

STATE OF NEW YORK

S. 2006--C

A. 3006--C

SENATE - ASSEMBLY

January 23, 2017

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT intentionally omitted (Part A); intentionally omitted (Part B); to amend the education law, in relation to the education of homeless children (Part C); intentionally omitted (Part D); intentionally omitted (Part E); intentionally omitted (Part F); intentionally omitted (Part G); intentionally omitted (Part H); intentionally omitted (Part I); intentionally omitted (Part J); to amend 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 (Subpart A); and to amend the social services law and the education law, in relation to restructuring financing for residential school placements (Subpart B) (Part K); to amend the family court act, in relation to the definition of an abused child (Part L); to amend the executive law, the family court act and the social services law, in relation to increasing the age of youth eligible to be served in RHYA programs and to allow for additional length of stay for youth in residential programs (Part M); to amend the public health law, in relation to the licensure of certain health-related services provided by authorized agencies (Part N); intentionally omitted (Part O); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the

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

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community (Part P); to amend the social services law, in relation to expanding inquiries of the statewide central register of child abuse and maltreatment and allowing additional reviews of criminal history information (Part Q); to utilize reserves in the mortgage insurance fund for various housing purposes (Part R); intentionally omitted (Part S); intentionally omitted (Part T); intentionally omitted (Part U); and to amend part K of chapter 58 of the laws of 2010 amending the social services law relating to establishing the savings plan demonstration project, in relation to the effectiveness thereof (Part V)

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 which are necessary to implement the state fiscal plan for the 2017-2018
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through V. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Intentionally Omitted

14 PART B

15 Intentionally Omitted

16 PART C

17 Section 1. Section 3209 of the education law, as amended by chapter
18 569 of the laws of 1994, paragraphs a and a-1 of subdivision 1 as
19 amended and subdivision 2-a as added by chapter 101 of the laws of 2003,
20 paragraph b of subdivision 3 as amended by section 28 of part B of chap-
21 ter 57 of the laws of 2007, is amended to read as follows:

22 § 3209. Education of homeless children. 1. Definitions.

23 a. Homeless child. For the purposes of this article, the term "home-
24 less child" shall mean:

25 (1) a child or youth who lacks a fixed, regular, and adequate night-
26 time residence, including a child or youth who is:

27 (i) sharing the housing of other persons due to a loss of housing,
28 economic hardship or a similar reason;

29 (ii) living in motels, hotels, trailer parks or camping grounds due to
30 the lack of alternative adequate accommodations;

31 (iii) abandoned in hospitals; or

32 (iv) [awaiting foster care placement; or

33 (v)] a migratory child, as defined in subsection two of section thir-
34 teen hundred nine of the Elementary and Secondary Education Act of 1965,
35 as amended by the Every Student Succeeds Act of 2015, who qualifies as

1 homeless under any of the provisions of clauses (i) through [(iv)] (iii)
2 of this subparagraph or subparagraph two of this paragraph; [or]

3 (v) an unaccompanied youth, as defined in section seven hundred twen-
4 ty-five of subtitle B of title VII of the McKinney-Vento Homeless
5 Assistance Act; or

6 (2) a child or youth who has a primary nighttime location that is:

7 (i) a supervised publicly or privately operated shelter designed to
8 provide temporary living accommodations including, but not limited to,
9 shelters operated or approved by the state or local department of social
10 services, and residential programs for runaway and homeless youth estab-
11 lished pursuant to article nineteen-H of the executive law; or

12 (ii) a public or private place not designed for, or ordinarily used
13 as, a regular sleeping accommodation for human beings, including a child
14 or youth who is living in a car, park, public space, abandoned building,
15 substandard housing, bus or train stations or similar setting.

16 a-1. Exception. For the purposes of this article the term "homeless
17 child" shall not include a child in a foster care placement or receiving
18 educational services pursuant to subdivision four, five, six, six-a or
19 seven of section thirty-two hundred two of this [article] part or pursu-
20 ant to article eighty-one, eighty-five, eighty-seven or eighty-eight of
21 this chapter.

22 b. Designator. The term "designator" shall mean:

23 (1) the parent or the person in parental relation to a homeless child;
24 or

25 (2) the homeless child, if no parent or person in parental relation is
26 available; or

27 (3) the director of a residential program for runaway and homeless
28 youth established pursuant to article nineteen-H of the executive law,
29 in consultation with the homeless child, where such homeless child is
30 living in such program.

31 c. School district of origin. The term "school district of origin"
32 shall mean the school district within the state of New York in which the
33 homeless child was attending a public school or preschool on a tuition-
34 free basis or was entitled to attend when circumstances arose which
35 caused such child to become homeless, which is different from the school
36 district of current location. [Whenever the school district of origin is
37 designated pursuant to subdivision two of this section, the child shall
38 be entitled to return to the school building where previously enrolled.]
39 School district of origin shall also mean the school district in the
40 state of New York in which the child was residing when circumstances
41 arose which caused such child to become homeless if such child was
42 eligible to apply, register, or enroll in public preschool or kindergar-
43 ten at the time such child became homeless, or the homeless child has a
44 sibling who attends a school in the school district in which the child
45 was residing when circumstances arose which caused such child to become
46 homeless.

47 d. School district of current location. The term "school district of
48 current location" shall mean the public school district within the state
49 of New York in which the hotel, motel, shelter or other temporary hous-
50 ing arrangement of a homeless child, or the residential program for
51 runaway and homeless youth, is located, which is different from the
52 school district of origin. [Whenever the school district of current
53 location is designated pursuant to subdivision two of this section, the
54 child shall be entitled to attend the school that is zoned for his or
55 her temporary location or any school that nonhomeless students who live

1 in the same attendance zone in which the homeless child or youth is
2 temporarily residing are entitled to attend.]

3 e. Regional placement plan. The term "regional placement plan" shall
4 mean a comprehensive regional approach to the provision of educational
5 placements for homeless children which has been approved by the commis-
6 sioner.

7 f. Feeder school. The term "feeder school" shall mean:

8 (1) a preschool whose students are entitled to attend a specified
9 elementary school or group of elementary schools upon completion of that
10 preschool;

11 (2) a school whose students are entitled to attend a specified elemen-
12 tary, middle, intermediate, or high school or group of specified elemen-
13 tary, middle, intermediate, or high schools upon completion of the
14 terminal grade of such school; or

15 (3) a school that sends its students to a receiving school in a neigh-
16 boring school district pursuant to section two thousand forty of this
17 chapter.

18 g. Preschool. The term "preschool" shall mean a publicly funded prek-
19 indergarten program administered by the department or a local educa-
20 tional agency or a Head Start program administered by a local educa-
21 tional agency and/or services under the Individuals with Disabilities
22 Education Act administered by a local educational agency.

23 h. Receiving school. The term "receiving school" shall mean:

24 (1) a school that enrolls students from a specified or group of
25 preschools, elementary schools, middle schools, intermediate schools, or
26 high schools; or

27 (2) a school that enrolls students from a feeder school in a neighbor-
28 ing local educational agency pursuant to section two thousand forty of
29 this chapter.

30 i. School of origin. The term "school of origin" shall mean a public
31 school that a child or youth attended when permanently housed, or the
32 school in which the child or youth was last enrolled, including a
33 preschool or a charter school. Provided that, for a homeless child or
34 youth who completes the final grade level served by the school of
35 origin, the term "school of origin" shall include the designated receiv-
36 ing school at the next grade level for all feeder schools. Where the
37 child is eligible to attend school in the school district of origin
38 because the child becomes homeless after such child is eligible to
39 apply, register, or enroll in the public preschool or kindergarten or
40 the child is living with a school-age sibling who attends school in the
41 school district of origin, the school of origin shall include any public
42 school or preschool in which such child would have been entitled or
43 eligible to attend based on such child's last residence before the
44 circumstances arose which caused such child to become homeless.

45 2. Choice of district and school.

46 a. The designator shall have the right to designate one of the follow-
47 ing as the school district within which the homeless child shall be
48 entitled to attend upon instruction:

49 (1) the school district of current location;

50 (2) the school district of origin; or

51 (3) a school district participating in a regional placement plan.

52 b. The designator shall also have the right to designate one of the
53 following as the school where a homeless child seeks to attend for
54 instruction:

55 (1) the school of origin; or

1 (2) any school that nonhomeless children and youth who live in the
2 attendance area in which the child or youth is actually living are
3 eligible to attend, including a preschool.

4 c. (1) Notwithstanding any other provision of law to the contrary,
5 where the public school district in which a homeless child is temporar-
6 ily housed is the [same school district the child was attending on a
7 tuition-free basis or was entitled to attend when circumstances arose
8 which caused the child to become homeless] school district of origin,
9 the homeless child shall be entitled to attend the schools of such
10 district without the payment of tuition in accordance with subdivision
11 one of section thirty-two hundred two of this article for the duration
12 of the homelessness and until the end of the school year in which such
13 child becomes permanently housed and for one additional year if that
14 year constitutes the child's terminal year in such building. [Such
15 child may choose to remain in the public school building they previously
16 attended until the end of the school year and for one additional year if
17 that year constitutes the child's terminal year in such building in lieu
18 of the school serving the attendance zone in which the temporary housing
19 facility is located.]

20 (2) Notwithstanding any other provision of law to the contrary, where
21 the [public] school [or school district] district of origin or school of
22 origin that a homeless child was attending on a tuition-free basis or
23 was entitled to attend when circumstances arose which caused the child
24 to become homeless is located [outside the state] in New York state and
25 the homeless child's temporary housing arrangement is located in a
26 contiguous state, the homeless child shall be [deemed a resident of the
27 school district in which the hotel, motel, shelter or other temporary
28 housing arrangement of the child is currently located and shall be]
29 entitled to [attend the schools of such district without payment of
30 tuition in accordance with subdivision one of section thirty-two hundred
31 two of this article. Such district of residence shall not be considered
32 a school district of origin or a school district of current location for
33 purposes of this section] attend the school of origin or any school that
34 nonhomeless children and youth who live in the attendance area in which
35 the child or youth is actually living are eligible to attend, including
36 a preschool, subject to a best interest determination pursuant to
37 subparagraph three of paragraph f of this subdivision, for the duration
38 of the homelessness and until the end of the school year in which such
39 child becomes permanently housed and for one additional year if that
40 year constitutes the child's terminal year in such building.

41 (3) Notwithstanding any other provision of law to the contrary, where
42 the child's temporary housing arrangement is located in New York state,
43 the homeless child shall be entitled to attend the school of origin or
44 any school that nonhomeless children and youth who live in the attend-
45 ance area in which the child or youth is actually living are eligible to
46 attend, including a preschool, subject to a best interest determination
47 pursuant to subparagraph three of paragraph f of this subdivision, for
48 the duration of the homelessness and until the end of the school year in
49 which such child becomes permanently housed and for one additional year
50 if that year constitutes the child's terminal year in such building.

