminatory practice for any real
17 estate broker, real estate salesperson or employee or agent thereof or
18 any other individual, corporation, partnership or organization for the
19 purpose of inducing a real estate transaction from which any such person
20 or any of its stockholders or members may benefit financially, to repre-
21 sent that a change has occurred or will or may occur in the composition
22 with respect to race, creed, color, national origin, sexual orientation,
23 gender identity or expression, military status, sex, disability, marital
24 status, status as a victim of domestic violence, or familial status of
25 the owners or occupants in the block, neighborhood or area in which the
26 real property is located, and to represent, directly or indirectly, that
27 this change will or may result in undesirable consequences in the block,
28 neighborhood or area in which the real property is located, including

1 but not limited to the lowering of property values, an increase in crim-
2 inal or anti-social behavior, or a decline in the quality of schools or
3 other facilities.

4 4. It shall be an unlawful discriminatory practice for an educational
5 institution to deny the use of its facilities to any person otherwise
6 qualified, or to permit the harassment of any student or applicant, by
7 reason of his race, color, religion, disability, national origin, sexual
8 orientation, gender identity or expression, military status, sex, age
9 [or], marital status, or status as a victim of domestic violence, except
10 that any such institution which establishes or maintains a policy of
11 educating persons of one sex exclusively may admit students of only one
12 sex.

13 § 6. Subdivision 5 of section 296 of the executive law, as amended by
14 chapter 8 of the laws of 2019, paragraph (a) as amended by chapter 300
15 of the laws of 2021, subparagraphs 1 and 2 of paragraph (c) as amended
16 by section 5 and paragraph (d) as amended by section 6 of part T of
17 chapter 56 of the laws of 2019, is amended to read as follows:

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

22 (1) To refuse to sell, rent, lease or otherwise to deny to or withhold
23 from any person or group of persons such a housing accommodation because
24 of the race, creed, color, national origin, sexual orientation, gender
25 identity or expression, military status, sex, age, disability, marital
26 status, status as a victim of domestic violence, lawful source of income
27 or familial status of such person or persons, or to represent that any

1 housing accommodation or land is not available for inspection, sale,
2 rental or lease when in fact it is so available.

3 (2) To discriminate against any person because of race, creed, color,
4 national origin, sexual orientation, gender identity or expression,
5 military status, sex, age, disability, marital status, status as a
6 victim of domestic violence, lawful source of income or familial status
7 in the terms, conditions or privileges of the sale, rental or lease of
8 any such housing accommodation or in the furnishing of facilities or
9 services in connection therewith.

10 (3) To print or circulate or cause to be printed or circulated any
11 statement, advertisement or publication, or to use any form of applica-
12 tion for the purchase, rental or lease of such housing accommodation or
13 to make any record or inquiry in connection with the prospective
14 purchase, rental or lease of such a housing accommodation which
15 expresses, directly or indirectly, any limitation, specification or
16 discrimination as to race, creed, color, national origin, sexual orien-
17 tation, gender identity or expression, military status, sex, age, disa-
18 bility, marital status, status as a victim of domestic violence, lawful
19 source of income or familial status, or any intent to make any such
20 limitation, specification or discrimination.

21 (4) (i) The provisions of subparagraphs one and two of this paragraph
22 shall not apply (1) to the rental of a housing accommodation in a build-
23 ing which contains housing accommodations for not more than two families
24 living independently of each other, if the owner resides in one of such
25 housing accommodations, (2) to the restriction of the rental of all
26 rooms in a housing accommodation to individuals of the same sex or (3)
27 to the rental of a room or rooms in a housing accommodation, if such
28 rental is by the occupant of the housing accommodation or by the owner

1 of the housing accommodation and the owner resides in such housing
2 accommodation or (4) solely with respect to age and familial status to
3 the restriction of the sale, rental or lease of housing accommodations
4 exclusively to persons sixty-two years of age or older and the spouse of
5 any such person, or for housing intended and operated for occupancy by
6 at least one person fifty-five years of age or older per unit. In deter-
7 mining whether housing is intended and operated for occupancy by persons
8 fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607
9 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall
10 apply. However, such rental property shall no longer be exempt from the
11 provisions of subparagraphs one and two of this paragraph if there is
12 unlawful discriminatory conduct pursuant to subparagraph three of this
13 paragraph.

14 (ii) The provisions of subparagraphs one, two, and three of this para-
15 graph shall not apply (1) to the restriction of the rental of all rooms
16 in a housing accommodation to individuals of the same sex, (2) to the
17 rental of a room or rooms in a housing accommodation, if such rental is
18 by the occupant of the housing accommodation or by the owner of the
19 housing accommodation and the owner resides in such housing accommo-
20 dation, or (3) solely with respect to age and familial status to the
21 restriction of the sale, rental or lease of housing accommodations
22 exclusively to persons sixty-two years of age or older and the spouse of
23 any such person, or for housing intended and operated for occupancy by
24 at least one person fifty-five years of age or older per unit. In deter-
25 mining whether housing is intended and operated for occupancy by persons
26 fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607
27 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall
28 apply.

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

5 (1) To refuse to sell, rent, lease or otherwise deny to or withhold
6 from any person or group of persons land or commercial space because of
7 the race, creed, color, national origin, sexual orientation, gender
8 identity or expression, military status, sex, age, disability, marital
9 status, status as a victim of domestic violence, or familial status of
10 such person or persons, or to represent that any housing accommodation
11 or land is not available for inspection, sale, rental or lease when in
12 fact it is so available;

13 (2) To discriminate against any person because of race, creed, color,
14 national origin, sexual orientation, gender identity or expression,
15 military status, sex, age, disability, marital status, status as a
16 victim of domestic violence, or familial status in the terms, conditions
17 or privileges of the sale, rental or lease of any such land or commer-
18 cial space; or in the furnishing of facilities or services in connection
19 therewith;

20 (3) To print or circulate or cause to be printed or circulated any
21 statement, advertisement or publication, or to use any form of applica-
22 tion for the purchase, rental or lease of such land or commercial space
23 or to make any record or inquiry in connection with the prospective
24 purchase, rental or lease of such land or commercial space which
25 expresses, directly or indirectly, any limitation, specification or
26 discrimination as to race, creed, color, national origin, sexual orien-
27 tation, gender identity or expression, military status, sex, age, disa-
28 bility, marital status, status as a victim of domestic violence, or

1 familial status; or any intent to make any such limitation, specifica-
2 tion or discrimination.

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

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

17 (1) To refuse to sell, rent or lease any housing accommodation, land
18 or commercial space to any person or group of persons or to refuse to
19 negotiate for the sale, rental or lease, of any housing accommodation,
20 land or commercial space to any person or group of persons because of
21 the race, creed, color, national origin, sexual orientation, gender
22 identity or expression, military status, sex, age, disability, marital
23 status, status as a victim of domestic violence, lawful source of income
24 or familial status of such person or persons, or to represent that any
25 housing accommodation, land or commercial space is not available for
26 inspection, sale, rental or lease when in fact it is so available, or
27 otherwise to deny or withhold any housing accommodation, land or commer-
28 cial space or any facilities of any housing accommodation, land or

1 commercial space from any person or group of persons because of the
2 race, creed, color, national origin, sexual orientation, gender identity
3 or expression, military status, sex, age, disability, marital status,
4 lawful source of income or familial status of such person or persons.

5 (2) To print or circulate or cause to be printed or circulated any
6 statement, advertisement or publication, or to use any form of applica-
7 tion for the purchase, rental or lease of any housing accommodation,
8 land or commercial space or to make any record or inquiry in connection
9 with the prospective purchase, rental or lease of any housing accommo-
10 dation, land or commercial space which expresses, directly or indirect-
11 ly, any limitation, specification, or discrimination as to race, creed,
12 color, national origin, sexual orientation, gender identity or
13 expression, military status, sex, age, disability, marital status,
14 status as a victim of domestic violence, lawful source of income or
15 familial status; or any intent to make any such limitation, specifica-
16 tion or discrimination.

17 (3) With respect to age and familial status, the provisions of this
18 paragraph shall not apply to the restriction of the sale, rental or
19 lease of any housing accommodation, land or commercial space exclusively
20 to persons fifty-five years of age or older and the spouse of any such
21 person, or to the restriction of the sale, rental or lease of any hous-
22 ing accommodation or land to be used for the construction or location of
23 housing accommodations for persons sixty-two years of age or older, or
24 intended and operated for occupancy by at least one person fifty-five
25 years of age or older per unit. In determining whether housing is
26 intended and operated for occupancy by persons fifty-five years of age
27 or older, Sec. 807 (b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the
28 federal Fair Housing Act of 1988, as amended, shall apply.

1 (d) It shall be an unlawful discriminatory practice for any real
2 estate board, because of the race, creed, color, national origin, sexual
3 orientation, gender identity or expression, military status, age, sex,
4 disability, marital status, status as a victim of domestic violence,
5 lawful source of income or familial status of any individual who is
6 otherwise qualified for membership, to exclude or expel such individual
7 from membership, or to discriminate against such individual in the
8 terms, conditions and privileges of membership in such board.

9 (e) It shall be an unlawful discriminatory practice for the owner,
10 proprietor or managing agent of, or other person having the right to
11 provide care and services in, a private proprietary nursing home, conva-
12 lescent home, or home for adults, or an intermediate care facility, as
13 defined in section two of the social services law, heretofore
14 constructed, or to be constructed, or any agent or employee thereof, to
15 refuse to provide services and care in such home or facility to any
16 individual or to discriminate against any individual in the terms,
17 conditions, and privileges of such services and care solely because such
18 individual is a blind person. For purposes of this paragraph, a "blind
19 person" shall mean a person who is registered as a blind person with the
20 commission for the visually handicapped and who meets the definition of
21 a "blind person" pursuant to section three of chapter four hundred
22 fifteen of the laws of nineteen hundred thirteen entitled "An act to
23 establish a state commission for improving the condition of the blind of
24 the state of New York, and making an appropriation therefor".

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

27 (g) It shall be an unlawful discriminatory practice for any person
28 offering or providing housing accommodations, land or commercial space

1 as described in paragraphs (a), (b), and (c) of this subdivision to make
2 or cause to be made any written or oral inquiry or record concerning
3 membership of any person in the state organized militia in relation to
4 the purchase, rental or lease of such housing accommodation, land, or
5 commercial space, provided, however, that nothing in this subdivision
6 shall prohibit a member of the state organized militia from voluntarily
7 disclosing such membership.

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

11 (a) It shall be an unlawful discriminatory practice for any fire
12 department or fire company therein, through any member or members there-
13 of, officers, board of fire commissioners or other body or office having
14 power of appointment of volunteer firefighters, directly or indirectly,
15 by ritualistic practice, constitutional or by-law prescription, by tacit
16 agreement among its members, or otherwise, to deny to any individual
17 membership in any volunteer fire department or fire company therein, or
18 to expel or discriminate against any volunteer member of a fire depart-
19 ment or fire company therein, because of the race, creed, color,
20 national origin, sexual orientation, gender identity or expression,
21 military status, sex, marital status, status as a victim of domestic
22 violence, or familial status, of such individual.

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

25 13. It shall be an unlawful discriminatory practice (i) for any person
26 to boycott or blacklist, or to refuse to buy from, sell to or trade
27 with, or otherwise discriminate against any person, because of the race,
28 creed, color, national origin, sexual orientation, gender identity or

1 expression, military status, sex, status as a victim of domestic
2 violence, disability, or familial status, or of such person, or of such
3 person's partners, members, stockholders, directors, officers, managers,
4 superintendents, agents, employees, business associates, suppliers or
5 customers, or (ii) for any person wilfully to do any act or refrain from
6 doing any act which enables any such person to take such action. This
7 subdivision shall not apply to:

8 (a) Boycotts connected with labor disputes; or

9 (b) Boycotts to protest unlawful discriminatory practices.

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

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

15 a. In the case of applications for credit with respect to the
16 purchase, acquisition, construction, rehabilitation, repair or mainte-
17 nance of any housing accommodation, land or commercial space to discrim-
18 inate against any such applicant because of the race, creed, color,
19 national origin, sexual orientation, gender identity or expression,
20 military status, age, sex, marital status, status as a victim of domes-
21 tic violence, disability, or familial status of such applicant or appli-
22 cants or any member, stockholder, director, officer or employee of such
23 applicant or applicants, or of the prospective occupants or tenants of
24 such housing accommodation, land or commercial space, in the granting,
25 withholding, extending or renewing, or in the fixing of the rates, terms
26 or conditions of, any such credit;

27 b. To discriminate in the granting, withholding, extending or renew-
28 ing, or in the fixing of the rates, terms or conditions of, any form of

1 credit, on the basis of race, creed, color, national origin, sexual
2 orientation, gender identity or expression, military status, age, sex,
3 marital status, status as a victim of domestic violence, disability, or
4 familial status;

5 c. To use any form of application for credit or use or make any record
6 or inquiry which expresses, directly or indirectly, any limitation,
7 specification, or discrimination as to race, creed, color, national
8 origin, sexual orientation, gender identity or expression, military
9 status, age, sex, marital status, status as a victim of domestic
10 violence, disability, or familial status;

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

14 e. To refuse to consider sources of an applicant's income or to
15 subject an applicant's income to discounting, in whole or in part,
16 because of an applicant's race, creed, color, national origin, sexual
17 orientation, gender identity or expression, military status, age, sex,
18 marital status, status as a victim of domestic violence, childbearing
19 potential, disability, or familial status;

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

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

24 2. Without limiting the generality of subdivision one of this section,
25 it shall be considered discriminatory if, because of an applicant's or
26 class of applicants' race, creed, color, national origin, sexual orien-
27 tation, gender identity or expression, military status, age, sex, mari-
28 tal status [or] , status as a victim of domestic violence, disability,

1 or familial status, (i) an applicant or class of applicants is denied
2 credit in circumstances where other applicants of like overall credit
3 worthiness are granted credit, or (ii) special requirements or condi-
4 tions, such as requiring co-obligors or reapplication upon marriage, are
5 imposed upon an applicant or class of applicants in circumstances where
6 similar requirements or conditions are not imposed upon other applicants
7 of like overall credit worthiness.

8 3. It shall not be considered discriminatory if credit differen-
9 tiations or decisions are based upon factually supportable, objective
10 differences in applicants' overall credit worthiness, which may include
11 reference to such factors as current income, assets and prior credit
12 history of such applicants, as well as reference to any other relevant
13 factually supportable data; provided, however, that no creditor shall
14 consider, in evaluating the credit worthiness of an applicant, aggregate
15 statistics or assumptions relating to race, creed, color, national
16 origin, sexual orientation, gender identity or expression, military
17 status, sex, marital status, status as a victim of domestic violence or
18 disability, or to the likelihood of any group of persons bearing or
19 rearing children, or for that reason receiving diminished or interrupted
20 income in the future.