51 [c.] d. Notwithstanding the provisions of paragraph a of this subdivi-
52 sion, a homeless child who has designated the school district of current
53 location as the district of attendance and who has relocated to another
54 temporary housing arrangement outside of such district, or to a differ-
55 ent attendance zone or community school district within such district,
56 shall be entitled to continue [the prior designation to enable the

1 student to remain] to attend in the same school building or designate
2 any school that nonhomeless children and youth who live in the attend-
3 ance area in which the child or youth is actually living are eligible to
4 attend, including a preschool, subject to a best interest determination
5 in accordance with subparagraph three of paragraph f of this subdivi-
6 sion, for the duration of the homelessness and until the end of the
7 school year in which the child becomes permanently housed and for one
8 additional year if that year constitutes the child's terminal year in
9 such building.

10 [d.] e. Such designation shall be made on forms specified by the
11 commissioner, and shall include the name of the child, the name of the
12 parent or person in parental relation to the child, the name and
13 location of the temporary housing arrangement, the name of the school
14 district of origin, the name of the school district where the child's
15 records are located, the complete address where the family was located
16 at the time circumstances arose which caused such child to become home-
17 less and any other information required by the commissioner. All school
18 districts, temporary housing facilities operated or approved by a local
19 social services district, and residential facilities for runaway and
20 homeless youth shall make such forms available and shall ensure that the
21 completed designation forms are given to the local educational agency
22 liaison for the local educational agency in which the designated school
23 is located in a timeframe prescribed by the commissioner in regulations.
24 Where the homeless child is located in a temporary housing facility
25 operated or approved by a local social services district, or a residen-
26 tial facility for runaway and homeless youth, the director of the facil-
27 ity or a person designated by the social services district, shall, with-
28 in two business days, assist the designator in completing the
29 designation forms and enrolling the homeless child in the designated
30 school district and shall forward the completed designation form to the
31 local educational agency liaison for the local educational agency in
32 which the designated school is located in a timeframe prescribed by the
33 commissioner in regulations.

34 [e.] f. Upon receipt of the designation form, the designated school
35 district shall immediately:

36 (1) review the designation form to ensure that it has been completed;
37 (2) admit the homeless child even if the child or youth is unable to
38 produce records normally a requirement for enrollment, such as previous
39 academic records, records of immunization and/or other required health
40 records, proof of residency or other documentation and/or even if the
41 child has missed application or enrollment deadlines during any period
42 of homelessness, if applicable. Provided that nothing herein shall be
43 construed to require the immediate attendance of an enrolled student
44 lawfully excluded from school temporarily pursuant to section nine
45 hundred six of this chapter because of a communicable or infectious
46 disease that imposes a significant risk of infection of others;

47 [(2)] (3) determine whether the designation made by the designator is
48 consistent with the best interests of the homeless child or youth. In
49 determining a homeless child's best interest, a local educational agency
50 shall:

51 (i) presume that keeping the homeless child or youth in the school of
52 origin is in the child's or youth's best interest, except when doing so
53 is contrary to the request of the child's parent or guardian, or in the
54 case of an unaccompanied youth, the youth;

55 (ii) consider student-centered factors, including but not limited to
56 factors related to the impact of mobility on achievement, education, the

1 health and safety of the homeless child, giving priority to the request
2 of the child's or youth's parent or guardian or the youth in the case of
3 an unaccompanied youth;

4 (iii) if after considering student-centered factors and conducting a
5 best interest school placement determination, the local educational
6 agency determines that it is not in the homeless child's best interest
7 to attend the school of origin or the school designated by the designa-
8 tor, the local educational agency must provide a written explanation of
9 the reasons for its determination, in a manner and form understandable
10 to such parent, guardian, or unaccompanied youth. The information must
11 also include information regarding the right to a timely appeal in
12 accordance with regulations of the commissioner. The homeless child or
13 youth must be enrolled in the school in which enrollment is sought by
14 the designator during the pendency of all available appeals;

15 (4) treat the homeless child as a resident for all purposes;

16 [(3)] (5) make a written request to the school district where the
17 child's records are located for a copy of such records; and

18 [(4)] (6) forward the designation form to the [commissioner, and the]
19 school district of origin where applicable.

20 [f.] g. Within five days of receipt of a request for records pursuant
21 to subparagraph [three] five of paragraph [e] f of this subdivision, the
22 school district shall forward, in a manner consistent with state and
23 federal law, a complete copy of the homeless child's records including,
24 but not limited to, proof of age, academic records, evaluations, immuni-
25 zation records, and guardianship papers, if applicable.

26 [g.] h. Where the school of origin is a charter school, the school
27 district designated pursuant to this subdivision shall be deemed to be
28 the school district of residence of such child for purposes of fiscal
29 and programmatic responsibility under article fifty-six of this chapter
30 and shall be responsible for transportation of the homeless child if a
31 social services district is not otherwise responsible pursuant to subdi-
32 vision four of this section.

33 i. The commissioner shall promulgate regulations setting forth the
34 circumstances pursuant to which a change in designation may be made and
35 establishing a procedure for the identification of the school district
36 of origin.

37 2-a. Notwithstanding any other provision of law to the contrary, each
38 local educational agency, as such term is defined in subsection twenty-
39 six of section ninety-one hundred one of the Elementary and Secondary
40 Education Act of 1965, as amended by the Every Student Succeeds Act of
41 2015, shall designate a local educational agency liaison for homeless
42 children and youths and shall, consistent with the provisions of this
43 section, otherwise comply with the applicable requirements of paragraphs
44 three through seven of subsection (g) of section seven hundred twenty-
45 two of subtitle B of title VII of the McKinney-Vento Assistance Act.

46 3. Reimbursement.

47 a. Where either the school district of current location or a school
48 district participating in a regional placement plan is designated as the
49 district in which the homeless child shall attend upon instruction and
50 such homeless child's school district of origin is within New York
51 state, the school district providing instruction, including preschool
52 instruction, shall be eligible for reimbursement by the department, as
53 approved by the commissioner, for the direct cost of educational
54 services, not otherwise reimbursed under special federal programs,
55 calculated pursuant to regulations of the commissioner for the period of
56 time for which such services are provided. The claim for such reimburse-

1 ment shall be in a form prescribed by the commissioner. The educational
2 costs for such children shall not be otherwise aidable or reimbursable.

3 b. The school district of origin shall reimburse the department for
4 its expenditure for educational services on behalf of a homeless child
5 pursuant to paragraph a of this subdivision in an amount equal to the
6 school district basic contribution, as such term is defined in subdivi-
7 sion eight of section forty-four hundred one of this chapter, pro-rated
8 for the period of time for which such services were provided in the base
9 year by a school district other than the school district of origin. Upon
10 certification by the commissioner, the comptroller shall deduct from any
11 state funds which become due to the school district of origin an amount
12 equal to the reimbursement required to be made by such school district
13 in accordance with this paragraph, and the amount so deducted shall not
14 be included in the operating expense of such district for the purpose of
15 computing the approved operating expense pursuant to paragraph t of
16 subdivision one of section thirty-six hundred two of this chapter.

17 4. Transportation.

18 a. A social services district shall provide for the transportation of
19 each homeless child, including those in preschool and students with
20 disabilities identified pursuant to sections forty-four hundred one and
21 forty-four hundred two of this chapter whose individualized education
22 programs include special transportation services, who is eligible for
23 benefits pursuant to section three hundred fifty-j of the social
24 services law, to and from a temporary housing location in which the
25 child was placed by the social services district and the school attended
26 by such child pursuant to this section, if such temporary housing facil-
27 ity is located outside of the designated school district pursuant to
28 paragraph a of subdivision two of this section. A social services
29 district shall be authorized to contract with a board of education or a
30 board of cooperative educational services for the provision of such
31 transportation. Where the social services district requests that the
32 designated school district of attendance provide or arrange for trans-
33 portation for a homeless child eligible for transportation pursuant to
34 this paragraph, the designated school district of attendance shall
35 provide or arrange for the transportation and the social services
36 district shall fully and promptly reimburse the designated school
37 district of attendance for the cost as determined by the designated
38 school district. This paragraph shall apply to placements made by a
39 social services district without regard to whether a payment is made by
40 the district to the operator of the temporary housing facility.

41 b. [The division for youth, to the extent funds are provided for such
42 purpose, as determined by the director of the budget,] The designated
43 school district of attendance shall provide for the transportation of
44 each homeless child who is living in a residential program for runaway
45 and homeless youth established pursuant to article nineteen-H of the
46 executive law, to and from such residential program, and the school
47 attended by such child pursuant to this section, if such temporary hous-
48 ing location is located outside the designated school district. The
49 [division for youth or the director of a residential program for runaway
50 and homeless youth] designated district of attendance shall be author-
51 ized to contract with [a school district or] a board of cooperative
52 educational services or a residential program for runaway and homeless
53 youth for the provision of such transportation. The department shall
54 reimburse the designated school district of attendance for the cost of
55 transporting such child to and from the residential program and the

1 school attended by such child to the extent funds are provided for such
2 purpose, as determined by the director of the budget.

3 c. Notwithstanding any other provision of law, any homeless child not
4 entitled to receive transportation pursuant to [paragraph] paragraphs a
5 and b of this subdivision who requires transportation in order to attend
6 a school [district] of origin designated pursuant to [paragraph a of]
7 subdivision two of this section [outside of the district in which such
8 child is housed], shall be entitled to receive such transportation
9 pursuant to this paragraph. [If the] The designated [school district
10 pursuant to paragraph a of subdivision two of this section is the school
11 district of origin or a school district participating in a regional
12 placement plan, such] school district of attendance shall provide trans-
13 portation to and from the child's temporary housing location and the
14 school [the child legally attends] of origin. Such transportation shall
15 not be in excess of fifty miles each way except where the commissioner
16 certifies that transportation in excess of fifty miles is in the best
17 interest of the child. Any cost incurred for such transportation that is
18 allowable pursuant to the applicable provision of parts two and three of
19 article seventy-three of this chapter or herein, shall be aidable pursu-
20 ant to subdivision seven of section thirty-six hundred two of this chap-
21 ter, provided that the approved transportation expense shall not exceed
22 an amount determined by the commissioner to be the total cost for
23 providing the most cost-effective mode of such transportation in a
24 manner consistent with commissioner's regulations. The commissioner
25 shall promulgate regulations setting forth the circumstances pursuant to
26 which parent accompaniment for transportation may be reimbursable,
27 including but not limited to: the age of the child; the distance of the
28 transportation; the cost-effectiveness of the transportation; and wheth-
29 er the child has a handicapping condition.

30 d. Notwithstanding any other provision of law, where a homeless child
31 designates the school district of current location as the district the
32 child will attend and such child does not attend the school of origin,
33 such school district shall provide transportation to such child on the
34 same basis as a resident student.

35 e. [Notwithstanding any other provision of law, if a homeless child
36 chooses to remain in the public school building the child previously
37 attended pursuant to subparagraph one of paragraph b of subdivision two
38 of this section or paragraph c of subdivision two of this section the
39 school district shall provide transportation to and from the child's
40 temporary housing location and the school the child legally attends if
41 such temporary housing is located in a different attendance zone or
42 community school district within such district. The cost of such trans-
43 portation shall be reimbursed in accordance with the provisions of para-
44 graph c of this subdivision.] Where the designated school district of
45 attendance has recommended that the homeless child attend a summer
46 educational program and the lack of transportation poses a barrier to
47 such child's participation in the summer educational program, the desig-
48 nated school district of attendance shall provide transportation.

49 f. The designated school district of attendance, or the social
50 services district if such child is eligible for transportation from the
51 social services district pursuant to paragraph a of this subdivision,
52 shall provide or arrange for transportation to extracurricular or
53 academic activities where:

54 (1) the homeless child participates in or would like to participate in
55 an extracurricular or academic activity, including an after-school
56 activity, at the school;

1 (2) the homeless child meets the relevant eligibility criteria for the
2 activity; and

3 (3) the lack of transportation poses a barrier to such child's partic-
4 ipation in the activity.

5 g. Where the homeless child is temporarily living in a contiguous
6 state and has designated a school of origin located in the state of New
7 York, the designated school district in New York state shall collaborate
8 with the local educational agency in which such child is temporarily
9 living to arrange for transportation in accordance with section
10 722(g) (1) (J) (iii) (II) of the McKinney-Vento Homeless Assistance Act.

11 h. Where the homeless child is temporarily living in New York state
12 and continues to attend a school of origin located in a contiguous
13 state, the school district of current location shall coordinate with the
14 local educational agency where such child is attending school to arrange
15 for transportation in accordance with section 722(g) (1) (J) (iii) (II) of
16 the McKinney-Vento Homeless Assistance Act.

17 i. Transportation as described in this subdivision must be provided to
18 the homeless child by the designated school district of attendance or
19 the social services district for the duration of homelessness. The
20 designated district of attendance must transport the child for the
21 remainder of the school year in which the child becomes permanently
22 housed and one additional year if that year constitutes the child's
23 terminal year in the designated school. Such transportation shall not be
24 in excess of fifty miles each way except where the commissioner certi-
25 fies that transportation in excess of fifty miles is in the best inter-
26 est of the child. The designated school district of attendance shall be
27 entitled to reimbursement from the current school district in which the
28 child becomes permanently housed for any cost incurred for transporta-
29 tion for the remainder of the school year after the child becomes perma-
30 nently housed and one additional year if that year constitutes the
31 child's terminal year in the designated school.

32 5. Each school district shall:

33 a. establish procedures, in accordance with 42 U.S.C. section
34 11432(g) (3) (E), for the prompt resolution of disputes regarding school
35 selection or enrollment of a homeless child or youth, including, but not
36 limited to, disputes regarding transportation and/or a child's or
37 youth's status as a homeless child or unaccompanied youth;

38 b. provide a written explanation, including a statement regarding the
39 right to appeal pursuant to 42 U.S.C. section 11432(g) (3) (E) (ii), the
40 name, post office address and telephone number of the local educational
41 agency liaison and the form petition for commencing an appeal to the
42 commissioner pursuant to section three hundred ten of this chapter of a
43 final determination regarding enrollment, school selection and/or trans-
44 portation, to the homeless child's or youth's parent or guardian, if the
45 school district declines to either enroll and/or transport such child or
46 youth to the school of origin or a school requested by the parent or
47 guardian; and

48 c. shall immediately enroll the child or youth in the school in which
49 enrollment is sought pending final resolution of the dispute over the
50 school district's final determination of the child's or youth's homeless
51 status, including all available appeals within the local educational
52 agency and the commissioner pursuant to the provisions of section three
53 hundred ten of this chapter.

54 6. a. By January thirty-first, nineteen hundred ninety-five, the
55 commissioner, the commissioner of [social services, and the director of
56 the division for youth] the office of temporary and disability assist-

1 ance and the commissioner of the office of children and family services
2 shall develop a plan to ensure coordination and access to education for
3 homeless children and shall annually review such plan.

4 b. The commissioner shall periodically monitor local school districts
5 to ensure their compliance with the provisions of this article, and that
6 such districts review and revise any local regulations, policies, or
7 practices that may act as barriers to the enrollment or attendance of
8 homeless children in school or their receipt of comparable services as
9 defined in Part B of Title VII of the Federal Stewart B. McKinney Act.

10 c. School districts shall periodically report such information to the
11 commissioner as he or she may require to carry out the purposes of this
12 section.

13 [6.] 7. Public welfare officials, except as otherwise provided by law,
14 shall furnish indigent children with suitable clothing, shoes, books,
15 food, transportation and other necessities to enable them to attend upon
16 instruction as required by law. Upon demonstration of need, such neces-
17 saries shall also include transportation of indigent children for the
18 purposes of evaluations pursuant to section forty-four hundred ten of
19 this chapter and title II-A of article twenty-five of the public health
20 law.

21 [7.] 8. Information about a homeless child's or youth's living situ-
22 ation shall be treated as a student educational record, and shall not be
23 deemed to be directory information, under the McKinney-Vento Homeless
24 Assistance Act, as amended by the Every Student Succeeds Act of 2015.

25 9. Each homeless child to be assisted under this section shall be
26 provided services comparable to services offered to other students in
27 the school selected under this section, including the following: trans-
28 portation services; educational services for which the child or youth
29 meets the eligibility criteria, such as services provided under Title I
30 of the Elementary and Secondary Education Act of 1965 or similar state
31 or local programs; educational programs for children with disabilities;
32 educational programs for English learners; programs in career and tech-
33 nical education; programs for gifted and talented students; and school
34 nutrition programs.

35 10. The commissioner may promulgate regulations to carry out the
36 purposes of this section.

37 § 2. Paragraph a of subdivision 1 of section 3209 of the education
38 law, as added by chapter 569 of the laws of 1994, is amended to read as
39 follows:

40 a. Homeless child. For the purposes of this article, the term "home-
41 less child" shall mean:

42 (1) a child who lacks a fixed, regular, and adequate nighttime resi-
43 dence, including a child or youth who is:

44 (i) sharing the housing of other persons due to a loss of housing,
45 economic hardship or a similar reason;

46 (ii) living in motels, hotels, trailer parks or camping grounds due to
47 the lack of alternative adequate accommodations;

48 (iii) abandoned in hospitals;

49 (iv) a migratory child, as defined in subsection two of section thir-
50 teen hundred nine of the Elementary and Secondary Education Act of 1965,
51 as amended by the Every Student Succeeds Act of 2015, who qualifies as
52 homeless under any of the provisions of clauses (i) through (iii) of
53 this subparagraph or subparagraph two of this paragraph; or

54 (v) an unaccompanied youth, as defined in section seven hundred twen-
55 ty-five of subtitle B of title VII of the McKinney-Vento Homeless
56 Assistance Act; or

1 (2) a child who has a primary nighttime location that is:
 2 (i) a supervised publicly or privately operated shelter designed to
 3 provide temporary living accommodations including, but not limited to,
 4 shelters operated or approved by the state or local department of social
 5 services, and residential programs for runaway and homeless youth estab-
 6 lished pursuant to article nineteen-H of the executive law; or
 7 (ii) a public or private place not designed for, or ordinarily used
 8 as, a regular sleeping accommodation for human beings, including a child
 9 or youth who is living in a car, park, public space, abandoned building,
 10 substandard housing, bus or train stations or similar setting.
 11 (3) the term "homeless child" shall not include a child in foster care
 12 placement or receiving educational services pursuant to subdivision
 13 four, five, six, six-a or seven of section thirty-two hundred two of
 14 this article or pursuant to article eighty-one, eighty-five, eighty-sev-
 15 en or eighty-eight of this chapter.

16 § 3. This act shall take effect immediately; provided, however, that:
 17 (a) the amendments to paragraph a of subdivision 1 of section 3209 of
 18 the education law made by section one of this act shall be subject to
 19 the expiration and reversion of such paragraph pursuant to section 5 of
 20 chapter 101 of the laws of 2003, as amended, when upon such date the
 21 provisions of section two of this act shall take effect;
 22 (b) the amendments to paragraph a-1 of subdivision 1 of section 3209
 23 of the education law made by section one of this act shall not affect
 24 the expiration of such paragraph and shall be deemed to expire there-
 25 with; and
 26 (c) the amendments to subdivision 2-a of section 3209 of the education
 27 law made by section one of this act shall not affect the repeal of such
 28 subdivision and shall be deemed repealed therewith.

29 PART D
 30 Intentionally Omitted

31 PART E
 32 Intentionally Omitted

33 PART F
 34 Intentionally Omitted

35 PART G
 36 Intentionally Omitted

37 PART H
 38 Intentionally Omitted

39 PART I
 40 Intentionally Omitted

41 PART J
 42 Intentionally Omitted

1

PART K

2 Section 1. This part enacts into law major components of legislation
3 which are necessary for the financing of various child welfare services.
4 Each component is wholly contained within a subpart identified as
5 subparts A through B. The effective date for each particular provision
6 contained within a subpart is set forth in the last section of such
7 subpart. Any provision in any section contained within a subpart,
8 including the effective date of the subpart, which makes reference to a
9 section "of this act", when used in connection with that particular
10 component, shall be deemed to mean and refer to the corresponding
11 section of the subpart in which it is found. Section three of this part
12 sets forth the general effective date of this part.

13

SUBPART A

14 Section 1. Section 28 of part C of chapter 83 of the laws of 2002,
15 amending the executive law and other laws relating to funding for chil-
16 dren and family services, as amended by section 1 of part F of chapter
17 57 of the laws of 2012, is amended to read as follows:

18 § 28. This act shall take effect immediately; provided that sections
19 nine through eighteen and twenty through twenty-seven of this act shall
20 be deemed to have been in full force and effect on and after April 1,
21 2002; provided, however, that section fifteen of this act shall apply to
22 claims that are otherwise reimbursable by the state on or after April 1,
23 2002 except as provided in subdivision 9 of section 153-k of the social
24 services law as added by section fifteen of this act; provided further
25 however, that nothing in this act shall authorize the office of children
26 and family services to deny state reimbursement to a social services
27 district for violations of the provisions of section 153-d of the social
28 services law for services provided from January 1, 1994 through March
29 31, 2002; provided that section nineteen of this act shall take effect
30 September 13, 2002 and shall expire and be deemed repealed June 30,
31 2012; and, provided further, however, that notwithstanding any law to
32 the contrary, the office of children and family services shall have the
33 authority to promulgate, on an emergency basis, any rules and regu-
34 lations necessary to implement the requirements established pursuant to
35 this act; provided further, however, that the regulations to be devel-
36 oped pursuant to section one of this act shall not be adopted by emer-
37 gency rule; and provided further that the provisions of sections nine
38 through eighteen and twenty through twenty-seven of this act shall
39 expire and be deemed repealed on June 30, [2017] 2022.

40 § 2. This act shall take effect immediately.