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

23 2. It shall be an unlawful discriminatory practice for an employer to:
24 a. refuse to hire or employ or to bar or to discharge from internship
25 an intern or to discriminate against such intern in terms, conditions or
26 privileges of employment as an intern because of the intern's age, race,
27 creed, color, national origin, sexual orientation, military status, sex,

1 disability, predisposing genetic characteristics, marital status, or
2 status as a victim of domestic violence [victim status];

3 b. discriminate against an intern in receiving, classifying, disposing
4 or otherwise acting upon applications for internships because of the
5 intern's age, race, creed, color, national origin, sexual orientation,
6 military status, sex, disability, predisposing genetic characteristics,
7 marital status, or status as a victim of domestic violence [victim
8 status];

9 c. print or circulate or cause to be printed or circulated any state-
10 ment, advertisement or publication, or to use any form of application
11 for employment as an intern or to make any inquiry in connection with
12 prospective employment, which expresses directly or indirectly, any
13 limitation, specification or discrimination as to age, race, creed,
14 color, national origin, sexual orientation, military status, sex, disa-
15 bility, predisposing genetic characteristics, marital status or status
16 as a victim of domestic violence [victim status], or any intent to make
17 any such limitation, specification or discrimination, unless based upon
18 a bona fide occupational qualification; provided, however, that neither
19 this paragraph nor any provision of this chapter or other law shall be
20 construed to prohibit the department of civil service or the department
21 of personnel of any city containing more than one county from requesting
22 information from applicants for civil service internships or examina-
23 tions concerning any of the aforementioned characteristics, other than
24 sexual orientation, for the purpose of conducting studies to identify
25 and resolve possible problems in recruitment and testing of members of
26 minority groups to insure the fairest possible and equal opportunities
27 for employment in the civil service for all persons, regardless of age,
28 race, creed, color, national origin, sexual orientation, military

1 status, sex, disability, predisposing genetic characteristics, marital
2 status or status as a victim of domestic violence [victim status];

3 d. to discharge, expel or otherwise discriminate against any person
4 because he or she has opposed any practices forbidden under this article
5 or because he or she has filed a complaint, testified or assisted in any
6 proceeding under this article; or

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

10 § 11. Paragraph b of subdivision 3 of section 296-c of the executive
11 law, as added by chapter 97 of the laws of 2014, is amended to read as
12 follows:

13 b. subject an intern to unwelcome harassment based on age, sex, race,
14 creed, color, sexual orientation, military status, disability, predis-
15 posing genetic characteristics, marital status, status as a victim of
16 domestic violence [victim status], [or] national origin, or where such
17 harassment has the purpose or effect of unreasonably interfering with
18 the intern's work performance by creating an intimidating, hostile, or
19 offensive working environment.

20 § 12. This act shall take effect immediately.

21 PART Y

22 Section 1. Subdivision 37 of section 292 of the executive law, as
23 added by chapter 160 of the laws of 2019, is renumbered subdivision 40
24 and a new subdivision 41 is added to read as follows:

25 41. The term "citizenship or immigration status" means the citizenship
26 of any person or the immigration status of any person who is not a citi-

1 zen of the United States. Nothing in this article shall preclude verifi-
2 cation of citizenship or immigration status where required by law, nor
3 shall an adverse action based on verification of citizenship or immi-
4 gration status be prohibited where such adverse action is required by
5 law.

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

11 1. It shall be an unlawful discriminatory practice:

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

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

27 (c) For a labor organization, because of the age, race, creed, color,
28 national origin, citizenship or immigration status, sexual orientation,

1 gender identity or expression, military status, sex, disability, predis-
2 posing genetic characteristics, familial status, or marital status of
3 any individual, to exclude or to expel from its membership such individ-
4 ual or to discriminate in any way against any of its members or against
5 any employer or any individual employed by an employer.

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

1 (e) For any employer, labor organization or employment agency to
2 discharge, expel or otherwise discriminate against any person because he
3 or she has opposed any practices forbidden under this article or because
4 he or she has filed a complaint, testified or assisted in any proceeding
5 under this article.

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

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

13 (h) For an employer, licensing agency, employment agency or labor
14 organization to subject any individual to harassment because of an indi-
15 vidual's age, race, creed, color, national origin, citizenship or immi-
16 gration status, sexual orientation, gender identity or expression, mili-
17 tary status, sex, disability, predisposing genetic characteristics,
18 familial status, marital status, domestic violence victim status, or
19 because the individual has opposed any practices forbidden under this
20 article or because the individual has filed a complaint, testified or
21 assisted in any proceeding under this article, regardless of whether
22 such harassment would be considered severe or pervasive under precedent
23 applied to harassment claims. Such harassment is an unlawful discrimina-
24 tory practice when it subjects an individual to inferior terms, condi-
25 tions or privileges of employment because of the individual's membership
26 in one or more of these protected categories. The fact that such indi-
27 vidual did not make a complaint about the harassment to such employer,
28 licensing agency, employment agency or labor organization shall not be

1 determinative of whether such employer, licensing agency, employment
2 agency or labor organization shall be liable. Nothing in this section
3 shall imply that an employee must demonstrate the existence of an indi-
4 vidual to whom the employee's treatment must be compared. It shall be an
5 affirmative defense to liability under this subdivision that the harass-
6 ing conduct does not rise above the level of what a reasonable victim of
7 discrimination with the same protected characteristic or characteristics
8 would consider petty slights or trivial inconveniences.

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

12 1-a. It shall be an unlawful discriminatory practice for an employer,
13 labor organization, employment agency or any joint labor-management
14 committee controlling apprentice training programs:

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

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

25 (c) To discriminate against any person in his or her pursuit of such
26 programs or to discriminate against such a person in the terms, condi-
27 tions or privileges of such programs because of race, creed, color,
28 national origin, citizenship or immigration status, sexual orientation,

1 gender identity or expression, military status, sex, age, disability,
2 familial status or marital status;

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

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

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

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

9 § 5. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section
10 296 of the executive law, as amended by section 3 of part T of chapter
11 56 of the laws of 2019, are amended to read as follows:

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

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

27 (c) To cause to be made any written or oral inquiry or record concern-
28 ing the race, creed, color, disability, national origin, citizenship or

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

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

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

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

27 3-b. It shall be an unlawful discriminatory practice for any real
28 estate broker, real estate salesperson or employee or agent thereof or

1 any other individual, corporation, partnership or organization for the
2 purpose of inducing a real estate transaction from which any such person
3 or any of its stockholders or members may benefit financially, to repre-
4 sent that a change has occurred or will or may occur in the composition
5 with respect to race, creed, color, national origin, citizenship or
6 immigration status, sexual orientation, gender identity or expression,
7 military status, sex, disability, marital status, or familial status of
8 the owners or occupants in the block, neighborhood or area in which the
9 real property is located, and to represent, directly or indirectly, that
10 this change will or may result in undesirable consequences in the block,
11 neighborhood or area in which the real property is located, including
12 but not limited to the lowering of property values, an increase in crim-
13 inal or anti-social behavior, or a decline in the quality of schools or
14 other facilities.

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

23 § 8. Subdivision 5 of section 296 of the executive law, as amended by
24 chapter 8 of the laws of 2019, paragraph (a) as amended by chapter 300
25 of the laws of 2021, subparagraphs 1 and 2 of paragraph (c) as amended
26 by section 5, and paragraph (d) as amended by section 6 of part T of
27 chapter 56 of the laws of 2019, is amended to read as follows:

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

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

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

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

1 income or familial status, or any intent to make any such limitation,
2 specification or discrimination.

3 (4) (i) The provisions of subparagraphs one and two of this paragraph
4 shall not apply (1) to the rental of a housing accommodation in a build-
5 ing which contains housing accommodations for not more than two families
6 living independently of each other, if the owner resides in one of such
7 housing accommodations, (2) to the restriction of the rental of all
8 rooms in a housing accommodation to individuals of the same sex or (3)
9 to the rental of a room or rooms in a housing accommodation, if such
10 rental is by the occupant of the housing accommodation or by the owner
11 of the housing accommodation and the owner resides in such housing
12 accommodation or (4) solely with respect to age and familial status to
13 the restriction of the sale, rental or lease of housing accommodations
14 exclusively to persons sixty-two years of age or older and the spouse of
15 any such person, or for housing intended and operated for occupancy by
16 at least one person fifty-five years of age or older per unit. In deter-
17 mining whether housing is intended and operated for occupancy by persons
18 fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607
19 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall
20 apply. However, such rental property shall no longer be exempt from the
21 provisions of subparagraphs one and two of this paragraph if there is
22 unlawful discriminatory conduct pursuant to subparagraph three of this
23 paragraph.

24 (ii) The provisions of subparagraphs one, two, and three of this para-
25 graph shall not apply (1) to the restriction of the rental of all rooms
26 in a housing accommodation to individuals of the same sex, (2) to the
27 rental of a room or rooms in a housing accommodation, if such rental is
28 by the occupant of the housing accommodation or by the owner of the

1 housing accommodation and the owner resides in such housing accommo-
2 dation, or (3) solely with respect to age and familial status to the
3 restriction of the sale, rental or lease of housing accommodations
4 exclusively to persons sixty-two years of age or older and the spouse of
5 any such person, or for housing intended and operated for occupancy by
6 at least one person fifty-five years of age or older per unit. In deter-
7 mining whether housing is intended and operated for occupancy by persons
8 fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607
9 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall
10 apply.

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

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

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

1 (3) 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 the purchase, rental or lease of such land or commercial space
4 or to make any record or inquiry in connection with the prospective
5 purchase, rental or lease of such land or commercial space which
6 expresses, directly or indirectly, any limitation, specification or
7 discrimination as to race, creed, color, national origin, citizenship or
8 immigration status, sexual orientation, gender identity or expression,
9 military status, sex, age, disability, marital status, or familial
10 status; or any intent to make any such limitation, specification or
11 discrimination.

12 (4) With respect to age and familial status, the provisions of this
13 paragraph shall not apply to the restriction of the sale, rental or
14 lease of land or commercial space exclusively to persons fifty-five
15 years of age or older and the spouse of any such person, or to the
16 restriction of the sale, rental or lease of land to be used for the
17 construction, or location of housing accommodations exclusively for
18 persons sixty-two years of age or older, or intended and operated for
19 occupancy by at least one person fifty-five years of age or older per
20 unit. In determining whether housing is intended and operated for occu-
21 pancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c)
22 (42 U.S.C. 3607(b) (2) (c)) of the federal Fair Housing Act of 1988, as
23 amended, shall apply.

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

26 (1) To refuse to sell, rent or lease any housing accommodation, land
27 or commercial space to any person or group of persons or to refuse to
28 negotiate for the sale, rental or lease, of any housing accommodation,

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

15 (2) To print or circulate or cause to be printed or circulated any
16 statement, advertisement or publication, or to use any form of applica-
17 tion for the purchase, rental or lease of any housing accommodation,
18 land or commercial space or to make any record or inquiry in connection
19 with the prospective purchase, rental or lease of any housing accommo-
20 dation, land or commercial space which expresses, directly or indirect-
21 ly, any limitation, specification, or discrimination as to race, creed,
22 color, national origin, citizenship or immigration status, sexual orien-
23 tation, gender identity or expression, military status, sex, age, disa-
24 bility, marital status, lawful source of income or familial status; or
25 any intent to make any such limitation, specification or discrimination.

26 (3) With respect to age and familial status, the provisions of this
27 paragraph shall not apply to the restriction of the sale, rental or
28 lease of any housing accommodation, land or commercial space exclusively

1 to persons fifty-five years of age or older and the spouse of any such
2 person, or to the restriction of the sale, rental or lease of any hous-
3 ing accommodation or land to be used for the construction or location of
4 housing accommodations for persons sixty-two years of age or older, or
5 intended and operated for occupancy by at least one person fifty-five
6 years of age or older per unit. In determining whether housing is
7 intended and operated for occupancy by persons fifty-five years of age
8 or older, Sec. 807 (b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the
9 federal Fair Housing Act of 1988, as amended, shall apply.

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

18 (e) It shall be an unlawful discriminatory practice for the owner,
19 proprietor or managing agent of, or other person having the right to
20 provide care and services in, a private proprietary nursing home, conva-
21 lescent home, or home for adults, or an intermediate care facility, as
22 defined in section two of the social services law, heretofore
23 constructed, or to be constructed, or any agent or employee thereof, to
24 refuse to provide services and care in such home or facility to any
25 individual or to discriminate against any individual in the terms,
26 conditions, and privileges of such services and care solely because such
27 individual is a blind person. For purposes of this paragraph, a "blind
28 person" shall mean a person who is registered as a blind person with the

1 commission for the visually handicapped and who meets the definition of
2 a "blind person" pursuant to section three of chapter four hundred
3 fifteen of the laws of nineteen hundred thirteen entitled "An act to
4 establish a state commission for improving the condition of the blind of
5 the state of New York, and making an appropriation therefor".

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

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

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

20 (a) It shall be an unlawful discriminatory practice for any fire
21 department or fire company therein, through any member or members there-
22 of, officers, board of fire commissioners or other body or office having
23 power of appointment of volunteer firefighters, directly or indirectly,
24 by ritualistic practice, constitutional or by-law prescription, by tacit
25 agreement among its members, or otherwise, to deny to any individual
26 membership in any volunteer fire department or fire company therein, or
27 to expel or discriminate against any volunteer member of a fire depart-
28 ment or fire company therein, because of the race, creed, color,

1 national origin, citizenship or immigration status, sexual orientation,
2 gender identity or expression, military status, sex, marital status, or
3 familial status, of such individual.

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

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

17 (a) Boycotts connected with labor disputes; or

18 (b) Boycotts to protest unlawful discriminatory practices.

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

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

24 a. In the case of applications for credit with respect to the
25 purchase, acquisition, construction, rehabilitation, repair or mainte-
26 nance of any housing accommodation, land or commercial space to discrim-
27 inate against any such applicant because of the race, creed, color,
28 national origin, citizenship or immigration status, sexual orientation,

1 gender identity or expression, military status, age, sex, marital
2 status, disability, or familial status of such applicant or applicants
3 or any member, stockholder, director, officer or employee of such appli-
4 cant or applicants, or of the prospective occupants or tenants of such
5 housing accommodation, land or commercial space, in the granting, with-
6 holding, extending or renewing, or in the fixing of the rates, terms or
7 conditions of, any such credit;

8 b. To discriminate in the granting, withholding, extending or renew-
9 ing, or in the fixing of the rates, terms or conditions of, any form of
10 credit, on the basis of race, creed, color, national origin, citizenship
11 or immigration status, sexual orientation, gender identity or
12 expression, military status, age, sex, marital status, disability, or
13 familial status;

14 c. To use any form of application for credit or use or make any record
15 or inquiry which expresses, directly or indirectly, any limitation,
16 specification, or discrimination as to race, creed, color, national
17 origin, citizenship or immigration status, sexual orientation, gender
18 identity or expression, military status, age, sex, marital status, disa-
19 bility, or familial status;

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

23 e. To refuse to consider sources of an applicant's income or to
24 subject an applicant's income to discounting, in whole or in part,
25 because of an applicant's race, creed, color, national origin, citizen-
26 ship or immigration status, sexual orientation, gender identity or
27 expression, military status, age, sex, marital status, childbearing
28 potential, disability, or familial status;

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

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

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

17 3. It shall not be considered discriminatory if credit differen-
18 tiations or decisions are based upon factually supportable, objective
19 differences in applicants' overall credit worthiness, which may include
20 reference to such factors as current income, assets and prior credit
21 history of such applicants, as well as reference to any other relevant
22 factually supportable data; provided, however, that no creditor shall
23 consider, in evaluating the credit worthiness of an applicant, aggregate
24 statistics or assumptions relating to race, creed, color, national
25 origin, citizenship or immigration status, sexual orientation, gender
26 identity or expression, military status, sex, marital status or disabil-
27 ity, or to the likelihood of any group of persons bearing or rearing

1 children, or for that reason receiving diminished or interrupted income
2 in the future.