41

SUBPART B

42 Section 1. Subdivision 10 of section 153 of the social services law,
43 as amended by section 2 of part O of chapter 58 of the laws of 2011, is
44 amended to read as follows:

45 10. Expenditures made by a social services district for the mainte-
46 nance of children with disabilities, placed by school districts, pursu-
47 ant to section forty-four hundred five of the education law shall, if
48 approved by the office of children and family services, be subject to
49 eighteen and four hundred twenty-four thousandths percent reimbursement
50 by the state and thirty-eight and four hundred twenty-four thousandths
51 percent reimbursement by school districts, except for social services



1 districts located within a city with a population of one million or
2 more, where such expenditures shall be subject to fifty-six and eight
3 hundred forty-eight thousandths percent reimbursement by the school
4 district, in accordance with paragraph c of subdivision one of section
5 forty-four hundred five of the education law, after first deducting
6 therefrom any federal funds received or to be received on account of
7 such expenditures, except that in the case of a student attending a
8 state-operated school for the deaf or blind pursuant to article eighty-
9 seven or eighty-eight of the education law who was not placed in such
10 school by a school district such expenditures shall be subject to fifty
11 percent reimbursement by the state after first deducting therefrom any
12 federal funds received or to be received on account of such expenditures
13 and there shall be no reimbursement by school districts. Such expendi-
14 tures shall not be subject to the limitations on state reimbursement
15 contained in subdivision two of section one hundred fifty-three-k of
16 this title. In the event of the failure of the school district to make
17 the maintenance payment pursuant to the provisions of this subdivision,
18 the state comptroller shall withhold state reimbursement to any such
19 school district in an amount equal to the unpaid obligation for mainte-
20 nance and pay over such sum to the social services district upon certifi-
21 cation of the commissioner of the office of children and family
22 services and the commissioner of education that such funds are overdue
23 and owed by such school district. The commissioner of the office of
24 children and family services, in consultation with the commissioner of
25 education, shall promulgate regulations to implement the provisions of
26 this subdivision.

27 § 2. Paragraph (a) of subdivision 2 of section 153-k of the social
28 services law, as added by section 15 of part C of chapter 83 of the laws
29 of 2002, is amended to read as follows:

30 (a) Notwithstanding the provisions of this chapter or of any other law
31 to the contrary, eligible expenditures by a social services district for
32 foster care services shall be subject to reimbursement with state funds
33 only to the extent of annual appropriations to the state foster care
34 block grant. Such foster care services shall include expenditures for
35 the provision and administration of: care, maintenance, supervision and
36 tuition; supervision of foster children placed in federally funded job
37 corps programs; and care, maintenance, supervision and tuition for adju-
38 dicated juvenile delinquents and persons in need of supervision placed
39 in residential programs operated by authorized agencies and in out-of-
40 state residential programs; except that, notwithstanding any other
41 provision of law to the contrary, reimbursement with state funds pursu-
42 ant to the state foster care block grant shall not be available for
43 tuition expenditures for foster children, including persons in need of
44 supervision and adjudicated juvenile delinquents, made by a social
45 services district located within a city having a population of one
46 million or more. Social services districts must develop and implement
47 children and family services delivery systems that are designed to
48 reduce the need for and the length of foster care placements and must
49 document their efforts in the multi-year consolidated services plan and
50 the annual implementation reports submitted pursuant to section thirty-
51 four-a of this chapter.

52 § 3. Paragraph c of subdivision 1 of section 4405 of the education
53 law, as amended by section 1 of part O of chapter 58 of the laws of
54 2011, is amended to read as follows:

55 c. Expenditures made by a social services district for the maintenance
56 of a child with a disability placed in a residential school under the

1 provisions of this article, including a child with a disability placed
2 by a school district committee on special education pursuant to this
3 article in a special act school district, or a state school subject to
4 the provisions of articles eighty-seven and eighty-eight of this chap-
5 ter, shall be subject to [thirty-eight and four hundred twenty-four
6 thousandths percent] reimbursement by the child's school district of
7 residence pursuant to the provisions of subdivision ten of section one
8 hundred fifty-three of the social services law. The amount of such
9 reimbursement shall be a charge upon such school district of residence.

10 § 4. This act shall take effect immediately; provided, however, that
11 the amendments to subdivision 10 of section 153 of the social services
12 law made by section one of this act shall not affect the expiration of
13 such subdivision and shall expire therewith; and the amendments made to
14 paragraph (a) of subdivision 2 of section 153-k of the social services
15 law made by section two of this act shall not affect the repeal of such
16 section and shall be deemed repealed therewith.

17 § 2. Severability. If any clause, sentence, paragraph, subdivision or
18 section of this part shall be adjudged by any court of competent juris-
19 diction to be invalid, such judgment shall not affect, impair, or inval-
20 idate the remainder thereof, but shall be confined in its operation to
21 the clause, sentence, paragraph, subdivision or section thereof directly
22 involved in the controversy in which such judgment shall have been
23 rendered. It is hereby declared to be the intent of the legislature that
24 this part would have been enacted even if such invalid provisions had
25 not been included herein.

26 § 3. This act shall take effect immediately; provided, however, that
27 the applicable effective date of subparts A and B of this part shall be
28 as specifically set forth in the last section of such subparts.

29 PART L

30 Section 1. Paragraph (iii) of subdivision (e) of section 1012 of the
31 family court act, as amended by chapter 320 of the laws of 2006, is
32 amended to read as follows:

33 (iii) (A) commits, or allows to be committed an offense against such
34 child defined in article one hundred thirty of the penal law; (B)
35 allows, permits or encourages such child to engage in any act described
36 in sections 230.25, 230.30 and 230.32 of the penal law; (C) commits any
37 of the acts described in sections 255.25, 255.26 and 255.27 of the penal
38 law; [or] (D) allows such child to engage in acts or conduct described
39 in article two hundred sixty-three of the penal law; or (E) permits or
40 encourages such child to engage in any act or commits or allows to be
41 committed against such child any offense that would render such child
42 either a victim of sex trafficking or a victim of severe forms of traf-
43 ficking in persons pursuant to 22 U.S.C. 7102 as enacted by public law
44 106-386 or any successor federal statute; (F) provided, however, that
45 [(a)] (1) the corroboration requirements contained in the penal law and
46 [(b)] (2) the age requirement for the application of article two hundred
47 sixty-three of such law shall not apply to proceedings under this arti-
48 cle.

49 § 2. This act shall take effect immediately.

50 PART M

1 Section 1. Paragraph a of subdivision 2 of section 420 of the execu-
2 tive law, as amended by section 3 of part G of chapter 57 of the laws of
3 2013, is amended to read as follows:

4 a. (1) A municipality may submit to the office of children and family
5 services a plan for the providing of services for runaway and homeless
6 youth, as defined in article nineteen-H of this chapter. Where such
7 municipality is receiving state aid pursuant to paragraph a of subdivi-
8 sion one of this section, such runaway and homeless youth plan shall be
9 submitted as part of the comprehensive plan and shall be consistent with
10 the goals and objectives therein.

11 (2) A runaway and homeless youth plan shall be developed in consulta-
12 tion with the municipal youth bureau and the county or city department
13 of social services, shall be in accordance with the regulations of the
14 office of children and family services, shall provide for a coordinated
15 range of services for runaway and homeless youth and their families
16 including preventive, temporary shelter, transportation, counseling, and
17 other necessary assistance, and shall provide for the coordination of
18 all available county resources for runaway and homeless youth and their
19 families including services available through the municipal youth
20 bureau, the county or city department of social services, local boards
21 of education, local drug and alcohol programs and organizations or
22 programs which have past experience dealing with runaway and homeless
23 youth. [Such]

24 (3) In its plan a municipality may:

25 (i) include provisions for transitional independent living support
26 programs [for homeless youth between the ages of sixteen and twenty-one]
27 and runaway and homeless youth crisis services programs as provided in
28 article nineteen-H of this chapter;

29 (ii) authorize services under article nineteen-H of this chapter to be
30 provided to homeless young adults, as such term is defined in section
31 five hundred thirty-two-a of this chapter;

32 (iii) authorize runaway and homeless youth to be served in accordance
33 with any of the following provisions of this chapter:

34 (A) paragraphs (a) and (b) of subdivision two of section five hundred
35 thirty-two-b;

36 (B) paragraph (b) of subdivision one of section five hundred thirty-
37 two-d;

38 (C) paragraph (c) of subdivision two of section five hundred thirty-
39 two-b;

40 (D) paragraph (c) of subdivision one of section five hundred thirty-
41 two-d;

42 (E) to allow a youth under the age of sixteen to be served in a tran-
43 sitional independent living support program pursuant to subparagraph
44 (ii) of paragraph (a) of subdivision one of section five hundred thir-
45 ty-two-d; and

46 (iv) if a municipality provides shelter in accordance with items (C),
47 (D) and (E) of clause (iii) of this subparagraph, then such municipality
48 shall, within sixty days, notify the office of children and family
49 services in writing of the circumstances that made the provision of
50 shelter necessary, efforts made by the program to find suitable alterna-
51 tive living arrangements for such youth, and the outcome of such
52 efforts. If the office determines that such shelter was inappropriate,
53 the office may instruct the program on how to seek a more suitable
54 alternative living arrangement.

55 (4) Such plan shall also provide for the designation and duties of the
56 runaway and homeless youth service coordinator defined in section five

1 hundred thirty-two-a of this chapter who is available on a twenty-four
2 hour basis and maintains information concerning available shelter space,
3 transportation and services.

4 (5) Such plan may include provision for the per diem reimbursement for
5 residential care of runaway and homeless youth in [approved] certified
6 residential runaway and homeless youth programs which are authorized
7 agencies[, provided that such per diem reimbursement shall not exceed a
8 total of thirty days for any one youth].

9 § 2. Subdivisions 1, 2, 4 and 6 of section 532-a of the executive law,
10 subdivisions 1 and 2 as amended by chapter 800 of the laws of 1985,
11 subdivisions 4 and 6 as amended by section 6 of part G of chapter 57 of
12 the laws of 2013, are amended, and a new subdivision 9 is added, to read
13 as follows:

14 1. "Runaway youth" shall mean a person under the age of eighteen years
15 who is absent from his or her legal residence without the consent of his
16 or her parent, legal guardian or custodian.

17 2. "Homeless youth" shall mean:

18 (a) a person under the age of [twenty-one] eighteen who is in need of
19 services and is without a place of shelter where supervision and care
20 are available; or

21 (b) a person who is under the age of twenty-one but is at least age
22 eighteen and who is in need of services and is without a place of shel-
23 ter.

24 (c) Provided however, when a municipality's approved comprehensive
25 plan authorizes that services pursuant to this article be provided to
26 "homeless young adults" as such term is defined in this section, then
27 for purposes related to the provisions of that municipality's approved
28 comprehensive plan that include "homeless young adults", the term "home-
29 less youth" as used in this article shall be deemed to include "homeless
30 young adults".