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

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

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

12 b. discriminate against an intern in receiving, classifying, disposing
13 or otherwise acting upon applications for internships because of the
14 intern's age, race, creed, color, national origin, citizenship or immi-
15 gration status, sexual orientation, military status, sex, disability,
16 predisposing genetic characteristics, marital status, or domestic
17 violence victim status;

18 c. print or circulate or cause to be printed or circulated any state-
19 ment, advertisement or publication, or to use any form of application
20 for employment as an intern or to make any inquiry in connection with
21 prospective employment, which expresses directly or indirectly, any
22 limitation, specification or discrimination as to age, race, creed,
23 color, national origin, citizenship or immigration status, sexual orien-
24 tation, military status, sex, disability, predisposing genetic charac-
25 teristics, marital status or domestic violence victim status, or any
26 intent to make any such limitation, specification or discrimination,
27 unless based upon a bona fide occupational qualification; provided,
28 however, that neither this paragraph nor any provision of this chapter

1 or other law shall be construed to prohibit the department of civil
2 service or the department of personnel of any city containing more than
3 one county from requesting information from applicants for civil service
4 internships or examinations concerning any of the aforementioned charac-
5 teristics, other than sexual orientation, for the purpose of conducting
6 studies to identify and resolve possible problems in recruitment and
7 testing of members of minority groups to insure the fairest possible and
8 equal opportunities for employment in the civil service for all persons,
9 regardless of age, race, creed, color, national origin, citizenship or
10 immigration status, sexual orientation, military status, sex, disabili-
11 ty, predisposing genetic characteristics, marital status or domestic
12 violence victim status;

13 d. to discharge, expel or otherwise discriminate against any person
14 because he or she has opposed any practices forbidden under this article
15 or because he or she has filed a complaint, testified or assisted in any
16 proceeding under this article; or

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

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

23 b. subject an intern to unwelcome harassment based on age, sex, race,
24 creed, color, sexual orientation, military status, disability, predis-
25 posing genetic characteristics, marital status, domestic violence victim
26 status, [or] national origin, or citizenship or immigration status,
27 where such harassment has the purpose or effect of unreasonably inter-

1 fering with the intern's work performance by creating an intimidating,
2 hostile, or offensive working environment.

3 § 14. This act shall take effect immediately.

4 PART Z

5 Section 1. Notwithstanding any other provision of law, the housing
6 trust fund corporation may provide, for purposes of the neighborhood
7 preservation program, a sum not to exceed \$12,830,000 for the fiscal
8 year ending March 31, 2023. Notwithstanding any other provision of law,
9 and subject to the approval of the New York state director of the budg-
10 et, the board of directors of the state of New York mortgage agency
11 shall authorize the transfer to the housing trust fund corporation, for
12 the purposes of reimbursing any costs associated with neighborhood pres-
13 ervation program contracts authorized by this section, a total sum not
14 to exceed \$12,830,000, such transfer to be made from (i) the special
15 account of the mortgage insurance fund created pursuant to section
16 2429-b of the public authorities law, in an amount not to exceed the
17 actual excess balance in the special account of the mortgage insurance
18 fund, as determined and certified by the state of New York mortgage
19 agency for the fiscal year 2021-2022 in accordance with section 2429-b
20 of the public authorities law, if any, and/or (ii) provided that the
21 reserves in the project pool insurance account of the mortgage insurance
22 fund created pursuant to section 2429-b of the public authorities law
23 are sufficient to attain and maintain the credit rating (as determined
24 by the state of New York mortgage agency) required to accomplish the
25 purposes of such account, the project pool insurance account of the

1 mortgage insurance fund, such transfer to be made as soon as practicable
2 but no later than June 30, 2022.

3 § 2. Notwithstanding any other provision of law, the housing trust
4 fund corporation may provide, for purposes of the rural preservation
5 program, a sum not to exceed \$5,360,000 for the fiscal year ending March
6 31, 2023. Notwithstanding any other provision of law, and subject to
7 the approval of the New York state director of the budget, the board of
8 directors of the state of New York mortgage agency shall authorize the
9 transfer to the housing trust fund corporation, for the purposes of
10 reimbursing any costs associated with rural preservation program
11 contracts authorized by this section, a total sum not to exceed
12 \$5,360,000, such transfer to be made from (i) the special account of the
13 mortgage insurance fund created pursuant to section 2429-b of the public
14 authorities law, in an amount not to exceed the actual excess balance in
15 the special account of the mortgage insurance fund, as determined and
16 certified by the state of New York mortgage agency for the fiscal year
17 2021-2022 in accordance with section 2429-b of the public authorities
18 law, if any, and/or (ii) provided that the reserves in the project pool
19 insurance account of the mortgage insurance fund created pursuant to
20 section 2429-b of the public authorities law are sufficient to attain
21 and maintain the credit rating (as determined by the state of New York
22 mortgage agency) required to accomplish the purposes of such account,
23 the project pool insurance account of the mortgage insurance fund, such
24 transfer to be made as soon as practicable but no later than June 30,
25 2022.

26 § 3. Notwithstanding any other provision of law, the housing trust
27 fund corporation may provide, for purposes of the rural rental assist-
28 ance program pursuant to article 17-A of the private housing finance

1 law, a sum not to exceed \$21,630,000 for the fiscal year ending March
2 31, 2023. Notwithstanding any other provision of law, and subject to
3 the approval of the New York state director of the budget, the board of
4 directors of the state of New York mortgage agency shall authorize the
5 transfer to the housing trust fund corporation, for the purposes of
6 reimbursing any costs associated with rural rental assistance program
7 contracts authorized by this section, a total sum not to exceed
8 \$21,630,000, such transfer to be made from (i) the special account of
9 the mortgage insurance fund created pursuant to section 2429-b of the
10 public authorities law, in an amount not to exceed the actual excess
11 balance in the special account of the mortgage insurance fund, as deter-
12 mined and certified by the state of New York mortgage agency for the
13 fiscal year 2021-2022 in accordance with section 2429-b of the public
14 authorities law, if any, and/or (ii) provided that the reserves in the
15 project pool insurance account of the mortgage insurance fund created
16 pursuant to section 2429-b of the public authorities law are sufficient
17 to attain and maintain the credit rating, as determined by the state of
18 New York mortgage agency, required to accomplish the purposes of such
19 account, the project pool insurance account of the mortgage insurance
20 fund, such transfer shall be made as soon as practicable but no later
21 than June 30, 2022.

22 § 4. This act shall take effect immediately.

23 PART AA

24 Section 1. Short title. This act shall be known and may be cited as
25 the "accessory dwelling unit act of 2022".

1 § 2. The real property law is amended by adding a new article 16 to
2 read as follows:

3 ARTICLE 16

4 ACCESSORY DWELLING UNITS

5 Section 480. Definitions.

6 481. Accessory dwelling unit regulations and local laws.

7 482. Low and moderate-income homeowners program.

8 483. Tenant protections.

9 § 480. Definitions. As used in this article, unless the context other-
10 wise requires, the following terms shall have the following meanings:

11 1. "Accessory dwelling unit" shall mean an attached or a detached
12 residential dwelling unit that provides complete independent living
13 facilities for one or more persons, which is located on the same lot as
14 a single-family or multi-family dwelling proposed or existing as a
15 primary residence, and such unit shall include permanent provisions for
16 living, sleeping, eating, cooking, bathing and washing, and sanitation
17 on the same lot as such primary residence.

18 2. "Local government" shall mean a city, town or village.

19 3. "Low-income homeowners" shall mean homeowners with an income,
20 adjusted for family size, not exceeding eighty percent of the area medi-
21 an income.

22 4. "Moderate-income homeowners" shall mean homeowners with an income,
23 adjusted for family size, not exceeding one hundred twenty percent of
24 the area median income as defined by the division.

25 5. "Nonconforming zoning condition" shall mean a physical improvement
26 on a property that does not conform with current zoning standards.

27 6. "Proposed dwelling" shall mean a dwelling that is the subject of a
28 permit application and that meets the requirements for permitting.

1 7. "Division" shall mean the New York state division of homes and
2 community renewal.

3 8. "Regulation" shall mean any ordinance, local law, resolution, rule,
4 policy, or regulation adopted or enacted pursuant to the authority of a
5 general, special, charter or other law unless the context suggests a
6 different meaning.

7 9. "Rented" shall mean to lease, let, or hire out an accessory dwell-
8 ing unit, a residence, or any portion of such unit or residence, to be
9 occupied or that is occupied for living purposes.

10 § 481. Accessory dwelling unit regulations and local laws. 1.
11 Notwithstanding any general, special, charter, local or other law, rule,
12 policy, or regulation to the contrary, including any law authorizing the
13 adoption of planning, zoning, or other land use regulation, a local
14 government shall, by local law, provide for the creation of accessory
15 dwelling units. Such local law shall:

16 (a) Designate areas within the jurisdiction of the local government
17 where accessory dwelling units shall be permitted. Designated areas
18 shall include all areas zoned for single-family or multifamily residen-
19 tial use, and all lots with an existing residential use.

20 (b) Authorize the creation of at least one accessory dwelling unit per
21 lot.

22 (c) Provide reasonable standards for accessory dwelling units that may
23 include, but are not limited to, height, landscape, architectural review
24 and maximum size of a unit. In no case shall such standards unreasonably
25 restrict the creation of accessory dwelling units.

26 (d) Require accessory dwelling units to comply with the following:

1 (i) Such unit may be rented separate from the primary residence, but
2 shall not be sold or otherwise conveyed separate from the primary resi-
3 dence;

4 (ii) Such unit shall be located on a lot that includes a proposed or
5 existing residential dwelling;

6 (iii) Such unit shall not be rented for a term less than thirty days;
7 and

8 (iv) If there is an existing primary residence, the total floor area
9 of an accessory dwelling unit shall not exceed fifty percent of the
10 existing primary residence, unless such limit would prevent the creation
11 of an accessory dwelling unit that is no greater than six hundred square
12 feet.

13 2. A local government shall not establish by any regulation any of the
14 following:

15 (a) In a local government having a population of one million or more,
16 a minimum square footage requirement for an accessory dwelling unit
17 greater than two hundred square feet, or in a local government having a
18 population of less than one million, a minimum square footage require-
19 ment for an accessory dwelling unit that is greater than five hundred
20 fifty square feet;

21 (b) A maximum square footage requirement for an accessory dwelling
22 unit that is less than fifteen hundred square feet;

23 (c) Any other minimum or maximum size for an accessory dwelling unit,
24 including those based upon a percentage of the proposed or existing
25 primary residence, or limits on lot coverage, floor area ratio, open
26 space, and minimum lot size, for a dwelling that does not permit at
27 least an eight hundred square foot accessory dwelling unit with four-
28 foot side and rear yard setbacks to be constructed in compliance with

1 other local standards. Notwithstanding any other provision of this
2 section to the contrary, a local government may provide, where a lot
3 contains an existing residence, that an accessory dwelling unit located
4 within and/or attached to the primary residence shall not exceed the
5 buildable envelope for the existing residence, and that an accessory
6 dwelling unit that is detached from an existing residence shall be
7 constructed in the same location and to the same dimensions as an exist-
8 ing structure, if such structure exists.

9 (d) A ceiling height requirement greater than seven feet, unless the
10 local government can demonstrate that such a requirement is necessary
11 for the preservation of health and safety;

12 (e) If an accessory dwelling unit or a portion thereof is below curb
13 level, a requirement that more than two feet of such unit's height be
14 above curb level, unless the local government can demonstrate that such
15 a requirement is necessary for the preservation of health and safety;

16 (f) Any requirement that a pathway exist or be constructed in conjunc-
17 tion with the creation of an accessory dwelling unit, unless the local
18 government can demonstrate that such requirement is necessary for the
19 preservation of health and safety;

20 (g) Any setback for an existing dwelling or accessory structure or a
21 structure constructed in the same location and to the same dimensions as
22 an existing structure that is converted to an accessory dwelling unit or
23 to a portion of an accessory dwelling unit, or any setback of more than
24 four feet from the side and rear lot lines for an accessory dwelling
25 unit that is not converted from an existing structure or a new structure
26 constructed in the same location and to the same dimensions as an exist-
27 ing structure; or

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

9 3. No local law for the creation of accessory dwelling units pursuant
10 to subdivision one of this section shall be considered in the applica-
11 tion of any local regulation policy, or program to limit residential
12 growth.

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

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

22 6. Notwithstanding any regulation to the contrary, a permit applica-
23 tion to create an accessory dwelling unit in conformance with the local
24 law enacted under this section shall be considered ministerial without
25 discretionary review or a hearing. If there is an existing single-family
26 or multi-family dwelling on the lot, the local agency with reviewing
27 authority under this section shall issue a determination on the
28 completed application to create an accessory dwelling unit within ninety

1 days from the date the local agency receives such completed application
2 or, in a local government having a population of one million or more,
3 within sixty days. If the permit application to create an accessory
4 dwelling unit is submitted with a permit application to create a new
5 residential dwelling on the lot, the permitting local government may
6 delay acting on the permit application for the accessory dwelling unit
7 until the permitting local government acts on the permit application to
8 create the new dwelling, but the application to create the accessory
9 dwelling unit shall be considered without discretionary review or hear-
10 ing. If the applicant requests a delay, the time period for review shall
11 be tolled for the period of the delay. Such review shall include all
12 necessary permits and approvals including, without limitation, those
13 related to health and safety. A local government shall not require an
14 additional or amended certificate of occupancy in connection with an
15 accessory dwelling unit. A local government may charge a fee not to
16 exceed one thousand dollars per application for the reimbursement of the
17 actual costs such local agency incurs pursuant to this subdivision.

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

25 8. No policy or regulation other than the local law authorized under
26 this section shall be the basis for the denial of a building permit or
27 other permission to develop in accordance with this section except to
28 the extent necessary to protect the health and safety of the occupants

1 of an accessory dwelling unit the primary residence to such dwelling
2 unit, and provided such policy or regulation is consistent with the
3 requirements of this section.