31 4. "[Approved runaway] Runaway and homeless youth crisis services
32 program" shall mean:

33 (a) any non-residential program approved by the office of children and
34 family services, after submission by the municipality[,], as part of its
35 comprehensive plan, that provides services to runaway youth and homeless
36 youth in accordance with the regulations of the office of children and
37 family services; or

38 (b) any residential [facility] program which is operated by an author-
39 ized agency as defined in subdivision ten of section three hundred
40 seventy-one of the social services law, and [approved] certified by the
41 office of children and family services [after submission by the munici-
42 pality as part of its comprehensive plan, established and operated] to
43 provide short-term residential services to runaway youth and homeless
44 youth in accordance with the applicable regulations of the office of
45 temporary and disability assistance and the office of children and fami-
46 ly services. [Such]

47 (c) Runaway and homeless youth crisis services programs may also
48 provide non-residential crisis intervention and, if certified, residen-
49 tial respite services to youth in need of crisis intervention or respite
50 services, as such term is defined in this section. Residential respite
51 services in [an approved] a certified runaway and homeless youth crisis
52 services program may be provided to such youth for no more than twenty-
53 one days, in accordance with the regulations of the office of children
54 and family services and section seven hundred thirty-five of the family
55 court act.

56 6. "Transitional independent living support program" shall mean:

1 (a) any non-residential program approved by the office of children and
2 family services, after submission by the municipality as part of its
3 comprehensive plan, [or] that provides supportive services to enable
4 homeless youth to progress from crisis care and transitional care to
5 independent living, in accordance with the applicable regulations of the
6 office of children and family services; or

7 (b) any residential [facility approved by the office of children and
8 family services after submission by the municipality as part of its
9 comprehensive plan to offer youth development programs,] program estab-
10 lished and operated to provide supportive services, [for a period of up
11 to eighteen months] in accordance with the regulations of the office of
12 children and family services, to enable homeless youth [between the ages
13 of sixteen and twenty-one] to progress from crisis care and transitional
14 care to independent living.

15 [Such] (c) A transitional independent living support program may also
16 provide services to youth in need of crisis intervention or respite
17 services. Notwithstanding the time limitation in paragraph (i) of subdivi-
18 vision (d) of section seven hundred thirty-five of the family court act,
19 residential respite services may be provided in a transitional independ-
20 ent living support program for a period of more than twenty-one days.

21 9. "Homeless young adult" shall mean a person who is age twenty-four
22 or younger but is at least age twenty-one and who is in need of services
23 and is without a place of shelter.

24 § 3. Section 532-b of the executive law, as added by chapter 722 of
25 the laws of 1978, the opening paragraph of subdivision 1 as amended by
26 chapter 182 of the laws of 2002, paragraph (a) of subdivision 1 as
27 amended by section 15 of part E of chapter 57 of the laws of 2005, para-
28 graph (e) of subdivision 1 as amended by chapter 569 of the laws of
29 1994, and subdivision 2 as amended by section 7 of part G of chapter 57
30 of the laws of 2013, is amended to read as follows:

31 § 532-b. Powers and duties of [approved] runaway [program] and home-
32 less youth crisis services programs. 1. Notwithstanding any other
33 provision of law, pursuant to regulations of the office of children and
34 family services [an approved] a runaway and homeless youth crisis
35 services program is authorized to and shall:

36 (a) provide assistance to any runaway or homeless youth or youth in
37 need of crisis intervention or respite services as defined in this arti-
38 cle;

39 (b) attempt to determine the cause for the youth's runaway or homeless
40 status;

41 (c) explain to the runaway [and] or homeless youth his or her legal
42 rights and options of service or other assistance available to the
43 youth;

44 (d) work towards reuniting such youth with his or her parent or guard-
45 ian as soon as practicable in accordance with section five hundred thir-
46 ty-two-c of this article;

47 (e) assist in arranging for necessary services for runaway or homeless
48 youth, and where appropriate, their families, including but not limited
49 to food, shelter, clothing, medical care, education and individual and
50 family counseling. Where the [approved] runaway and homeless youth
51 crisis services program concludes that such runaway or homeless youth
52 would be eligible for assistance, care or services from a local social
53 services district, it shall assist the youth in securing such assist-
54 ance, care or services as the youth is entitled to; [and]

55 (f) immediately report to the [local child protective service] state-
56 wide central register of child abuse and maltreatment or vulnerable

1 persons' central register, as appropriate, where it has reasonable cause
2 to suspect that the runaway or homeless youth has been abused or
3 neglected or when such youth maintains such to be the case[.];

4 (g) contact the appropriate local social services district if it is
5 believed that the youth may be a destitute child, as such term is
6 defined in section one thousand ninety-two of the family court act. The
7 office of children and family services shall provide appropriate guid-
8 ance to the runaway and homeless youth crisis services program on how to
9 accurately identify a youth that may be a destitute child; and

10 (h) provide information to eligible youth about their ability to
11 re-enter foster care in accordance with article ten-B of the family
12 court act, and in appropriate cases, refer any such youth who may be
13 interested in re-entering foster care to the applicable local social
14 services district. The office of children and family services shall
15 provide the runaway and homeless youth crisis services program with the
16 appropriate educational materials to give to eligible youth regarding
17 their ability to re-enter foster care. The office of children and family
18 services shall also provide appropriate guidance to the runaway and
19 homeless youth crisis services program on how to accurately identify
20 youth that may be eligible to re-enter foster care and how to refer such
21 youth to the applicable local social services district if appropriate.

22 2. [The] (a) A runaway youth may remain in [the] a certified residen-
23 tial runaway and homeless youth crisis services program on a voluntary
24 basis for a period not to exceed thirty days, or for a youth age four-
25 teen or older for a period up to sixty days when authorized in the
26 applicable municipality's approved comprehensive plan, from the date of
27 admission where the filing of a petition pursuant to article ten of the
28 family court act is not contemplated, in order that arrangements can be
29 made for the runaway youth's return home, alternative residential place-
30 ment pursuant to section three hundred ninety-eight of the social
31 services law, or any other suitable plan.

32 (b) If the runaway youth and the parent, guardian or custodian
33 agree[,] in writing, the runaway youth may remain in [the runaway] such
34 program up to sixty days, or up to one hundred twenty days when author-
35 ized in the applicable municipality's approved county comprehensive
36 plan, without the filing of a petition pursuant to article ten of the
37 family court act, provided that in any such case the facility shall
38 first have obtained the approval of the applicable municipal runaway and
39 homeless youth services coordinator, who shall notify the municipality's
40 youth bureau of his or her approval together with a statement as to the
41 reason why such additional residential stay is necessary and a
42 description of the efforts being made to find suitable alternative
43 living arrangements for such youth.

44 (c) A runaway youth may remain in a certified residential runaway and
45 homeless youth crisis services program beyond the applicable period
46 authorized by paragraph (a) or (b) of this subdivision, if the munici-
47 pality has notified the office of children and family services in
48 accordance with clause (iv) of subparagraph three of paragraph a of
49 subdivision two of section four hundred twenty of this chapter.

50 § 4. Section 532-c of the executive law, as added by chapter 722 of
51 the laws of 1978, is amended to read as follows:

52 § 532-c. Notice to parent; return of runaway youth to parent; alterna-
53 tive living arrangements. 1. The staff of [the] a residential runaway
54 and homeless youth crisis services program shall, to the maximum extent
55 possible, preferably within twenty-four hours but within no more than
56 seventy-two hours following the youth's admission into the program,



1 notify such runaway youth's parent, guardian or custodian of his or her
2 physical and emotional condition, and the circumstances surrounding the
3 runaway youth's presence at the program, unless there are compelling
4 circumstances why the parent, guardian or custodian should not be so
5 notified. Where such circumstances exist, the [runaway] program director
6 or his or her designee shall either file an appropriate petition in the
7 family court, refer the youth to the local social services district, or
8 in instances where abuse or neglect is suspected, report such case
9 pursuant to title six of article six of the social services law.

10 2. Where custody of the youth upon leaving the [approved] program is
11 assumed by a relative or other person, other than the parent or guardi-
12 an, the staff of the program shall so notify the parent or guardian as
13 soon as practicable after the release of the youth. The officers, direc-
14 tors or employees of [an approved runaway] the program shall be immune
15 from any civil or criminal liability for or arising out of the release
16 of a runaway or homeless youth to a relative or other responsible person
17 other than a parent or guardian.

18 § 5. Section 532-d of the executive law, as amended by chapter 182 of
19 the laws of 2002, subdivisions (e) and (g) as amended and subdivision
20 (f) as added by section 16 of part E of chapter 57 of the laws of 2005,
21 is amended to read as follows:

22 § 532-d. Residential [facilities operated as] transitional independent
23 living support programs. Notwithstanding any inconsistent provision of
24 law, pursuant to regulations of the office of children and family
25 services, residential facilities operating as transitional independent
26 living support programs are authorized to and shall:

27 [(a)] 1. (a) (i) provide shelter to homeless youth [between the ages
28 of sixteen and twenty-one as defined in this article] who are at least
29 age sixteen.

30 (ii) Provided, however, that shelter may be provided to a homeless
31 youth under the age of sixteen if the municipality has notified the
32 office of children and family services in accordance with clause (iv) of
33 subparagraph three of paragraph a of subdivision two of section four
34 hundred twenty of this chapter.

35 (b) Shelter may be provided to a homeless youth in a transitional
36 independent living program for a period of up to eighteen months, or up
37 to twenty-four months when authorized in the applicable municipality's
38 approved comprehensive plan;

39 (c) A homeless youth who entered a transitional independent living
40 program under the age of twenty-one may continue to receive shelter
41 services in such program beyond the applicable period authorized by
42 paragraph (b) of this subdivision, if the municipality has notified the
43 office of children and family services in accordance with clause (iv) of
44 subparagraph three of paragraph a of subdivision two of section four
45 hundred twenty of this chapter;

46 [(b)] 2. work toward reuniting such homeless youth with his or her
47 parent, guardian or custodian, where possible;

48 [(c)] 3. provide or assist in securing necessary services for such
49 homeless youth, and where appropriate, his or her family, including but
50 not limited to housing, educational, medical care, legal, mental health,
51 and substance and alcohol abuse services. Where such program concludes
52 that such homeless youth would be eligible for assistance, care or
53 services from a local social services district, it shall assist such
54 youth in securing such assistance, care or services;

55 [(d)] 4. for a homeless youth whose service plan involves independent
56 living, provide practical assistance in achieving independence, either

1 through direct provision of services or through written agreements with
2 other community and public agencies for the provision of services in the
3 following areas; high school education or high school equivalency educa-
4 tion; higher education assessment; job training and job placement; coun-
5 seling; assistance in the development of socialization skills; guidance
6 and assistance in securing housing appropriate to needs and income; and
7 training in the development of skills necessary for responsible inde-
8 pendent living, including but not limited to money and home management,
9 personal care, and health maintenance; and

10 [(e)] 5. provide residential services to a youth in need of crisis
11 intervention or respite services, as defined in this article; [and]

12 [(f)] 6. continue to provide services to a homeless youth who is not
13 yet eighteen years of age but who has reached the [eighteen month] maxi-
14 mum time period provided by paragraph (b) of subdivision [six] one of
15 this section [five hundred thirty-two-a of this article], until he or
16 she is eighteen years of age or for an additional six months if he or
17 she is still under the age of eighteen; and

18 [(g)] 7. contact the appropriate local social services district if it
19 is believed that the youth may be a destitute child, as such term is
20 defined in section one thousand ninety-two of the family court act. The
21 office of children and family services shall provide appropriate guid-
22 ance to the residential transitional independent living support program
23 on how to accurately identify a youth that may be a destitute child;

24 8. provide information to eligible youth about their ability to re-en-
25 ter foster care in accordance with article ten-B of the family court
26 act, and in appropriate cases, refer any such youth who may be inter-
27 ested in re-entering foster care to the applicable local social services
28 district. The office of children and family services shall provide the
29 residential transitional independent living support program with the
30 appropriate educational materials to give to eligible youth regarding
31 their ability to re-enter foster care. The office of children and family
32 services shall also provide appropriate guidance to the residential
33 transitional independent living support program on how to accurately
34 identify youth that may be eligible to re-enter foster care and how to
35 refer such youth to the applicable local social services district if
36 appropriate; and

37 9. provide such reports and data as specified by the office of chil-
38 dren and family services.