4 9. If a local government has an existing accessory dwelling unit regu-
5 lation that fails to meet the requirements of this section, the sections
6 of such regulation that conflicts with this section shall be null and
7 void. Such local government shall thereafter apply the standards estab-
8 lished in this section for the approval of an accessory dwelling unit
9 until such local government adopts a local law that complies with this
10 section.

11 10. The local government shall ensure that accessory dwelling units
12 are not counted toward the allowable residential density, or any
13 requirement respecting lot coverage or open space, for the lot upon
14 which the accessory dwelling unit is located under the existing zoning
15 designation for such lot. The accessory dwelling unit shall not be
16 considered in the application of any regulation, policy, or program to
17 limit residential growth.

18 11. In a city with a population greater than one million, the local
19 government shall create a program to address accessory dwelling units
20 that were created prior to the effective date of this article. Such
21 program may provide amnesty to owners of buildings that contain such
22 accessory dwelling units. Such city shall waive portions of the multiple
23 dwelling law and relevant regulations, other than the local law adopted
24 pursuant to this section, as necessary to administer such program. Such
25 waiver or waivers shall not require additional regulations or zoning or
26 other land use amendments.

27 12. A local government shall not require, as a condition for minister-
28 ial approval of a permit application for the creation of an accessory

1 dwelling unit, the correction of nonconforming zoning conditions or
2 minor violations of local law.

3 13. Where an accessory dwelling unit requires a new or separate utili-
4 ty connection directly between the accessory dwelling unit and the util-
5 ity, and such connection is provided by a governmental or public author-
6 ity, the connection may be subject to a connection fee or capacity
7 charge by such governmental or public authority that shall be propor-
8 tionate to the burden of the proposed accessory dwelling unit, based
9 upon either its size or the number of its plumbing fixtures upon the
10 water or sewer system. Such fee or charge shall not exceed the reason-
11 able cost of providing such utility connection. A local government shall
12 not impose any other fee in connection with an accessory dwelling unit.

13 14. A local government may require that a unit in the primary resi-
14 dence be owner-occupied for an accessory dwelling unit to be lawfully
15 rented. In addition, any such local government may require such owner-
16 occupation must continue for at least one year following the first legal
17 occupancy of the accessory dwelling unit.

18 15. A local government shall not issue a certificate of occupancy or
19 its equivalent for an accessory dwelling unit before the local govern-
20 ment issues a certificate of occupancy or its equivalent for the primary
21 residence.

22 16. A local government shall adopt a local law pursuant to this arti-
23 cle within one year of the effective date of this article.

24 17. A property owner who has been denied a permit by a local govern-
25 ment in violation of this article or who lives within the local govern-
26 ment that fails to adopt a local law pursuant to this article may apply
27 to the supreme court for review of the local government action by a
28 proceeding under article seventy-eight of the civil practice law and

1 rules. Costs shall not be allowed against a local government or any of
2 its officers unless it shall appear to the court that the local govern-
3 ment or the officer or officers acted with gross negligence or in bad
4 faith or with malice.

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

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

14 3. Such program shall be funded within amounts appropriated or other-
15 wise available therefor.

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

20 5. Within one hundred eighty days of the effective date of this arti-
21 cle, the division or affiliated authorities shall establish a program to
22 provide technical assistance to low-income and moderate-income homeown-
23 ers seeking to create an accessory dwelling unit. Such program may be
24 contracted out to approved non-governmental entities. Technical assist-
25 ance shall include, without limitation, guidance on design and
26 construction, flood prevention, permitting, financing, and septic
27 enhancement.

1 § 483. Tenant protections. 1. As used in this section, the following
2 terms shall have the following meanings:

3 (a) "Landlord" shall mean any owner, lessor, sublessor, assignor, or
4 other person receiving or entitled to receive rent for the occupancy of
5 any accessory dwelling unit or an agent of the foregoing.

6 (b) "Tenant" shall mean a tenant, sub-tenant, lessee, sublessee, or
7 assignee of an accessory dwelling unit.

8 (c) "Rent" shall mean any consideration, including any bonus, benefit
9 or gratuity demanded or received for or in connection with the
10 possession, use or occupancy of an accessory dwelling unit or the
11 execution or transfer of a lease for such unit.

12 2. A permit application to create an accessory dwelling unit in
13 conformance with a local law adopted under this article shall be accom-
14 panied by a certification identifying whether the unit was rented to a
15 tenant as of the effective date of this article and the rent charged for
16 the unit as of such date, notwithstanding whether the occupancy of such
17 unit was authorized by law. A local government may not use such certif-
18 ication as the basis for an enforcement action against an applicant
19 concerning the unauthorized habitation of a unit. Where a tenant is
20 evicted or otherwise removed from a unit prior to approval of a permit
21 application to create an accessory dwelling unit under this article,
22 such tenant shall have a right of first refusal to return to the unit as
23 a tenant upon its first lawful occupancy as an accessory dwelling unit,
24 notwithstanding whether such prior occupancy was authorized by law.

25 3. A tenant unlawfully denied a right of first refusal under this
26 article shall have a cause of action in any court of competent jurisdic-
27 tion for compensatory and punitive damages and declaratory and injunc-

1 tive relief and such other relief as the court deems necessary in the
2 interests of justice.

3 § 3. This act shall take effect on the one hundred eightieth day after
4 it shall have become a law.

5 PART BB

6 Section 1. Short title. This act shall be known and may be cited as
7 the "Housing Non-Discrimination for Justice-Involved Individuals Act of
8 2022".

9 § 2. Section 296 of the executive law is amended by adding a new
10 subdivision 23 to read as follows:

11 23. It shall be an unlawful discriminatory practice, unless specif-
12 ically required or permitted by federal or state statute or regulation
13 for any owner, lessee, sub-lessee, assignee, or managing agent of, or
14 other person having the right to sell, rent or lease a housing accommo-
15 dation, constructed or to be constructed, or any agent or employee ther-
16 eof, or any real estate broker, real estate salesperson or employee or
17 agent thereof to refuse to sell, rent, lease or negotiate for the sale,
18 rental, or lease of, or otherwise to deny to or withhold from any indi-
19 vidual such a housing accommodation, or to discriminate against such
20 individual in the terms, conditions or privileges of the sale, rental or
21 lease, or to take any adverse action against such individual, because
22 such individual has been previously convicted of one or more criminal
23 offenses in this state or in any other jurisdiction, unless:

24 (a) the conviction resulted from one or more offenses that involved
25 physical danger or violence to persons or property; or

1 (b) the conviction had an adverse effect on the health, safety and
2 welfare of other people or property.

3 § 3. This act shall take effect on the sixtieth day after it shall
4 have become a law.

5 PART CC

6 Section 1. Subdivision 3 of section 26 of the multiple dwelling law,
7 as amended by chapter 748 of the laws of 1961, is amended to read as
8 follows:

9 3. Floor area ratio (FAR). [The] Except as otherwise provided in the
10 zoning law, ordinance or resolution of a city with a population of one
11 million or more, the floor area ratio (FAR) of any dwelling or dwellings
12 on a lot shall not exceed 12.0, except that a fireproof class B dwelling
13 in which six or more passenger elevators are maintained and operated in
14 any city having a local zoning law, ordinance or resolution restricting
15 districts in such city to residential use, may be erected in accordance
16 with the provisions of such zoning law, ordinance or resolution, if such
17 class B dwelling is erected in a district no part of which is restricted
18 by such zoning law, ordinance or resolution to residential uses.

19 § 2. This act shall take effect immediately.

20 PART DD

21 Section 1. Short title. This act shall be known as and may be cited as
22 "Creating Housing Opportunities through Building Conversion Act."

23 § 2. Section 301 of the multiple dwelling law is amended by adding a
24 new subdivision 7 to read as follows:

1 7. Any certificate by the department authorizing occupancy of a dwell-
2 ing as a Class B hotel, when such dwelling is located in a city with a
3 population of one million or more, shall also authorize occupancy of
4 units in such dwelling for permanent residence purposes, where: (a) such
5 units are subject to a regulatory agreement with the Division of Housing
6 and Community Renewal, affiliated authorities, or a local government
7 housing agency that is entered into on or before December thirty-first,
8 two thousand twenty-seven; and (b) any portion of such a dwelling is
9 located within a district that under the local zoning regulations or
10 ordinances permits residential uses, or within eight hundred feet of
11 such a district, and not located within an industrial business zone as
12 defined in the administrative code of the city of New York, notwith-
13 standing any provision of this chapter or of any state law, local law,
14 ordinance, resolution or regulation that would have: (i) prohibited such
15 occupancy; (ii) required a change or alteration to the dwelling; or
16 (iii) required a new or amended certificate. Notwithstanding any other
17 provision of law or regulation, all dwelling units within such buildings
18 shall be subject to the rent stabilization law of nineteen hundred
19 sixty-nine and the emergency tenant protection act of nineteen seventy-
20 four for as long as the municipality has declared a public emergency
21 requiring the regulation of residential rents pursuant to these laws.
22 Any alterations to any such dwelling such as the creation of multi-room
23 suites or the addition of cooking facilities or accessory spaces shall
24 comply with any applicable requirements of any state law, local law,
25 ordinance, resolution or regulation relating to Class B hotels.
26 Provided further that in the case of a property at which any hotel work-
27 ers are represented by a collective bargaining representative, prior to
28 any agency or authority entering into a regulatory agreement with the

1 property owner as a prerequisite to conversion, the collective bargain-
2 ing representative shall be notified in writing of the proposed conver-
3 sion, and the property owner shall certify to any agency or authority
4 entering into such regulatory agreement that the collective bargaining
5 representative has mutually agreed in a separate writing with the prop-
6 erty owner to undertake the conversion set forth in this section.

7 § 3. The multiple dwelling law is amended by adding a new section
8 277-a to read as follows:

9 § 277-a. Temporary rules upon legislative findings of special state
10 interest. 1. The provisions of this section shall apply to any eligible
11 conversion, as set forth in subdivision two of this section, for which
12 an application for a permit, containing complete plans and specifica-
13 tions, is filed with the relevant local agency in accordance with appli-
14 cable local law on or before December thirty-first, two thousand twen-
15 ty-seven.

16 2. (a) Any building or portion of a building in a city with a popu-
17 lation of one million or more and as described in this subdivision may
18 be converted to a class A multiple dwelling, without regard to any other
19 provision of this chapter or other state law to the contrary or any
20 provision of the zoning resolution of the city of New York, but provided
21 that where the conversion results in a class A multiple dwelling, the
22 converted building shall be subject to a regulatory agreement for
23 affordable or supportive housing with the division of housing and commu-
24 nity renewal, affiliated authorities, or a local government housing
25 agency.

26 (b) The provisions of this subdivision shall apply to the following:

27 (i) any building or portion thereof existing on January first, nineteen
28 hundred eighty, that, as of the effective date of this section, was

1 lawfully operated as commercial offices; or (ii) any building or portion
2 thereof where construction was completed on or after January second,
3 nineteen hundred eighty, pursuant to a valid temporary or permanent
4 certificate of occupancy, was allowed to be operated as commercial
5 offices and such building is located in the area beginning at a point at
6 the intersection of the extension of the south line of West 60th Street
7 with the U.S. Pierhead Line on beginning at a point at the intersection
8 of the extension of the south line of West 60th Street with the U.S.
9 Pierhead Line on the east side of the Hudson River and runs thence along
10 the extension of the south line of the east side of the Hudson River and
11 runs thence along the extension of the south line of West 60th Street
12 and along the south line of West 60th Street and along the south line of
13 East 60th Street and along the extension of the south line of East 60th
14 Street to the U.S. Pierhead Line on the west side of the East River,
15 thence along the U.S. Pierhead Line on the west side of the East River
16 southerly to its intersection with the U.S. Pierhead Line on the east
17 side of the Hudson River, thence in a northerly direction along the U.S.
18 Pierhead Line on the east side of the Hudson River to the point of
19 beginning.

20 3. (a) Notwithstanding any other provision of law to the contrary, any
21 conversion pursuant to this section shall be subject to the provisions
22 of section two hundred seventy-seven of this article, except that
23 subparagraph D of subparagraph (i) of paragraph (b) of subdivision seven
24 of such section shall be modified to not require a dwelling unit to be a
25 minimum of twelve hundred square feet, and except that subparagraph F of
26 subparagraph (i) of paragraph (b) of subdivision seven of such section
27 shall be modified to provide that any yards or courts onto which a
28 window opens pursuant to such subparagraph (i) may be existing or new in

1 buildings of any height, and except that the restrictions on enlarge-
2 ments in paragraph (d) of subdivision seven of such section shall be
3 understood to apply to any increase in volume or floor area of a build-
4 ing or portion thereof that is converted pursuant to this section.

5 (b) Any local laws, ordinances, resolutions or regulations promulgated
6 after the effective date of this section, including for purposes of
7 extending or modifying the application of building codes, construction
8 codes or other local laws to any conversions allowed pursuant to this
9 section, shall be consonant with the mandate and intentions of this
10 section.

11 § 4. This act shall take effect on the one hundred eightieth day after
12 it shall have become a law.

13 PART EE

14 Section 1. Short title. This act shall be known and may be cited as
15 the "Transit Oriented Development act of 2022".

16 § 2. The general city law is amended by adding a new section 20-h to
17 read as follows:

18 § 20-h. Transit oriented development. 1. (a) Notwithstanding the
19 provisions of any general, special, charter, local, or other law,
20 including the common law, to the contrary, all cities shall permit the
21 construction and occupation of dwelling units with a density of at least
22 twenty-five dwelling units per acre, on any land wherein residential
23 construction and occupation is otherwise permitted if such land is with-
24 in one-half mile of any covered transportation facility.

25 (b) For the purposes of this subdivision, a "covered transportation
26 center" shall be defined as:

1 (i) any rail station owned, operated or otherwise served by the New
2 Jersey transit corporation, or the metropolitan transportation author-
3 ity and its affiliated or subsidiary authorities, including, but not
4 limited to, the Metro-North railroad and the port authority of New
5 York and New Jersey, but not including the Long Island Railroad, where
6 such station is not operated on a seasonal basis and such station is
7 located between one-half mile and sixty miles from the nearest border
8 of a city with a population of greater than one million people, as meas-
9 ured on a straight line from such city's nearest border to such rail
10 station; or

11 (ii) any bus stop or station with designated parking for riders
12 located between one-half mile and sixty miles from the nearest
13 border of a city with a population greater than one million people as
14 measured on a straight line from such city's nearest border to such bus
15 stop or station; or

16 (iii) any rail station owned, operated or otherwise served by the Long
17 Island Railroad that is not located within a city with a population
18 greater than one million people.

19 2. No city shall impose restrictions that effectively prevent the
20 construction or occupation of such dwellings, including, but not limited
21 to height, setbacks, floor area ratios, or parking. Nothing in this
22 section shall be interpreted to override the New York State Environ-
23 mental Quality Review Act or the New York State Uniform Fire Prevention
24 and Building Code Act, or regulations promulgated in accordance with any
25 such act, nor require the alteration or demolition of buildings desig-
26 nated as historical sites as of the date the act that created this
27 section was enacted pursuant to the New York State Historic Preservation

1 Act of 1980, as amended, or the National Historic Preservation Act of
2 1966, as amended.

3 3. A city's written or other comprehensive plan, zoning regulations,
4 special use permit regulations, subdivision regulations, site plan
5 review regulations, or any planning, zoning, or other land use tools
6 enacted under this title, the municipal home rule law, or any general,
7 special or other law, as applicable, shall conform to the requirements
8 set forth in this section.

9 4. (a) Upon a failure of a local government to act upon an application
10 to construct or occupy residences in accordance with this act, or denial
11 of such application in violation of this section, any party aggrieved by
12 any such failure or denial may commence a special proceeding against the
13 subject local government and the officer pursuant to article seventy-
14 eight of the civil practice law and rules, in the supreme court within
15 the judicial district in which the local government or the greater
16 portion of the territory is located, to compel compliance with the
17 provisions of this section.

18 (b) If, upon commencement of such proceeding, it shall appear to the
19 court that testimony is necessary for the proper disposition of the
20 matter, the court may take evidence and determine the matter. Alterna-
21 tively, the court may appoint a hearing officer pursuant to article
22 forty-three of the civil practice law and rules to take such evidence as
23 it may direct and report the same to the court with the hearing offi-
24 cer's findings of fact and conclusions of law, which shall constitute a
25 part of the proceedings upon which the determination of the court shall
26 be made. The court may reverse or affirm, wholly or partly, or may
27 modify any decision brought to the court for review.

1 (c) Costs shall not be allowed against the local government and the
2 officer whose failure or refusal gave rise to the special proceeding,
3 unless it shall appear to the court that the local government and its
4 officer acted with gross negligence or in bad faith or with malice.

5 § 3. The town law is amended by adding a new section 261-d to read as
6 follows:

7 § 261-d. Transit oriented development. 1. (a) Notwithstanding the
8 provisions of any general, special, charter, local, or other law,
9 including the common law, to the contrary, all towns shall permit the
10 construction and occupation of dwelling units with a density of twenty-
11 five dwelling units per acre or more, on any land wherein residential
12 construction and occupation is otherwise permitted if such land is with-
13 in one-half mile of any covered transportation facility.

14 (b) For the purposes of this subdivision, a "covered transportation
15 center" shall be defined as:

16 (i) any rail station owned, operated or otherwise served by the New
17 Jersey transit corporation, or the metropolitan transportation author-
18 ity and its affiliated or subsidiary authorities, including, but not
19 limited to, the Metro-North railroad and the port authority of New
20 York and New Jersey, but not including the Long Island Railroad, where
21 such station is not operated on a seasonal basis and such station is
22 located between one-half mile and sixty miles from the nearest border
23 of a city with a population of greater than one million people, as
24 measured on a straight line from such city's nearest border to such
25 rail station; or

26 (ii) any bus stop or station with designated parking for riders
27 located between one-half mile and sixty miles from the nearest
28 border of a city with a population greater than one million people as

1 measured on a straight line from such city's nearest border to such bus
2 stop or station; or

3 (iii) any rail station owned, operated or otherwise served by the Long
4 Island Railroad that is not located within a city with a population
5 greater than one million people.

6 2. No town shall impose restrictions that effectively prevent the
7 construction or occupation of such dwellings, including, but not limited
8 to height, setbacks, floor area ratios, or parking. Nothing in this
9 section shall be interpreted to override the New York State Environ-
10 mental Quality Review Act or the New York State Uniform Fire Prevention
11 and Building Code Act, or regulations promulgated in accordance with any
12 such act, nor require the alteration or demolition of buildings desig-
13 nated as historical sites as of the date the act that created this
14 section was enacted pursuant to the New York State Historic Preservation
15 Act of 1980, as amended, or the National Historic Preservation Act of
16 1966, as amended.

17 3. A town's written comprehensive plan, zoning regulations, special
18 use permit regulations, subdivision regulations, site plan review regu-
19 lations, or any planning, zoning, or other land use tools enacted under
20 this title, the municipal home rule law, or any general, special or
21 other law, as applicable, shall conform to the requirements set forth in
22 this section.

23 4. (a) Upon a failure of a local government to act upon an application
24 to construct or occupy residences in accordance with this act, or denial
25 of such application in violation of this section, any party aggrieved by
26 any such failure or denial may commence a special proceeding against the
27 subject local government and the officer pursuant to article seventy-
28 eight of the civil practice law and rules, in the supreme court within

1 the judicial district in which the local government or the greater
2 portion of the territory is located, to compel compliance with the
3 provisions of this section.

4 (b) If, upon commencement of such proceeding, it shall appear to the
5 court that testimony is necessary for the proper disposition of the
6 matter, the court may take evidence and determine the matter. Alterna-
7 tively, the court may appoint a hearing officer pursuant to article
8 forty-three of the civil practice law and rules to take such evidence as
9 it may direct and report the same to the court with the hearing offi-
10 cer's findings of fact and conclusions of law, which shall constitute a
11 part of the proceedings upon which the determination of the court shall
12 be made. The court may reverse or affirm, wholly or partly, or may
13 modify any decision brought to the court for review.

14 (c) Costs shall not be allowed against the local government and the
15 officer whose failure or refusal gave rise to the special proceeding,
16 unless it shall appear to the court that the local government and its
17 officer acted with gross negligence or in bad faith or with malice.

18 § 4. The village law is amended by adding a new section 7-700-a to
19 read as follows:

20 § 7-700-a Transit oriented development. 1. (a) Notwithstanding the
21 provisions of any general, special, charter, local, or other law,
22 including the common law, to the contrary, all villages shall permit the
23 construction and occupation of dwelling units with a density of at least
24 twenty-five dwelling units per acre, on any land wherein residential
25 construction and occupation is otherwise permitted if such land is with-
26 in one-half mile of any covered transportation facility.

27 (b) For the purposes of this subdivision, a "covered transportation
28 center" shall be defined as:

1 (i) any rail station owned, operated or otherwise served by the New
2 Jersey transit corporation, or the metropolitan transportation author-
3 ity and its affiliated or subsidiary authorities, including, but not
4 limited to, the Metro-North railroad and the port authority of New
5 York and New Jersey, but not including the Long Island Railroad, where
6 such station is not operated on a seasonal basis and such station is
7 located between one-half mile and sixty miles from the nearest border
8 of a city with a population of greater than one million people, as
9 measured on a straight line from such city's nearest border to such
10 rail station; or

11 (ii) any bus stop or station with designated parking for riders
12 located between one-half mile and sixty miles from the nearest
13 border of a city with a population greater than one million people as
14 measured on a straight line from such city's nearest border to such bus
15 stop or station; or

16 (iii) any rail station owned, operated or otherwise served by the Long
17 Island Railroad that is not located within a city with a population
18 greater than one million people.

19 2. No village shall impose restrictions that effectively prevent the
20 construction or occupation of such dwellings, including, but not limited
21 to height, setbacks, floor area ratios, or parking. Nothing in this
22 section shall be interpreted to override the New York State Environ-
23 mental Quality Review Act or the New York State Uniform Fire Prevention
24 and Building Code Act, or regulations promulgated in accordance with any
25 such act, nor require the alteration or demolition of buildings desig-
26 nated as historical sites as of the date the act that created this
27 section was enacted pursuant to the New York State Historic Preservation

1 Act of 1980, as amended, or the National Historic Preservation Act of
2 1966, as amended.

3 3. A village's written or other comprehensive plan, zoning regu-
4 lations, special use permit regulations, subdivision regulations, site
5 plan review regulations, or any other planning, zoning, or other land
6 use tools enacted under this article, the municipal home rule law, or
7 any general, special or other law, as applicable, shall conform to the
8 requirements set forth in this section.

9 4. (a) Upon a failure of a local government to act upon an application
10 to construct or occupy residences in accordance with this act, or denial
11 of such application in violation of this section, any party aggrieved by
12 any such failure or denial may commence a special proceeding against the
13 subject local government and the officer pursuant to article seventy-
14 eight of the civil practice law and rules, in the supreme court within
15 the judicial district in which the local government or the greater
16 portion of the territory is located, to compel compliance with the
17 provisions of this section.

18 (b) If, upon commencement of such proceeding, it shall appear to the
19 court that testimony is necessary for the proper disposition of the
20 matter, the court may take evidence and determine the matter. Alterna-
21 tively, the court may appoint a hearing officer pursuant to article
22 forty-three of the civil practice law and rules to take such evidence as
23 it may direct and report the same to the court with the hearing offi-
24 cer's findings of fact and conclusions of law, which shall constitute a
25 part of the proceedings upon which the determination of the court shall
26 be made. The court may reverse or affirm, wholly or partly, or may
27 modify any decision brought to the court for review.

1 (c) Costs shall not be allowed against the local government and the
2 officer whose failure or refusal gave rise to the special proceeding,
3 unless it shall appear to the court that the local government and its
4 officer acted with gross negligence or in bad faith or with malice.

5 § 5. This act shall take effect two years after the date on which it
6 shall have become a law.

7 PART FF

8 Section 1. Short title. This act shall be known and may be cited as
9 the "Fair Chance: Reforming the Use of Credit Checks in Tenant Screening
10 Act".

11 § 2. The real property law is amended by adding a new section 227-g to
12 read as follows:

13 § 227-g. Credit checks in tenant screening. 1. No landlord of a resi-
14 dential premises shall refuse to rent or offer a lease to a potential
15 tenant due to a potential tenant's consumer credit history or score, or
16 lack thereof, if the potential tenant:

17 (a) made full rent payments within five days of the date the rent was
18 due for each of the twelve months immediately preceding the submission
19 of the potential tenant's rental application; provided, however, that
20 for rental applications submitted during or prior to June, two thousand
21 twenty-two, missed or late rental payments that accrued between March,
22 two thousand twenty and June, two thousand twenty-one shall not be
23 considered cause to deny an application. In lieu of payments during such
24 exempted time period, a potential tenant may use payments made imme-
25 diately prior to March of two thousand twenty to demonstrate twelve
26 months of consecutive timely rental payments;

1 (b) is the recipient of or a beneficiary of government provided subsi-
2 dy or program that is paid directly to the landlord and pays the monthly
3 rent in its entirety;

4 (c) has a credit history or report wherein any delinquencies,
5 collections, money judgments, liens or other detrimental information are
6 solely due to medical or student loan debt; or

7 (d) has a credit history or report wherein any delinquencies,
8 collections, money judgments, liens or other detrimental information are
9 the direct result of domestic violence, dating violence, sexual assault,
10 or stalking.

11 2. If a potential lessor intends to deny a potential lessee's rental
12 application due to credit history or score, such lessor must inform the
13 potential lessee of the reasons for the denied application in writing
14 and provide the potential lessee with an opportunity to demonstrate that
15 any of the conditions set forth in subdivision one of this section apply
16 to them within five days of receiving such written application denial.

17 3. There shall be a rebuttable presumption that a person is in
18 violation of this section if it is established that the lessor refused
19 to rent or offer a lease to a potential tenant after such lessor
20 requested credit report information and the potential tenant demon-
21 strated that any of the conditions set forth in subdivision one of this
22 section applied to them.

23 4. Whenever the attorney general shall believe from evidence satisfac-
24 tory to him or her that any person, firm, corporation or association or
25 agent or employee thereof has violated this section, he or she may bring
26 an action or special proceeding in the supreme court for a judgment
27 enjoining the continuance of such violation and for a civil penalty of

1 not less than five hundred dollars, but not more than one thousand
2 dollars for each violation.

3 § 3. This act shall take effect on the sixtieth day after it shall
4 have become a law.

5 PART GG

6 Section 1. The executive law is amended by adding a new section 202-a
7 to read as follows:

8 § 202-a. Language translation services. 1. Each state agency that
9 provides direct public services in New York state shall translate all
10 vital documents relevant to services offered by the agency into the ten
11 most common non-English languages spoken by limited-English proficient
12 individuals in the state, based on the data in the most recent American
13 Community Survey published by United States Census Bureau. Agencies
14 subject to this section, in their discretion, shall offer at least two
15 additional languages beyond the ten most common languages. Such
16 languages shall be decided by the state agency and approved by the
17 office of general services based on the population of limited-English
18 proficient individuals served by the agency, feedback from impacted
19 community or advocacy groups, the geographic region within which the
20 services are offered, any other relevant data published by the United
21 States Census Bureau.

22 2. Each agency subject to the provisions of this section shall desig-
23 nate a language access coordinator who will work with the office of
24 general services to ensure compliance with the requirements of this
25 section.

1 3. Each agency subject to the provisions of this section shall develop
2 a language access plan and submit such plan to the office of general
3 services.

4 (a) An agency's initial language access plan shall be issued by the
5 agency within ninety days of the effective date of this section.

6 (b) Language access plans shall be updated and reissued every two
7 years on or before January first.

8 (c) Language access plans shall set forth, at a minimum:

9 (i) when and by what means the agency will provide or is already
10 providing language assistance services;

11 (ii) the titles of all available translated documents and the
12 languages into which they have been translated;

13 (iii) the number of public contact positions in the agency and the
14 number of bilingual employees in public contact positions, and the
15 languages such employees speak;

16 (iv) a training plan for agency employees which includes, at minimum,
17 annual training on the language access policies of the agency and train-
18 ing in how to provide language assistance services;

19 (v) a plan for annual internal monitoring of the agency's compliance
20 with this section;

21 (vi) a description of how the agency intends to notify the public of
22 the agency's offered language assistant services;

23 (vii) an assessment of the agency's service populations to determine
24 whether additional languages of translation should be added beyond the
25 top ten languages;

26 (viii) an explanation as to how the agency determined it would provide
27 any additional language beyond the top ten languages required by this
28 section; and

1 (ix) the identity of the agency's language access coordinator.

2 4. Each agency subject to the provisions of this section shall:

3 (a) provide interpretation services between the agency and an individ-
4 ual in each individual's primary language with respect to the provision
5 of services or benefits by the agency; and

6 (b) publish the agency's language access plan on the agency's website.

7 5. For purposes of this section, "vital document" means any paper or
8 digital document that contains information that is critical for obtain-
9 ing agency services or benefits or is otherwise required to be completed
10 by law.

11 6. The office of general services will ensure agency compliance with
12 this section and shall prepare an annual report, which shall be made
13 public on the office of general services website, detailing each agen-
14 cy's progress and compliance with this section.

15 § 2. This act shall take effect July 1, 2022.