39 § 6. The executive law is amended by adding a new section 532-f to
40 read as follows:

41 § 532-f. Required certification for residential programs. Notwith-
42 standing any other provision of law to the contrary, any residential
43 program established for the purpose of serving runaway and homeless
44 youth that serves any youth under the age of eighteen or that is
45 contained in a municipality's approved comprehensive plan, must be
46 certified by the office of children and family services and must be
47 operated by an authorized agency as such term is defined in subdivision
48 ten of section three hundred seventy-one of the social services law.

49 § 7. Paragraph (iii) of subdivision (b) of section 724 of the family
50 court act, as amended by section 4 of part E of chapter 57 of the laws
51 of 2005, is amended to read as follows:

52 (iii) take a youth in need of crisis intervention or respite services
53 to [an approved] a runaway and homeless youth crisis services program or
54 other approved respite or crisis program; or

55 § 8. Subdivision 2 of section 447-a of the social services law, as
56 added by chapter 569 of the laws of 2008, is amended to read as follows:

1 2. The term "short-term safe house" means a residential facility oper-
2 ated by an authorized agency as defined in subdivision ten of section
3 three hundred seventy-one of this article including a residential facil-
4 ity operating as part of [an approved] a runaway and homeless youth
5 crisis services program as defined in subdivision four of section five
6 hundred thirty-two-a of the executive law or a not-for-profit agency
7 with experience in providing services to sexually exploited youth and
8 approved in accordance with the regulations of the office of children
9 and family services that provides emergency shelter, services and care
10 to sexually exploited children including food, shelter, clothing,
11 medical care, counseling and appropriate crisis intervention services at
12 the time they are taken into custody by law enforcement and for the
13 duration of any legal proceeding or proceedings in which they are either
14 the complaining witness or the subject child. The short-term safe house
15 shall also be available at the point in time that a child under the age
16 of eighteen has first come into the custody of juvenile detention offi-
17 cials, law enforcement, local jails or the local commissioner of social
18 services or is residing with the local runaway and homeless youth
19 authority.

20 § 9. This act shall take effect January 1, 2018; provided however,
21 that:

22 (a) the office of children and family services is authorized to
23 promulgate regulations regarding any of the provisions of this act on or
24 before the effective date of such act; provided, however, such office
25 shall promulgate regulations specifying that services authorized in a
26 municipality's consolidated services plan in accordance with items (A)
27 and (B) of clause (iii) of subparagraph 3 of paragraph a of subdivision
28 2 of section 420 of the executive law, as amended by section one of this
29 act, may be provided by a program but are not required;

30 (b) the amendments to article 19-H of the executive law made by
31 section six of this act that require that certain residential runaway
32 and homeless youth programs be operated by authorized agencies shall be
33 deemed to apply to such programs that are certified by the office of
34 children and family services on or after the effective date of this act;

35 (c) the amendments to:

36 (i) paragraph a of subdivision 2 of section 420 of the executive law,
37 made by section one of this act, shall not affect the expiration and
38 reversion of such subdivision pursuant to section 9 of part G of chapter
39 57 of the laws of 2013 and shall expire and be deemed repealed there-
40 with; and

41 (ii) subdivisions 4 and 6 of section 532-a of the executive law, made
42 by section two of this act, shall not affect the expiration and rever-
43 sion of such subdivisions pursuant to section 9 of part G of chapter 57
44 of the laws of 2013 and shall expire and be deemed repealed therewith;

45 (iii) subdivision 2 of section 532-b of the executive law made by
46 section three of this act, shall not affect the expiration and reversion
47 of such subdivision pursuant to section 9 of part G of chapter 57 of the
48 laws of 2013 and shall expire and be deemed repealed therewith.

49

PART N

50 Section 1. The public health law is amended by adding a new article
51 29-I to read as follows:

52

ARTICLE 29-I

53

MEDICAL SERVICES FOR FOSTER CHILDREN



1 Section 2999-gg. Voluntary foster care agency health facilities.

2 § 2999-gg. Voluntary foster care agency health facilities. 1. In
3 order for an authorized agency that is approved by the office of chil-
4 dren and family services to care for or board out children, to provide
5 limited health-related services as defined in regulations of the depart-
6 ment either directly or indirectly through a contract arrangement, such
7 agency shall obtain, in accordance with a schedule developed by the
8 department in conjunction with the office of children and family
9 services, a license issued by the commissioner in conjunction with the
10 office of children and family services to provide such services. Such
11 schedule shall require that all such authorized agencies operating on
12 January first, two thousand nineteen obtain the license required by this
13 section no later than January first, two thousand nineteen. Such
14 licenses shall be issued in accordance with the standards set forth in
15 this article and the regulations of the department which shall, at a
16 minimum, specify: mandated health services, which shall include, but not
17 be limited to, nursing and behavioral health services; general physical
18 environment requirements; minimum health and safety procedures; record
19 management requirements; quality management activities; and managed care
20 liaison, fiscal and billing activities. In determining the criteria for
21 licensure, regulations shall take into account the size and type of each
22 program, and shall be reasonably related to the provision of medical
23 services. Provided however, that a license pursuant to this section
24 shall not be required if such authorized agency is otherwise authorized
25 to provide the required limited-health-related services to foster chil-
26 dren under a license issued pursuant to article twenty-eight of this
27 chapter or article thirty-one of the mental hygiene law. For the
28 purposes of this section, the term authorized agency shall be an author-
29 ized agency as defined in paragraph (a) of subdivision ten of section
30 three hundred seventy-one of the social services law.

31 2. Such license shall not be issued unless it is determined that the
32 equipment, personnel, rules, standards of care and services are fit and
33 adequate, and that the health-related services will be provided in the
34 manner required by this article and the rules and regulations there-
35 under.

36 3. The commissioner and the commissioner of the office of children and
37 family services shall enter into a memorandum of agreement for the
38 purposes of administering the requirements of this section.

39 4. Proceedings involving the issuance of licenses for health-related
40 services to authorized agencies:

41 (a) A license for health-related services under this article may be
42 revoked, suspended, limited, annulled or denied by the commissioner, in
43 consultation with the office of children and family services, if an
44 authorized agency is determined to have failed to comply with the
45 provisions of this article or the rules and regulations promulgated
46 thereunder. No action taken against a license under this subdivision
47 shall affect an authorized agency's license to care for or board chil-
48 dren unless the commissioner of the office of children and family
49 services determines, pursuant to the regulations of such office, that
50 the existing circumstances make it necessary to limit, suspend or revoke
51 the authority of the authorized agency to care for or board children.

52 (b) No such license shall be revoked, suspended, limited, annulled or
53 denied without a hearing. However, a license may be temporarily
54 suspended or limited without a hearing for a period not in excess of
55 thirty days upon written notice that the continuation of health-related

1 services places the public health or safety of the recipients in immi-
2 nent danger.

3 (c) The commissioner shall fix a time and place for the hearing. A
4 copy of the charges, together with the notice of the time and place of
5 the hearing, shall be served in person or mailed by registered or certi-
6 fied mail to the authorized agency at least twenty-one days before the
7 date fixed for the hearing. The authorized agency shall file with the
8 department not less than eight days prior to the hearing, a written
9 answer to the charges.

10 (d) All orders or determinations hereunder shall be subject to review
11 as provided in article seventy-eight of the civil practice law and
12 rules. Application for such review must be made within sixty days after
13 service in person or by registered or certified mail of a copy of the
14 order or determination upon the applicant or agency.

15 § 2. This act shall take effect immediately, provided, however, that
16 the department of health, in consultation with the office of children
17 and family services, shall issue any regulations necessary for the
18 implementation of this act.

19 PART O

20 Intentionally Omitted

21 PART P

22 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
23 section 131-o of the social services law, as amended by section 1 of
24 part O of chapter 54 of the laws of 2016, are amended to read as
25 follows:

26 (a) in the case of each individual receiving family care, an amount
27 equal to at least \$141.00 for each month beginning on or after January
28 first, two thousand [sixteen] seventeen.

29 (b) in the case of each individual receiving residential care, an
30 amount equal to at least \$163.00 for each month beginning on or after
31 January first, two thousand [sixteen] seventeen.

32 (c) in the case of each individual receiving enhanced residential
33 care, an amount equal to at least [~~\$193.00~~] \$194.00 for each month
34 beginning on or after January first, two thousand [sixteen] seventeen.

35 (d) for the period commencing January first, two thousand [seventeen]
36 eighteen, the monthly personal needs allowance shall be an amount equal
37 to the sum of the amounts set forth in subparagraphs one and two of this
38 paragraph:

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

41 (2) the amount in subparagraph one of this paragraph, multiplied by
42 the percentage of any federal supplemental security income cost of
43 living adjustment which becomes effective on or after January first, two
44 thousand [seventeen] eighteen, but prior to June thirtieth, two thousand
45 [seventeen] eighteen, rounded to the nearest whole dollar.

46 § 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of
47 section 209 of the social services law, as amended by section 2 of part
48 O of chapter 54 of the laws of 2016, are amended to read as follows:

49 (a) On and after January first, two thousand [sixteen] seventeen, for
50 an eligible individual living alone, [~~\$820.00~~] \$822.00; and for an
51 eligible couple living alone, [~~\$1204.00~~] \$1,207.00.

1 (b) On and after January first, two thousand [sixteen] seventeen, for
2 an eligible individual living with others with or without in-kind
3 income, [\$756.00] \$758.00; and for an eligible couple living with others
4 with or without in-kind income, [\$1146.00] \$1,149.00.