16 PART HH

17 Section 1. Section 211 of the retirement and social security law is
18 amended by adding a new subdivision 9 to read as follows:

19 9. Notwithstanding the provisions of this section, sections two
20 hundred twelve and four hundred one of this chapter and section five
21 hundred three of the education law and any other law, regulation, rule,
22 local law, or charter to the contrary, a retired person may be employed
23 and earn compensation in a position or positions in a public school in
24 the state without any effect on his or her status as retired and without
25 suspension or diminution of his or her retirement allowance and without
26 prior approval pursuant to subdivision two of this section. Earnings

1 received as a result of employment in a public school in the state shall
2 not be applied to a retired person's earnings when calculating the earn-
3 ings limitations imposed by subdivisions one and two of section two
4 hundred twelve of this article.

5 § 2. This act shall take effect immediately and shall expire and be
6 deemed repealed June 30, 2024.

7 PART II

8 Section 1. The real property tax law is amended by adding a new
9 section 485-w to read as follows:

10 § 485-w. Affordable neighborhoods for New Yorkers tax incentive. 1.
11 Definitions. For purposes of this section:

12 (a) "Affordable neighborhoods for New Yorkers tax incentive benefits
13 (hereinafter referred to as "ANNY Program benefits")" shall mean the
14 exemption from real property taxation pursuant to this section.

15 (b) "Affordability option A" shall mean that, within any eligible
16 multiple dwelling: (i) not less than ten percent of the dwelling units
17 are affordable housing forty percent units; (ii) not less than an addi-
18 tional ten percent of the dwelling units are affordable housing sixty
19 percent units; and (iii) not less than an additional five percent of the
20 dwelling units are affordable housing eighty percent units.

21 (c) "Affordability option B" shall mean that, within any eligible
22 multiple dwelling, not less than twenty percent of the dwelling units
23 are affordable housing ninety percent units.

24 (d) "Affordability option C" shall only apply to a homeownership
25 project, of which one hundred percent of the units shall, upon initial
26 sale immediately subsequent to the completion date and upon each subse-

1 quent sale for forty years immediately subsequent to the completion
2 date, be affordable to individuals or families whose household income
3 does not exceed one hundred thirty percent of the area median income,
4 adjusted for family size, and where each owner of any such unit shall
5 agree, in writing, to maintain such unit as their primary residence for
6 no less than five years from the acquisition of such unit, and such
7 project is subject to a regulatory agreement with a city or state agen-
8 cy.

9 (e) "Affordability percentage" shall mean a fraction, the numerator of
10 which is the number of affordable housing units in an eligible multiple
11 dwelling and the denominator of which is the total number of dwelling
12 units in such eligible multiple dwelling.

13 (f) "Affordable housing forty percent unit" shall mean a dwelling unit
14 that: (i) is situated within the eligible multiple dwelling for which
15 ANNY Program benefits are granted; and (ii) upon initial rental and upon
16 each subsequent rental following a vacancy during the restriction period
17 is affordable to and restricted to occupancy by individuals or families
18 whose household income does not exceed forty percent of the area median
19 income, adjusted for family size, at the time that such household
20 initially occupies such dwelling unit.

21 (g) "Affordable housing sixty percent unit" shall mean a dwelling unit
22 that: (i) is situated within the eligible multiple dwelling for which
23 ANNY Program benefits are granted; and (ii) upon initial rental and upon
24 each subsequent rental following a vacancy during the restriction period
25 or extended restriction period, as applicable, is affordable to and
26 restricted to occupancy by individuals or families whose household
27 income does not exceed sixty percent of the area median income, adjusted

1 for family size, at the time that such household initially occupies such
2 dwelling unit.

3 (h) "Affordable housing eighty percent unit" shall mean a dwelling
4 unit that: (i) is situated within the eligible multiple dwelling for
5 which ANNY Program benefits are granted; and (ii) upon initial rental
6 and upon each subsequent rental following a vacancy during the
7 restriction period or extended restriction period, as applicable, is
8 affordable to and restricted to occupancy by individuals or families
9 whose household income does not exceed eighty percent of the area median
10 income, adjusted for family size, at the time that such household
11 initially occupies such dwelling unit.

12 (i) "Affordable housing ninety percent unit" shall mean a dwelling
13 unit that: (i) is situated within the eligible multiple dwelling for
14 which ANNY Program benefits are granted; and (ii) upon initial rental
15 and upon each subsequent rental following a vacancy during the
16 restriction period or extended restriction period, as applicable, is
17 affordable to and restricted to occupancy by individuals or families
18 whose household income does not exceed ninety percent of the area median
19 income, adjusted for family size, at the time that such household
20 initially occupies such dwelling unit.

21 (j) "Affordable housing unit" shall mean, collectively and individual-
22 ly, affordable housing forty percent units, affordable housing sixty
23 percent units, affordable housing eighty percent units, and affordable
24 housing ninety percent units.

25 (k) "Agency" shall mean the department of housing preservation and
26 development.

27 (l) "Alternative construction wage standard" shall be defined as a
28 wage standard for construction workers doing construction work that may,

1 at the discretion of the commissioner of labor, be determined by the
2 commissioner of labor. In publishing such standard, the commissioner of
3 labor, in consultation with the commissioner of housing and community
4 renewal, shall consider economic indicators the commissioner of labor
5 deems relevant to ensuring the economic feasibility of affordable hous-
6 ing development.

7 (m) "Application" shall mean an application for ANNY Program benefits.

8 (n) "Average hourly wage" shall mean the amount equal to the aggregate
9 amount of all wages and all employee benefits paid to, or on behalf of,
10 construction workers for construction work divided by the aggregate
11 number of hours of construction work.

12 (o) "Brooklyn prime development area" shall mean any tax lots now
13 existing or hereafter created which are located entirely within communi-
14 ty boards one or two of the borough of Brooklyn bounded and described as
15 follows: All that piece or parcel of land situate and being in the
16 boroughs of Queens and Brooklyn, New York. Beginning at the point of
17 intersection of the centerline of Newtown Creek and the westerly bounds
18 of the East River; Thence southeasterly along the centerline of Newtown
19 Creek, said centerline also being the boundary between Queens County to
20 the northeast and Kings County to the southwest, to the point of inter-
21 section with Greenpoint Avenue; Thence southwesterly along Greenpoint
22 Avenue, to the intersection with Kings Land Avenue; Thence southerly
23 along Kingsland Avenue to the intersection with Meeker Avenue; Thence
24 southwesterly along Meeker Avenue to the intersection with Leonard
25 Street; Thence southerly along Leonard Street to the intersection with
26 Metropolitan Avenue; Thence westerly along Metropolitan Avenue to the
27 intersection with Lorimer Street; Thence southerly along Lorimer Street
28 to the intersection with Montrose Avenue; Thence westerly along Montrose

1 Avenue to the intersection with Union Avenue; Thence southerly along
2 Union Avenue to the intersection with Johnson Avenue; Thence westerly
3 along Johnson Avenue to the intersection with Broadway; Thence northwes-
4 terly along Broadway to the intersection with Rutledge Street; Thence
5 southwesterly along Rutledge Street to the intersection with Kent Avenue
6 and Classon Avenue; Thence southwesterly and southerly along Classon
7 Avenue to the intersection with Dekalb Avenue; Thence westerly along
8 Dekalb Avenue to the intersection with Bond Street; Thence southwesterly
9 along Bond Street to the intersection with Wyckoff Street; Thence
10 northwesterly along Wyckoff Street to the intersection with Hoyt Street;
11 Thence southwesterly along Hoyt Street to the intersection with Warren
12 Street; Thence northwesterly along Warren Street to the intersection
13 with Court Street; Thence northeasterly along Court Street to the inter-
14 section with Atlantic Avenue; Thence northwesterly along Atlantic
15 Avenue, crossing under The Brooklyn Queens Expressway, to the terminus
16 of Atlantic Avenue at the Brooklyn Bridge Park/Pier 6; Thence northwes-
17 terly passing through the Brooklyn Bridge Park to the bulkhead of the
18 East River at Pier 6; Thence in a general northeasterly direction along
19 the easterly bulkhead or shoreline of the East River to the intersection
20 with the centerline of Newtown Creek, and the point or place of Begin-
21 ning.

22 (p) "Building service employee" shall mean any person who is regularly
23 employed at, and performs work in connection with the care or mainte-
24 nance of, an eligible site, including, but not limited to, a watchman,
25 guard, doorman, building cleaner, porter, handyman, janitor, gardener,
26 groundskeeper, elevator operator and starter, and window cleaner, but
27 not including persons regularly scheduled to work fewer than eight hours
28 per week at the eligible site.

1 (q) "Commencement date" shall mean, with respect to any eligible
2 multiple dwelling, the date upon which excavation and construction of
3 initial footings and foundations lawfully begins in good faith or, for
4 an eligible conversion, the date upon which the actual construction of
5 the conversion, alteration or improvement of the pre-existing building
6 or structure lawfully begins in good faith.

7 (r) "Completion date" shall mean, with respect to any eligible multi-
8 ple dwelling, the date upon which the local department of buildings
9 issues the first temporary or permanent certificate of occupancy cover-
10 ing all residential areas of an eligible multiple dwelling.

11 (s) "Construction period" shall mean, with respect to any eligible
12 multiple dwelling, a period: (i) beginning on the later of the commence-
13 ment date of such eligible multiple dwelling or three years before the
14 completion date of such eligible multiple dwelling; and (ii) ending on
15 the day preceding the completion date of such eligible multiple dwell-
16 ing.

17 (t) "Construction wage" shall mean, collectively, the alternative
18 construction wage standard and the average hourly wage.

19 (u) "Construction work" shall mean the provision of labor performed on
20 an eligible site between the commencement date and the completion date,
21 whereby materials and constituent parts are combined to initially form,
22 make or build an eligible multiple dwelling, including without limita-
23 tion, painting, or providing of material, articles, supplies or equip-
24 ment in the eligible multiple dwelling, but excluding security personnel
25 and work related to the fit-out of commercial spaces.

26 (v) "Construction workers" shall mean all persons performing
27 construction work who (i) are paid on an hourly basis and (ii) are not
28 in a management or executive role or position.

1 (w) "Contractor certified payroll report" shall mean an original
2 payroll report submitted by a contractor or sub-contractor to the inde-
3 pendent monitor setting forth to the best of the contractor's or sub-
4 contractor's knowledge, the total number of hours of construction work
5 performed by construction workers, the amount of wages and employee
6 benefits paid to construction workers for construction work.

7 (x) "Eligible conversion" shall mean the conversion, alteration or
8 improvement of a pre-existing building or structure resulting in a
9 multiple dwelling in which no more than forty-nine percent of the floor
10 area consists of such pre-existing building or structure.

11 (y) "Eligible multiple dwelling" shall mean a multiple dwelling or
12 homeownership project containing six or more dwelling units created
13 through new construction or eligible conversion for which the commence-
14 ment date is after June fifteenth, two thousand twenty-two and on or
15 before June fifteenth, two thousand twenty-seven, and for which the
16 completion date is on or before June fifteenth, two thousand thirty-one.

17 (z) "Eligible site" shall mean either: (i) a tax lot containing an
18 eligible multiple dwelling; or (ii) a zoning lot containing two or more
19 eligible multiple dwellings that are part of a single application.

20 (aa) "Employee benefits" shall mean all supplemental compensation paid
21 by the employer, on behalf of construction workers, other than wages,
22 including, without limitation, any premiums or contributions made into
23 plans or funds that provide health, welfare, non-occupational disability
24 coverage, retirement, vacation benefits, holiday pay, life insurance and
25 apprenticeship training. The value of any employee benefits received
26 shall be determined based on the prorated hourly cost to the employer of
27 the employee benefits received by construction workers.

1 (bb) "Prime development area" shall mean the Manhattan prime develop-
2 ment area, the Brooklyn prime development area and the Queens prime
3 development area.

4 (cc) "Fiscal officer" shall mean the comptroller or other analogous
5 officer in a city having a population of one million or more.

6 (dd) "Floor area" shall mean the horizontal areas of the several
7 floors, or any portion thereof, of a dwelling or dwellings, and accesso-
8 ry structures on a lot measured from the exterior faces of exterior
9 walls, or from the center line of party walls.

10 (ee) "Four percent tax credits" shall mean federal low-income housing
11 tax credits computed in accordance with clause (ii) of subparagraph (B)
12 of paragraph (1) of subsection (b) of section forty-two of the internal
13 revenue code of nineteen hundred eighty-six, as amended.

14 (ff) "Forty-year benefit" shall mean: (i) for the construction period,
15 a one hundred percent exemption from real property taxation, other than
16 assessments for local improvements; and (ii) for the first forty years
17 of the restriction period, a one hundred percent exemption from real
18 property taxation, other than assessments for local improvements.

19 (gg) "Homeownership project" shall mean a multiple dwelling operated
20 as condominium or cooperative housing.

21 (hh) "Homeownership project restriction period" shall mean a period
22 commencing on the completion date and expiring on the fortieth anniver-
23 sary of the completion date, notwithstanding any earlier termination or
24 revocation of ANNY Program benefits.

25 (ii) "Independent monitor" shall mean an accountant licensed and in
26 good standing pursuant to article one hundred forty-nine of the educa-
27 tion law.

1 (jj) "Job action" shall mean any delay, interruption or interference
2 with the construction work caused by the actions of any labor organiza-
3 tion or concerted action of any employees at the eligible site, includ-
4 ing without limitation, strikes, sympathy strikes, work stoppages, walk
5 outs, slowdowns, picketing, bannering, hand billing, demonstrations,
6 sickouts, refusals to cross a picket line, refusals to handle struck
7 business, and use of the rat or other inflatable balloons or similar
8 displays.

9 (kk) "Large rental project" shall mean an eligible multiple dwelling
10 consisting of thirty or more residential dwelling units in which all
11 dwelling units included in any application are operated as rental hous-
12 ing.

13 (ll) "Large rental project restriction period" shall mean a period
14 commencing on the completion date and extending in perpetuity, notwith-
15 standing any earlier termination or revocation of ANNY Program benefits.

16 (mm) "Manhattan prime development area" shall mean any tax lots, now
17 existing or hereafter created, located entirely south of 96th street in
18 the borough of Manhattan.

19 (nn) "Market unit" shall mean a dwelling unit in an eligible multiple
20 dwelling other than an affordable housing unit.

21 (oo) "Multiple dwelling" shall have the same meaning set forth in
22 subdivision seven of section four of the multiple dwelling law.

23 (pp) "Non-residential tax lot" shall mean a tax lot that does not
24 contain any dwelling units.

25 (qq) "Project labor agreement" shall mean a pre-hire collective
26 bargaining agreement setting forth the terms and conditions of employ-
27 ment for the construction workers on an eligible site.

1 (rr) "Project-wide certified payroll report" shall mean a certified
2 payroll report submitted by the independent monitor to the fiscal offi-
3 cer based on each contractor certified payroll report which sets forth
4 the total number of hours of construction work performed by construction
5 workers, the amount of wages and employee benefits paid to construction
6 workers for construction work and the construction wage.

7 (ss) "Queens prime development area" shall mean any tax lots now
8 existing or hereafter created which are located entirely within communi-
9 ty boards one or two of the borough of Queens bounded and described as
10 follows: All that piece or parcel of land situate and being in the
11 boroughs of Queens and Brooklyn, New York. Beginning at the point being
12 the intersection of the easterly shore of the East River with a line of
13 prolongation of 20th Avenue projected northwesterly; Thence southeaster-
14 ly on the line of prolongation of 20th Avenue and along 20th Avenue to
15 the intersection with 31st Street; Thence southwesterly along 31st
16 Street to the intersection with Northern Boulevard; Thence southwesterly
17 along Northern Boulevard to the intersection with Queens Boulevard;
18 Thence southeasterly along Queens Boulevard to the intersection with Van
19 Dam Street; Thence southerly along Van Dam Street to the intersection
20 with Borden Avenue; Thence southwesterly along Van Dam Street to the
21 intersection with Greenpoint Avenue and Review Avenue; Thence southwes-
22 terly along Greenpoint Avenue to the point of intersection with the
23 centerline of Newtown Creek, said centerline of Newtown Creek also being
24 the boundary between Queens County to the north and Kings County to the
25 south; Thence northwesterly along the centerline of Newtown Creek, also
26 being the boundary between Queens County and Kings County to its inter-
27 section with the easterly bounds of the East River; Thence in a general

1 northeasterly direction along the easterly bulkhead or shoreline of the
2 East River to the point or place of Beginning.

3 (tt) "Rent stabilization" shall mean, collectively, the rent stabili-
4 zation law of nineteen hundred sixty-nine, the rent stabilization code,
5 and the emergency tenant protection act of nineteen seventy-four, all as
6 in effect as of the effective date of the chapter of the laws of two
7 thousand twenty-two that added this section or as amended thereafter,
8 together with any successor statutes or regulations addressing substan-
9 tially the same subject matter.

10 (uu) "Rental project" shall mean, collectively, large rental project
11 and small rental project.

12 (vv) "Residential tax lot" shall mean a tax lot that contains dwelling
13 units.

14 (ww) "Small rental project" shall mean an eligible multiple dwelling
15 consisting of less than thirty residential dwelling units in which all
16 dwelling units included in any application are operated as rental hous-
17 ing.

18 (xx) "Small rental project restriction period" shall mean a period
19 commencing on the completion date and expiring on the thirty-fifth anni-
20 versary of the completion date, notwithstanding any earlier termination
21 or revocation of ANNY Project benefits.

22 (yy) "Tax exempt bond proceeds" shall mean the proceeds of an exempt
23 facility bond, as defined in paragraph seven of subsection (a) of
24 section one hundred forty-two of the internal revenue code of nineteen
25 hundred eighty-six, as amended, the interest upon which is exempt from
26 taxation under section one hundred three of the internal revenue code of
27 nineteen hundred eighty-six, as amended.

1 (zz) "Third-party fund administrator" shall be a person or entity that
2 receives funds pursuant to subdivision three of this section and over-
3 sees and manages the disbursement of such funds to construction workers.
4 The third-party fund administrator shall be a person or entity approved
5 by the fiscal officer and recommended by one, or more, representative or
6 representatives of the largest trade association of residential real
7 estate developers, either for profit or not-for-profit, in New York city
8 and one, or more, representative or representatives of the largest trade
9 labor association representing building and construction workers, with
10 membership in New York city. The third-party fund administrator shall
11 be appointed for a term of three years, provided, however, that the
12 administrator in place at the end of a three-year term shall continue to
13 serve beyond the end of the term until a replacement administrator is
14 appointed. The fiscal officer after providing notice and after meeting
15 with the third-party fund administrator, may remove such administrator
16 for cause upon a fiscal officer determination that the administrator has
17 been ineffective at overseeing or managing the disbursement of funds to the
18 construction workers. The third-party fund administrator shall, at the
19 request of the fiscal officer, submit reports to the fiscal officer.

20 (aaa) "Thirty-five year benefit" shall mean: (i) for the construction
21 period, a one hundred percent exemption from real property taxation,
22 other than assessments for local improvements; (ii) for the first twen-
23 ty-five years of the restriction period, a one hundred percent exemption
24 from real property taxation, other than assessments for local improve-
25 ments; and (iii) for the final ten years of the restriction period, an
26 exemption from real property taxation, other than assessments for local
27 improvements, equal to the affordability percentage.

1 (bbb) "Wages" shall mean all compensation, remuneration or payments of
2 any kind paid to, or on behalf of, construction workers, including,
3 without limitation, any hourly compensation paid directly to the
4 construction worker, together with employee benefits, such as health,
5 welfare, non-occupational disability coverage, retirement, vacation
6 benefits, holiday pay, life insurance and apprenticeship training, and
7 payroll taxes, including, to the extent permissible by law, all amounts
8 paid for New York state unemployment insurance, New York state disabili-
9 ty insurance, metropolitan commuter transportation mobility tax, federal
10 unemployment insurance and pursuant to the federal insurance contrib-
11 utions act or any other payroll tax that is paid by the employer.

12 2. Benefit. In cities having a population of one million or more,
13 notwithstanding the provisions of any other subdivision of this section
14 or of any general, special or local law to the contrary, new eligible
15 multiple dwellings, except hotels, that comply with the provisions of
16 this section shall be exempt from real property taxation, other than
17 assessments for local improvements, in the amounts and for the periods
18 specified in this section. A rental project that meets all of the
19 requirements of this section shall receive a thirty-five year benefit
20 and a homeownership project that meets all of the requirements of this
21 section shall receive a forty-year benefit.

22 3. Rental projects. In addition to all other requirements set forth in
23 this section, rental projects containing three hundred or more rental
24 dwelling units located within the prime development area shall comply
25 with the requirements set forth in this subdivision. For purposes of
26 this subdivision, "contractor" shall mean any entity which by agreement
27 with another party, including sub-contractors, undertakes to perform

1 construction work at an eligible site and "applicant" shall mean an
2 applicant for ANNY Program benefits and any successor thereto.

3 (a) Such rental project shall comply with affordability option A.

4 (b) Construction workers on an eligible site within the Manhattan
5 prime development area shall be paid according to the alternative
6 construction wage standard, which may, at the discretion of the commis-
7 sioner of labor, be determined by the commissioner of labor. Until such
8 time as such standard is determined by the commissioner of labor, the
9 minimum average hourly wage paid to construction workers on an eligible
10 site within the Manhattan prime development area shall be no less than
11 sixty-three dollars per hour. One year from the effective date of the
12 chapter of the laws of two thousand twenty-two that added this section
13 and every three years thereafter, the minimum average hourly wage shall
14 be increased by five percent; provided, however, that any building with
15 a commencement date prior to the date of such increase shall be required
16 to pay the minimum average hourly wage as required on its commencement
17 date.

18 (c) Construction workers on an eligible site within the Brooklyn prime
19 development area or the Queens prime development area shall be paid
20 according to the alternative construction wage standard, which may, at
21 the discretion of the commissioner of labor, be determined by the
22 commissioner of labor. Until such time as such standard is determined by
23 the commissioner of labor, the minimum average hourly wage paid to
24 construction workers on an eligible site within the Brooklyn prime
25 development area or the Queens prime development area shall be no less
26 than forty-seven dollars and twenty-five cents per hour. One year from
27 the effective date of the chapter of the laws of two thousand twenty-two
28 that added this section and every three years thereafter, the minimum

1 average hourly wage shall be increased by five percent; provided, howev-
2 er, that any building with a commencement date prior to the date of such
3 increase shall be required to pay the minimum average hourly wage as
4 required on its commencement date.

5 (d) The requirements of paragraphs (b) and (c) of this subdivision
6 shall not be applicable to:

7 (i) an eligible multiple dwelling in which at least fifty percent of
8 the dwelling units upon initial rental and upon each subsequent rental
9 following a vacancy during the extended restriction period, are afforda-
10 ble to and restricted to occupancy by individuals or families whose
11 household income does not exceed eighty percent of the area median
12 income, adjusted for family size, at the time that such household
13 initially occupies such dwelling unit;

14 (ii) any portion of an eligible multiple dwelling which is owned and
15 operated as a condominium or cooperative; or

16 (iii) at the option of the applicant, to an eligible site subject to a
17 project labor agreement.

18 (e) The applicant shall contract with an independent monitor. Such
19 independent monitor shall submit to the fiscal officer within one year
20 of the completion date, a project-wide certified payroll report. In the
21 event such project-wide certified payroll report is not submitted to the
22 fiscal officer within the requisite time, the applicant shall be subject
23 to a fine of one thousand dollars per week, or any portion thereof;
24 provided that the maximum fine shall be seventy-five thousand dollars.
25 In the event that the wage paid is less than the construction wage set
26 forth in paragraph (b) or (c) of this subdivision as applicable, the
27 project-wide certified payroll report shall also set forth the amount of
28 such deficiency.

1 (f) The contractor certified payroll report shall be submitted by each
2 contractor and sub-contractor no later than ninety days after the
3 completion of construction work by such contractor or sub-contractor. In
4 the event that a contractor or sub-contractor fails or refuses to submit
5 the contractor certified payroll report within the time prescribed in
6 this paragraph, the independent monitor shall notify the fiscal officer
7 and the fiscal officer shall be authorized to fine such contractor or
8 sub-contractor in the amount of one thousand dollars per week, or any
9 portion thereof, provided that the maximum fine shall be seventy-five
10 thousand dollars.

11 (g) In the event that the project-wide certified payroll report shows
12 that the wage paid as required by paragraph (b) or (c) of this subdivi-
13 sion, as applicable, was not paid, if the wage paid is within fifteen
14 percent of the construction wage required by paragraph (b) or (c) of
15 this subdivision, as applicable, then no later than one hundred twenty
16 days from the date of submission of such project-wide certified payroll
17 report, the applicant shall pay to the third-party fund administrator an
18 amount equal to the amount of the deficiency set forth in the project-
19 wide certified payroll report. The third-party fund administrator shall
20 distribute such payment to the construction workers who performed
21 construction work on such eligible site. Prior to making such repayment,
22 the third-party fund administrator shall submit to the fiscal officer a
23 plan subject to the fiscal officer's approval setting forth the manner
24 in which the third-party fund administrator will reach the required
25 construction wage within one hundred fifty days of receiving the payment
26 from the applicant and how any remaining funds will be disbursed in the
27 event that the third-party fund administrator cannot distribute the
28 funds to the construction workers within one year of receiving fiscal

1 officer approval. In the event that the applicant fails to make such
2 payment within the time period prescribed in this paragraph, the appli-
3 cant shall be subject to a fine of one thousand dollars per week
4 provided that the maximum fine shall be seventy-five thousand dollars.
5 If the wage paid is more than fifteen percent below the construction
6 wage required by paragraph (b) or (c) of this subdivision, as applica-
7 ble, then no later than one hundred twenty days from the date of
8 submission of such project-wide certified payroll report, the applicant
9 shall pay to the third-party fund administrator an amount equal to the
10 amount of the deficiency set forth in the project-wide payroll report.
11 The third-party fund administrator shall distribute such payment to the
12 construction workers who performed construction work on such eligible
13 site. Prior to making such repayment, the third-party fund administrator
14 shall submit to the fiscal officer a plan subject to the fiscal offi-
15 cer's approval setting forth the manner in which the third-party fund
16 administrator will reach the required construction wage within one
17 hundred fifty days of receiving the payment from the applicant and how
18 any remaining funds will be disbursed in the event that the third-party
19 fund administrator cannot distribute the funds to the construction work-
20 ers within one year of receiving fiscal officer approval. In addition,
21 the fiscal officer shall impose a penalty on the applicant in an amount
22 equal to twenty-five percent of the amount of the deficiency, provided,
23 however, that the fiscal officer shall not impose such penalty where the
24 eligible multiple dwelling has been the subject of a job action which
25 results in a work delay. In the event that the applicant fails to make
26 such payment within the time period prescribed in this paragraph, the
27 applicant shall be subject to a fine of one thousand dollars per week,
28 provided that the maximum fine shall be seventy-five thousand dollars.

1 Notwithstanding any provision of this subdivision, the applicant shall
2 not be liable in any respect whatsoever for any payments, fines or
3 penalties related to or resulting from contractor fraud, mistake, or
4 negligence or for fraudulent or inaccurate contractor certified payroll
5 reports or for fraudulent or inaccurate project-wide certified payroll
6 reports, provided, however, that payment to the third-party fund admin-
7 istrator in the amount set forth in the project-wide certified payroll
8 report as described in this paragraph shall still be made by the
9 contractor or sub-contractor in the event of underpayment resulting from
10 or caused by the contractor or sub-contractor, and that the applicant
11 will be liable for underpayment to the third-party fund administrator
12 unless the fiscal officer determines, in its sole discretion, that the
13 underpayment was the result of, or caused by, contractor fraud, mistake
14 or negligence and/or for fraudulent or inaccurate contractor certified
15 payroll reports and/or project-wide certified payroll reports. The
16 applicant shall otherwise not be liable in any way whatsoever once the
17 payment to the third-party fund administrator has been made in the
18 amount set forth in the project-wide certified payroll report. Other
19 than the underpayment, which must be paid to the third-party fund admin-
20 istrator, all fines and penalties set forth in this subdivision imposed
21 by the fiscal officer shall be paid to the agency and used by the agency
22 to provide affordable housing.

23 (h) Nothing in this subdivision shall be construed to confer a private
24 right of action to enforce the provisions of this subdivision, provided,
25 however, that this sentence shall not be construed as a waiver of any
26 existing rights of construction workers or their representatives related
27 to wage and benefit collection, wage theft or other labor protections or

1 rights and provided, further, that nothing in this subdivision relieves
2 any obligations pursuant to a collective bargaining agreement.

3 (i) The fiscal officer shall have the sole authority to determine and
4 enforce any liability for underpayment owing to the third-party fund
5 administrator from the applicant and/or the contractor, as a result of
6 contractor fraud, mistake or negligence and/or for fraudulent or inaccu-
7 rate contractor certified payroll reports and/or project-wide certified
8 payroll reports, as set forth in paragraph (f) of this subdivision. The
9 fiscal officer shall expeditiously conduct an investigation and hearing
10 at the New York city office of administrative trials and hearings, shall
11 determine the issues raised thereon and shall make and file an order in
12 his or her office stating such determination and forthwith serve a copy
13 of such order, either personally or by mail, together with notice of
14 filing, upon the parties to such proceedings. The fiscal officer in such
15 an investigation shall be deemed to be acting in a judicial capacity and
16 shall have the right to issue subpoenas, administer oaths and examine
17 witnesses. The enforcement of a subpoena issued under this paragraph
18 shall be regulated by the civil practice law and rules. The filing of
19 such order shall have the full force and effect of a judgment duly dock-
20 eted in the office of the county clerk. The order may be enforced by and
21 in the name of the fiscal officer in the same manner, and with like
22 effect, as that prescribed by the civil practice law and rules for the
23 enforcement of a money judgment.