5 (c) On and after January first, two thousand [sixteen] seventeen, (i)
6 for an eligible individual receiving family care, [\$999.48] \$1,001.48 if
7 he or she is receiving such care in the city of New York or the county
8 of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
9 couple receiving family care in the city of New York or the county of
10 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
11 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
12 ual receiving such care in any other county in the state, [\$961.48]
13 \$963.48; and (iv) for an eligible couple receiving such care in any
14 other county in the state, two times the amount set forth in subpara-
15 graph (iii) of this paragraph.

16 (d) On and after January first, two thousand [sixteen] seventeen, (i)
17 for an eligible individual receiving residential care, [\$1168.00]
18 \$1,170.00 if he or she is receiving such care in the city of New York or
19 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
20 eligible couple receiving residential care in the city of New York or
21 the county of Nassau, Suffolk, Westchester or Rockland, two times the
22 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
23 eligible individual receiving such care in any other county in the
24 state, [\$1138.00] \$1,140.00; and (iv) for an eligible couple receiving
25 such care in any other county in the state, two times the amount set
26 forth in subparagraph (iii) of this paragraph.

27 (e) (i) On and after January first, two thousand [sixteen] seventeen,
28 for an eligible individual receiving enhanced residential care,
29 [\$1427.00] \$1,429.00; and (ii) for an eligible couple receiving enhanced
30 residential care, two times the amount set forth in subparagraph (i) of
31 this paragraph.

32 (f) The amounts set forth in paragraphs (a) through (e) of this subdi-
33 vision shall be increased to reflect any increases in federal supple-
34 mental security income benefits for individuals or couples which become
35 effective on or after January first, two thousand [seventeen] eighteen
36 but prior to June thirtieth, two thousand [seventeen] eighteen.

37 § 3. This act shall take effect December 31, 2017.

38

PART Q

39 Section 1. Section 412 of the social services law is amended by adding
40 a new subdivision 9 to read as follows:

41 9. A "publicly-funded emergency shelter for families with children"
42 means any facility with overnight sleeping accommodations and that is
43 used to house recipients of temporary housing assistance and which hous-
44 es or may house children and families with children.

45 § 2. Paragraph (a) of subdivision 1 of section 413 of the social
46 services law, as separately amended by chapters 126 and 205 of the laws
47 of 2014, is amended to read as follows:

48 (a) The following persons and officials are required to report or
49 cause a report to be made in accordance with this title when they have
50 reasonable cause to suspect that a child coming before them in their
51 professional or official capacity is an abused or maltreated child, or
52 when they have reasonable cause to suspect that a child is an abused or
53 maltreated child where the parent, guardian, custodian or other person
54 legally responsible for such child comes before them in their profes-

1 sional or official capacity and states from personal knowledge facts,
2 conditions or circumstances which, if correct, would render the child an
3 abused or maltreated child: any physician; registered physician assist-
4 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
5 osteopath; optometrist; chiropractor; podiatrist; resident; intern;
6 psychologist; registered nurse; social worker; emergency medical techni-
7 cian; licensed creative arts therapist; licensed marriage and family
8 therapist; licensed mental health counselor; licensed psychoanalyst;
9 licensed behavior analyst; certified behavior analyst assistant; hospi-
10 tal personnel engaged in the admission, examination, care or treatment
11 of persons; a Christian Science practitioner; school official, which
12 includes but is not limited to school teacher, school guidance counse-
13 lor, school psychologist, school social worker, school nurse, school
14 administrator or other school personnel required to hold a teaching or
15 administrative license or certificate; full or part-time compensated
16 school employee required to hold a temporary coaching license or profes-
17 sional coaching certificate; social services worker; employee of a publ-
18 icly-funded emergency shelter for families with children; director of a
19 children's overnight camp, summer day camp or traveling summer day camp,
20 as such camps are defined in section thirteen hundred ninety-two of the
21 public health law; day care center worker; school-age child care worker;
22 provider of family or group family day care; employee or volunteer in a
23 residential care facility for children that is licensed, certified or
24 operated by the office of children and family services; or any other
25 child care or foster care worker; mental health professional; substance
26 abuse counselor; alcoholism counselor; all persons credentialed by the
27 office of alcoholism and substance abuse services; peace officer; police
28 officer; district attorney or assistant district attorney; investigator
29 employed in the office of a district attorney; or other law enforcement
30 official.

31 § 3. Subdivision 3 of section 424-a of the social services law, as
32 amended by section 8 of part D of chapter 501 of the laws of 2012, is
33 amended to read as follows:

34 3. For purposes of this section, the term "provider" or "provider
35 agency" shall mean: an authorized agency[,] the office of children and
36 family services[,] juvenile detention facilities subject to the certif-
37 ication of [such] the office[,] of children and family services;
38 programs established pursuant to article nineteen-H of the executive
39 law[,] non-residential or residential programs or facilities licensed
40 or operated by the office of mental health or the office for people with
41 developmental disabilities except family care homes[,] licensed child
42 day care centers, including head start programs which are funded pursu-
43 ant to title V of the federal economic opportunity act of nineteen
44 hundred sixty-four, as amended[,] early intervention service estab-
45 lished pursuant to section twenty-five hundred forty of the public
46 health law[,] preschool services established pursuant to section
47 forty-four hundred ten of the education law[,] school-age child care
48 programs[,] special act school districts as enumerated in chapter five
49 hundred sixty-six of the laws of nineteen hundred sixty-seven, as
50 amended[,] programs and facilities licensed by the office of alcoholism
51 and substance abuse services[,] residential schools which are operated,
52 supervised or approved by the education department[,] publicly-funded
53 emergency shelters for families with children, provided, however, for
54 purposes of this section, when the provider or provider agency is a
55 publicly-funded emergency shelter for families with children, then all
56 references in this section to the "potential for regular and substantial

1 contact with individuals who are cared for by the agency" shall mean the
2 potential for regular and substantial contact with children who are
3 served by such shelter; and any other facility or provider agency, as
4 defined in subdivision four of section four hundred eighty-eight of this
5 chapter, in regard to the employment of staff, or use of providers of
6 goods and services and staff of such providers, consultants, interns and
7 volunteers.

8 § 4. The social services law is amended by adding a new section 460-h
9 to read as follows:

10 § 460-h. Review of criminal history information concerning prospective
11 employees, consultants, assistants and volunteers of publicly-funded
12 emergency shelters for families with children. 1. Every provider of
13 services to publicly-funded emergency shelters for families with chil-
14 dren, as such phrase is defined in subdivision nine of section four
15 hundred twelve of this chapter, shall request from the division of crim-
16 inal justice services criminal history information, as such phrase is
17 defined in paragraph (c) of subdivision one of section eight hundred
18 forty-five-b of the executive law, concerning each prospective employee,
19 consultant, assistant or volunteer of such provider who will have the
20 potential for regular and substantial contact with children who are
21 served by the publicly-funded emergency shelter for families with chil-
22 dren.

23 (a) Prior to requesting criminal history information concerning any
24 prospective employee, consultant, assistant or volunteer, a provider
25 shall:

26 (1) inform the prospective employee, consultant, assistant or volun-
27 teer in writing that the provider is required to request his or her
28 criminal history information from the division of criminal justice
29 services and review such information pursuant to this section; and

30 (2) obtain the signed informed consent of the prospective employee,
31 consultant, assistant or volunteer on a form supplied by the division of
32 criminal justice services which indicates that such person has:

33 (i) been informed of the right and procedures necessary to obtain,
34 review and seek correction of his or her criminal history information;

35 (ii) been informed of the reason for the request for his or her crimi-
36 nal history information;

37 (iii) consented to such request; and

38 (iv) supplied on the form a current mailing or home address.

39 (b) Upon receiving such written consent, the provider shall obtain a
40 set of fingerprints of such prospective employee, consultant, assistant,
41 or volunteer and provide such fingerprints to the division of criminal
42 justice services pursuant to regulations established by the division of
43 criminal justice services.

44 2. A provider shall designate one or two persons in its employ who
45 shall be authorized to request, receive and review the criminal history
46 information, and only such persons and the prospective employee,
47 consultant, assistant or volunteer to which the criminal history infor-
48 mation relates shall have access to such information; provided, however,
49 the criminal history information may be disclosed to other personnel
50 authorized by the provider who are empowered to make decisions concern-
51 ing prospective employees, consultants, assistants or volunteers and
52 provided further that such other personnel shall also be subject to the
53 confidentiality requirements and all other provisions of this section. A
54 provider shall notify each person authorized to have access to criminal
55 history information pursuant to this section.

1 3. A provider requesting criminal history information pursuant to this
2 section shall also complete a form developed for such purpose by the
3 division of criminal justice services. Such form shall include a sworn
4 statement of the person designated by such provider to request, receive
5 and review criminal history information pursuant to subdivision two of
6 this section certifying that:

7 (a) such criminal history information will be used by the provider
8 solely for purposes authorized by this section;

9 (b) the provider and its staff are aware of and will abide by the
10 confidentiality requirements and all other provisions of this section;
11 and

12 (c) the persons designated by the provider to receive criminal history
13 information pursuant to subdivision two of this section shall upon
14 receipt immediately mark such criminal history information "confiden-
15 tial," and shall at all times maintain such criminal history information
16 in a secure place.

17 4. Upon receipt of the fingerprints and sworn statement required by
18 this section, the provider shall promptly submit the fingerprints to the
19 division of criminal justice services.

20 5. The division of criminal justice services shall promptly provide
21 the requested criminal history information, if any, to the provider that
22 transmitted the fingerprints to it. Criminal history information
23 provided by the division of criminal justice services pursuant to this
24 section shall be furnished only by mail or other method of secure and
25 confidential delivery, addressed to the requesting provider. Such infor-
26 mation and the envelope in which it is enclosed shall be prominently
27 marked "confidential," and shall at all times be maintained by the
28 provider in a secure place.

29 6. Upon receipt of criminal history information from the division of
30 criminal justice services, the provider may request, and is entitled to
31 receive, information pertaining to any crime identified on such criminal
32 history information from any state or local law enforcement agency,
33 district attorney, parole officer, probation officer or court for the
34 purposes of determining whether any grounds relating to such crime exist
35 for denying an application, renewal, or employment.

36 7. After receiving criminal history information pursuant to subdivi-
37 sions five and six of this section and before making a determination,
38 the provider shall provide the prospective employee, consultant, assist-
39 ant or volunteer with a copy of such criminal history information and a
40 copy of article twenty-three-A of the correction law and inform such
41 prospective employee, consultant, assistant and volunteer of his or her
42 right to seek correction of any incorrect information contained in such
43 criminal history information provided by the division of criminal
44 justice services pursuant to the regulations and procedures established
45 by the division of criminal justice services and the right of the
46 prospective employee, consultant, assistant or volunteer to provide
47 information relevant to such analysis.

48 8. Criminal history information obtained pursuant to subdivisions five
49 and six of this section shall be considered by the provider in accord-
50 ance with the provisions of article twenty-three-A of the correction law
51 and subdivisions fifteen and sixteen of section two hundred ninety-six
52 of the executive law.