24 4. Tax payments. In addition to any other amounts payable pursuant to
25 this section, the owner of any eligible site receiving ANNY Program
26 benefits shall pay, in each tax year in which such ANNY Program benefits
27 are in effect, real property taxes and assessments as follows:

1 (a) with respect to each eligible multiple dwelling constructed on
2 such eligible site, real property taxes on the assessed valuation of
3 such land and any improvements thereon in effect during the tax year
4 prior to the commencement date of such eligible multiple dwelling, with-
5 out regard to any exemption from or abatement of real property taxation
6 in effect during such tax year, which real property taxes shall be
7 calculated using the tax rate in effect at the time such taxes are due;
8 and

9 (b) all assessments for local improvements.

10 5. Limitation on benefits for non-residential space. If the aggregate
11 floor area of commercial, community facility and accessory use space in
12 an eligible site, other than parking which is located not more than
13 twenty-three feet above the curb level, exceeds twelve percent of the
14 aggregate floor area in such eligible site, any ANNY Program benefits
15 shall be reduced by a percentage equal to such excess. If an eligible
16 site contains multiple tax lots, the tax arising out of such reduction
17 in ANNY Program benefits shall first be apportioned pro rata among any
18 non-residential tax lots. After any such non-residential tax lots are
19 fully taxable, the remainder of the tax arising out of such reduction in
20 ANNY Program benefits, if any, shall be apportioned pro rata among the
21 remaining residential tax lots.

22 6. Calculation of benefit. Based on the certification of the agency
23 certifying the applicant's eligibility for ANNY Program benefits, the
24 assessors shall certify to the collecting officer the amount of taxes to
25 be exempted.

26 7. Affordability requirements. A large rental project shall comply
27 with affordability option A for the duration of the large rental project
28 restriction period. A small rental project shall comply with affordabil-

1 ity option B for the duration of the small rental project restriction
2 period. A homeownership project shall comply with affordability option C
3 for the duration of the homeownership project restriction period. Such
4 election shall be made in the application and shall not thereafter be
5 changed.

6 (a) All rental dwelling units in an eligible multiple dwelling shall
7 share the same common entrances and common areas as market rate units in
8 such eligible multiple dwelling and shall not be isolated to a specific
9 floor or area of an eligible multiple dwelling. Common entrances shall
10 mean any area regularly used by any resident of a rental dwelling unit
11 in the eligible multiple dwelling for ingress and egress from such
12 eligible multiple dwelling.

13 (b) Unless preempted by the requirements of a federal, state or local
14 housing program, either (i) the affordable housing units in an eligible
15 multiple dwelling shall have a unit mix proportional to the market
16 units, or (ii) at least fifty percent of the affordable housing units in
17 an eligible multiple dwelling shall have two or more bedrooms and no
18 more than twenty-five percent of the affordable housing units shall have
19 less than one bedroom.

20 (c) Notwithstanding any provision of rent stabilization to the contra-
21 ry, all affordable housing units shall remain fully subject to rent
22 stabilization both during and subsequent to the small building
23 restriction period or the large building restriction period, as applica-
24 ble.

25 (d) All rent stabilization registrations required to be filed shall
26 contain a designation that specifically identifies affordable housing
27 units created pursuant to this section as "ANNY Program affordable hous-

1 ing units" and shall contain an explanation of the requirements that
2 apply to all such affordable housing units.

3 (e) Failure to comply with the provisions of this subdivision that
4 require the creation, maintenance, rent stabilization compliance and
5 occupancy of affordable housing units or for purposes of a homeownership
6 project the failure to comply with affordability option C shall result
7 in revocation of any ANNY Program benefits for the period of such non-
8 compliance.

9 (f) Nothing in this section shall (i) prohibit the occupancy of an
10 affordable housing unit by individuals or families whose income at any
11 time is less than the maximum percentage of the area median income,
12 adjusted for family size, specified for such affordable housing unit
13 pursuant to this section, or (ii) prohibit the owner of an eligible site
14 from requiring, upon initial rental or upon any rental following a
15 vacancy, the occupancy of any affordable housing unit by such lower
16 income individuals or families.

17 (g) Following issuance of a temporary certificate of occupancy and
18 upon each vacancy thereafter, an affordable housing unit shall promptly
19 be offered for rental by individuals or families whose income does not
20 exceed the maximum percentage of the area median income, adjusted for
21 family size, specified for such affordable housing unit pursuant to this
22 section and who intend to occupy such affordable housing unit as their
23 primary residence. An affordable housing unit shall not be (i) rented to
24 a corporation, partnership or other entity, or (ii) held off the market
25 for a period longer than is reasonably necessary to perform repairs
26 needed to make such affordable housing unit available for occupancy.

27 (h) An affordable housing unit shall not be rented on a temporary,
28 transient or short-term basis. Every lease and renewal thereof for an

1 affordable housing unit shall be for a term of one or two years, at the
2 option of the tenant.

3 (i) An affordable housing rental unit shall not be converted to coop-
4 erative or condominium ownership.

5 (j) The agency may establish by rule such requirements as the agency
6 deems necessary or appropriate for (i) the marketing of affordable hous-
7 ing units, both upon initial occupancy and upon any vacancy, (ii) moni-
8 toring compliance with the provisions of this subdivision, and (iii) the
9 marketing and monitoring of any homeownership project that is granted an
10 exemption pursuant to this subdivision. Such requirements may include,
11 but need not be limited to, retaining a monitor approved by the agency
12 and paid for by the owner.

13 (k) Notwithstanding any provision of this section to the contrary, a
14 market unit shall not be subject to rent stabilization unless, in the
15 absence of ANNY Program benefits, the unit would be subject to rent
16 stabilization.

17 8. Building service employees. (a) For the purposes of this subdivi-
18 sion, "applicant" shall mean an applicant for ANNY Program benefits, any
19 successor to such applicant, or any employer of building service employ-
20 ees for such applicant, including, but not limited to, a property
21 management company or contractor.

22 (b) All building service employees employed by the applicant at the
23 eligible site shall receive the applicable prevailing wage.

24 (c) The fiscal officer shall have the power to enforce the provisions
25 of this subdivision. In enforcing such provisions, the fiscal officer
26 shall have the power:

27 (i) to investigate or cause an investigation to be made to determine
28 the prevailing wages for building service employees; in making such

1 investigation, the fiscal officer may utilize wage and fringe benefit
2 data from various sources, including, but not limited to, data and
3 determinations of federal, state or other governmental agencies,
4 provided, however, that the provision of a dwelling unit shall not be
5 considered wages or a fringe benefit;

6 (ii) to institute and conduct inspections at the site of the work or
7 elsewhere;

8 (iii) to examine the books, documents and records pertaining to the
9 wages paid to, and the hours of work performed by, building service
10 employees;

11 (iv) to hold hearings and, in connection therewith, to issue subpoe-
12 nas, administer oaths and examine witnesses; the enforcement of a
13 subpoena issued under this subdivision shall be regulated by the civil
14 practice law and rules;

15 (v) to make a classification by craft, trade or other generally recog-
16 nized occupational category of the building service employees and to
17 determine whether such work has been performed by the building service
18 employees in such classification;

19 (vi) to require the applicant to file with the fiscal officer a record
20 of the wages actually paid by such applicant to the building service
21 employees and of their hours of work;

22 (vii) to delegate any of the foregoing powers to his or her deputy or
23 other authorized representative;

24 (viii) to promulgate rules as he or she shall consider necessary for
25 the proper execution of the duties, responsibilities and powers
26 conferred upon him or her by the provisions of this paragraph; and

27 (ix) to prescribe appropriate sanctions for failure to comply with the
28 provisions of this subdivision. For each violation of paragraph (b) of

1 this subdivision, the fiscal officer may require the payment of: (A)
2 back wages and fringe benefits; (B) liquidated damages up to three times
3 the amount of the back wages and fringe benefits for willful violations;
4 and/or (C) reasonable attorney's fees. If the fiscal officer finds that
5 the applicant has failed to comply with the provisions of this subpara-
6 graph, he or she shall present evidence of such non-compliance to the
7 agency.

8 (d) Paragraph (b) of this subdivision shall not be applicable to:

9 (i) an eligible multiple dwelling outside of the prime development
10 area;

11 (ii) an eligible multiple dwelling containing less than three hundred
12 dwelling units; or

13 (iii) an eligible multiple dwelling in which all of the dwelling units
14 are affordable housing units and not less than fifty percent of such
15 affordable housing units, upon initial rental and upon each subsequent
16 rental following a vacancy are affordable to and restricted to occupancy
17 by individuals or families whose household income does not exceed ninety
18 percent of the area median income, adjusted for family size, at the time
19 that such household initially occupies such dwelling unit.

20 (e) The applicant shall submit a sworn affidavit with its application,
21 and annually thereafter, certifying that it shall comply with the
22 requirements of this subdivision.

23 (f) The agency shall annually publish a list of all eligible sites
24 subject to the requirements of this paragraph and the affidavits
25 required pursuant to paragraph (e) of this subdivision.

26 9. Replacement ratio. If the land on which an eligible site is located
27 contained any dwelling units three years prior to the commencement date
28 of the first eligible multiple dwelling thereon, then such eligible

1 multiple dwelling or dwellings built thereon shall contain at least one
2 affordable housing unit for each dwelling unit that existed on such date
3 and was thereafter demolished, removed or reconfigured.

4 10. Concurrent exemptions or abatements. An eligible multiple dwelling
5 receiving ANNY Program benefits shall not receive any exemption from or
6 abatement of real property taxation under any other law.

7 11. Voluntary renunciation or termination. Notwithstanding the
8 provisions of any general, special or local law to the contrary, an
9 owner shall not be entitled to voluntarily renounce or terminate ANNY
10 Program benefits unless the agency authorizes such renunciation or
11 termination in connection with the commencement of a new tax exemption
12 pursuant to either the private housing finance law or section four
13 hundred twenty-c of this title.

14 12. Termination or revocation. The agency may terminate or revoke ANNY
15 program benefits for noncompliance with this section: provided, however,
16 that the agency shall not terminate or revoke ANNY Program benefits for
17 a failure to comply with paragraph (c) of subdivision fifteen of this
18 section. If ANNY Program benefits are terminated or revoked for noncom-
19 pliance with this section: (a) all of the affordable housing units shall
20 remain subject to rent stabilization and all other requirements of this
21 section for the restriction period or extended restriction period, as
22 applicable, and any additional period expressly provided in this
23 section, as if the ANNY Program benefits had not been terminated or
24 revoked; (b) all of the market rate housing units shall remain subject
25 to rent stabilization and all other requirements of this section for the
26 restriction period or extended restriction period, as applicable, and
27 any additional period expressly provided in this section, as if the ANNY
28 Program benefits had not been terminated or revoked, provided, however,

1 that the owner shall still be entitled to remove such market unit from
2 rent stabilization upon vacancy by reason of the monthly rent exceeding
3 any limit established thereunder; or (c) for a homeownership project,
4 such project shall continue to comply with affordability option D of
5 this section and all other requirements of this section for the
6 restriction period and any additional period expressly provided in this
7 section, as if the ANNY Program benefits had not been terminated or
8 revoked.

9 13. Powers cumulative. The enforcement provisions of this section
10 shall not be exclusive, and are in addition to any other rights, reme-
11 dies, or enforcement powers set forth in any other law or available at
12 law or in equity.

13 14. Multiple tax lots. If an eligible site contains multiple tax lots,
14 an application may be submitted with respect to one or more of such tax
15 lots. The agency shall determine eligibility for ANNY Program benefits
16 based upon the tax lots included in such application and benefits for
17 each multiple dwelling shall be based upon the completion date of such
18 multiple dwelling.

19 15. Applications. (a) The application with respect to any eligible
20 multiple dwelling shall be filed with the agency not later than one year
21 after the completion date of such eligible multiple dwelling.

22 (b) Notwithstanding the provisions of any general, special or local
23 law to the contrary, the agency may require by rule that applications be
24 filed electronically.

25 (c) The agency may rely on certification by an architect or engineer
26 submitted by an applicant in connection with the filing of an applica-
27 tion. A false certification by such architect or engineer shall be
28 deemed to be professional misconduct pursuant to section sixty-five

1 hundred nine of the education law. Any licensee found guilty of such
2 misconduct under the procedures prescribed in section sixty-five hundred
3 ten of the education law shall be subject to the penalties prescribed in
4 section sixty-five hundred eleven of the education law and shall there-
5 after be ineligible to submit a certification pursuant to this section.

6 (d) The agency shall not require that the applicant demonstrate
7 compliance with the requirements of paragraph (c) of this subdivision as
8 a condition to approval of the application.

9 16. Filing fee. The agency may require a filing fee of three thousand
10 dollars per dwelling unit in connection with any application. However,
11 the agency may promulgate rules imposing a lesser fee for eligible sites
12 containing eligible multiple dwellings constructed with the substantial
13 assistance of grants, loans or subsidies provided by a federal, state or
14 local governmental agency or instrumentality pursuant to a program for
15 the development of affordable housing.

16 17. Rules. Except as provided in subdivisions three and eight of this
17 section, the agency shall have the sole authority to enforce the
18 provisions of this section and may promulgate rules to carry out the
19 provisions of this section.

20 18. Election. Notwithstanding anything in this section to the contra-
21 ry, a small rental project, large rental project or homeownership
22 project with a commencement date on or before June fifteenth, two thou-
23 sand twenty-two that has not received benefits pursuant to section four
24 hundred twenty-one-a of this title prior to the effective date of the
25 chapter of the laws of two thousand twenty-two that added this section
26 may elect to comply with this section and receive ANNY Program benefits
27 pursuant to this section.

1 19. Reporting. On or before June thirtieth of each year, the commis-
2 sioner of the New York city department of housing preservation and
3 development shall issue a report to the governor, the temporary presi-
4 dent of the senate and the speaker of the assembly setting forth the
5 number of total projects and units created by this section by year,
6 level of affordability, and community board, the cost of the ANNY
7 Program, and other such factors as the commissioner of the New York city
8 department of housing preservation and development deems appropriate.
9 The New York city department of housing preservation and development may
10 request and shall receive cooperation and assistance from all depart-
11 ments, divisions, boards, bureaus, commissions, public benefit corpo-
12 rations or agencies of the state of New York, the city of New York or
13 any other political subdivisions thereof, or any entity receiving bene-
14 fits pursuant to this section.

15 § 2. This act shall take effect immediately.

16 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
17 sion, section or part of this act shall be adjudged by any court of
18 competent jurisdiction to be invalid, such judgment shall not affect,
19 impair, or invalidate the remainder thereof, but shall be confined in
20 its operation to the clause, sentence, paragraph, subdivision, section
21 or part thereof directly involved in the controversy in which such judg-
22 ment shall have been rendered. It is hereby declared to be the intent of
23 the legislature that this act would have been enacted even if such
24 invalid provisions had not been included herein.

25 § 3. This act shall take effect immediately provided, however, that
26 the applicable effective date of Parts A through II of this act shall be
27 as specifically set forth in the last section of such Parts.