53 9. A prospective employee, consultant, assistant or volunteer may
54 withdraw from the application process, without prejudice, at any time
55 regardless of whether he or she, or the provider, has reviewed his or
56 her criminal history information. Where a prospective employee, consult-

1 ant, assistant or volunteer withdraws from the application process, any
2 fingerprints and criminal history information concerning such prospec-
3 tive employee, consultant, assistant or volunteer received by the
4 provider shall, within ninety days, be returned to such prospective
5 employee, consultant, assistant or volunteer by the person designated
6 for receipt of criminal history information pursuant to subdivision two
7 of this section.

8 10. Any person who willfully permits the release of any confidential
9 criminal history information contained in the report to persons not
10 permitted by this section to receive such information shall be guilty of
11 a misdemeanor.

12 11. The commissioner of the division of criminal justice services, in
13 consultation with the office of temporary and disability assistance,
14 shall promulgate all rules and regulations necessary to implement the
15 provisions of this section, which shall include convenient procedures
16 for the provider to promptly verify the accuracy of the reviewed crimi-
17 nal history information and, to the extent authorized by law, to have
18 access to relevant documents related thereto.

19 § 5. Severability. If any clause, sentence, paragraph, subdivision, or
20 section contained in this act shall be adjudged by any court of compe-
21 tent jurisdiction to be invalid, such judgement shall not affect,
22 impair, or invalidate the remainder thereof, but shall be confined in
23 its operation to the clause, sentence, paragraph, subdivision, or
24 section directly involved in the controversy in which such judgment
25 shall have been rendered. It is hereby declared to be the intent of the
26 legislature that this act would have been enacted even if such invalid
27 provision had not been included herein.

28 § 6. This act shall take effect on the ninetieth day after it shall
29 have become a law; provided however that: the commissioner of the office
30 of children and family services, in consultation with the office of
31 temporary and disability assistance, shall promulgate all rules and
32 regulations necessary to implement the provisions of section two of this
33 act; the commissioner of the office of temporary and disability assist-
34 ance, in consultation with the office of children and family services,
35 shall promulgate all rules and regulations necessary to implement the
36 provisions of sections one and three of this act; and the commissioner
37 of the division of criminal justice services, in consultation with the
38 office of temporary and disability assistance, shall promulgate all
39 rules and regulations necessary to implement the provisions of section
40 four of this act; and provided further, the aforementioned rules or
41 regulations may be promulgated on an emergency basis.

42

PART R

43 Section 1. Notwithstanding any other provision of law, the housing
44 trust fund corporation may provide, for purposes of the rural rental
45 assistance program, a sum not to exceed twenty-two million nine hundred
46 sixty thousand dollars for the fiscal year ending March 31, 2018.
47 Notwithstanding any other provision of law, and subject to the approval
48 of the New York state director of the budget, the board of directors of
49 the state of New York mortgage agency shall authorize the transfer to
50 the housing trust fund corporation, for the purposes of reimbursing any
51 costs associated with rural rental assistance program contracts author-
52 ized by this section, a total sum not to exceed twenty-two million nine
53 hundred sixty thousand dollars, such transfer to be made from (i) the
54 special account of the mortgage insurance fund created pursuant to

1 section 2429-b of the public authorities law, in an amount not to exceed
2 the actual excess balance in the special account of the mortgage insur-
3 ance fund, as determined and certified by the state of New York mortgage
4 agency for the fiscal year 2016-2017 in accordance with section 2429-b
5 of the public authorities law, if any, and/or (ii) provided that the
6 reserves in the project pool insurance account of the mortgage insurance
7 fund created pursuant to section 2429-b of the public authorities law
8 are sufficient to attain and maintain the credit rating (as determined
9 by the state of New York mortgage agency) required to accomplish the
10 purposes of such account, the project pool insurance account of the
11 mortgage insurance fund, such transfer to be made as soon as practicable
12 but no later than June 30, 2017.

13 § 2. Notwithstanding any other provision of law, the housing finance
14 agency may provide, for costs associated with the rehabilitation of
15 Mitchell Lama housing projects, a sum not to exceed thirty-nine million
16 five hundred thousand dollars for the fiscal year ending March 31, 2018.
17 Notwithstanding any other provision of law, and subject to the approval
18 of the New York state director of the budget, the board of directors of
19 the state of New York mortgage agency shall authorize the transfer to
20 the housing finance agency, for the purposes of reimbursing any costs
21 associated with Mitchell Lama housing projects authorized by this
22 section, a total sum not to exceed thirty-nine million five hundred
23 thousand dollars, such transfer to be made from (i) the special account
24 of the mortgage insurance fund created pursuant to section 2429-b of the
25 public authorities law, in an amount not to exceed the actual excess
26 balance in the special account of the mortgage insurance fund, as deter-
27 mined and certified by the state of New York mortgage agency for the
28 fiscal year 2016-2017 in accordance with section 2429-b of the public
29 authorities law, if any, and/or (ii) provided that the reserves in the
30 project pool insurance account of the mortgage insurance fund created
31 pursuant to section 2429-b of the public authorities law are sufficient
32 to attain and maintain the credit rating (as determined by the state of
33 New York mortgage agency) required to accomplish the purposes of such
34 account, the project pool insurance account of the mortgage insurance
35 fund, such transfer to be made as soon as practicable but no later than
36 March 31, 2018.

37 § 3. Notwithstanding any other provision of law, the housing trust
38 fund corporation may provide, for purposes of the neighborhood preserva-
39 tion program, a sum not to exceed eight million four hundred seventy-
40 nine thousand dollars for the fiscal year ending March 31, 2018. Within
41 this total amount, one hundred fifty thousand dollars shall be used for
42 the purpose of entering into a contract with the neighborhood preserva-
43 tion coalition to provide technical assistance and services to companies
44 funded pursuant to article XVI of the private housing finance law.
45 Notwithstanding any other provision of law, and subject to the approval
46 of the New York state director of the budget, the board of directors of
47 the state of New York mortgage agency shall authorize the transfer to
48 the housing trust fund corporation, for the purposes of reimbursing any
49 costs associated with neighborhood preservation program contracts
50 authorized by this section, a total sum not to exceed eight million four
51 hundred seventy-nine thousand dollars, such transfer to be made from (i)
52 the special account of the mortgage insurance fund created pursuant to
53 section 2429-b of the public authorities law, in an amount not to exceed
54 the actual excess balance in the special account of the mortgage insur-
55 ance fund, as determined and certified by the state of New York mortgage
56 agency for the fiscal year 2016-2017 in accordance with section 2429-b



1 of the public authorities law, if any, and/or (ii) provided that the
2 reserves in the project pool insurance account of the mortgage insurance
3 fund created pursuant to section 2429-b of the public authorities law
4 are sufficient to attain and maintain the credit rating (as determined
5 by the state of New York mortgage agency) required to accomplish the
6 purposes of such account, the project pool insurance account of the
7 mortgage insurance fund, such transfer to be made as soon as practicable
8 but no later than June 30, 2017.

9 § 4. Notwithstanding any other provision of law, the housing trust
10 fund corporation may provide, for purposes of the rural preservation
11 program, a sum not to exceed three million five hundred thirty-nine
12 thousand dollars for the fiscal year ending March 31, 2018. Within this
13 total amount, one hundred fifty thousand dollars shall be used for the
14 purpose of entering into a contract with the rural housing coalition to
15 provide technical assistance and services to companies funded pursuant
16 to article XVIII of the private housing finance law. Notwithstanding any
17 other provision of law, and subject to the approval of the New York
18 state director of the budget, the board of directors of the state of New
19 York mortgage agency shall authorize the transfer to the housing trust
20 fund corporation, for the purposes of reimbursing any costs associated
21 with rural preservation program contracts authorized by this section, a
22 total sum not to exceed three million five hundred thirty-nine thousand
23 dollars, such transfer to be made from (i) the special account of the
24 mortgage insurance fund created pursuant to section 2429-b of the public
25 authorities law, in an amount not to exceed the actual excess balance in
26 the special account of the mortgage insurance fund, as determined and
27 certified by the state of New York mortgage agency for the fiscal year
28 2016-2017 in accordance with section 2429-b of the public authorities
29 law, if any, and/or (ii) provided that the reserves in the project pool
30 insurance account of the mortgage insurance fund created pursuant to
31 section 2429-b of the public authorities law are sufficient to attain
32 and maintain the credit rating (as determined by the state of New York
33 mortgage agency) required to accomplish the purposes of such account,
34 the project pool insurance account of the mortgage insurance fund, such
35 transfer to be made as soon as practicable but no later than June 30,
36 2017.

37 § 5. Notwithstanding any other provision of law, the housing trust
38 fund corporation may provide, for purposes of the rural and urban commu-
39 nity investment fund program created pursuant to article XXVII of the
40 private housing finance law, a sum not to exceed thirty-four million
41 five hundred thousand dollars for the fiscal year ending March 31, 2018.
42 Notwithstanding any other provision of law, and subject to the approval
43 of the New York state director of the budget, the board of directors of
44 the state of New York mortgage agency shall authorize the transfer to
45 the housing trust fund corporation, for the purposes of reimbursing any
46 costs associated with rural and urban community investment fund program
47 contracts authorized by this section, a total sum not to exceed thirty-
48 four million five hundred thousand dollars, such transfer to be made
49 from (i) the special account of the mortgage insurance fund created
50 pursuant to section 2429-b of the public authorities law, in an amount
51 not to exceed the actual excess balance in the special account of the
52 mortgage insurance fund, as determined and certified by the state of New
53 York mortgage agency for the fiscal year 2016-2017 in accordance with
54 section 2429-b of the public authorities law, if any, and/or (ii)
55 provided that the reserves in the project pool insurance account of the
56 mortgage insurance fund created pursuant to section 2429-b of the public

1 authorities law are sufficient to attain and maintain the credit rating
2 (as determined by the state of New York mortgage agency) required to
3 accomplish the purposes of such account, the project pool insurance
4 account of the mortgage insurance fund, such transfer to be made as soon
5 as practicable but no later than March 31, 2018.

6 § 6. Notwithstanding any other provision of law, the housing trust
7 fund corporation may provide, for the purposes of carrying out the
8 provisions of the low income housing trust fund program created pursuant
9 to article XVIII of the private housing finance law, a sum not to exceed
10 twenty-one million dollars for the fiscal year ending March 31, 2018.
11 Notwithstanding any other provision of law, and subject to the approval
12 of the New York state director of the budget, the board of directors of
13 the state of New York mortgage agency shall authorize the transfer to
14 the housing trust fund corporation, for the purposes of carrying out the
15 provisions of the low income housing trust fund program created pursuant
16 to article XVIII of the private housing finance law authorized by this
17 section, a total sum not to exceed twenty-one million dollars, such
18 transfer to be made from (i) the special account of the mortgage insur-
19 ance fund created pursuant to section 2429-b of the public authorities
20 law, in an amount not to exceed the actual excess balance in the special
21 account of the mortgage insurance fund, as determined and certified by
22 the state of New York mortgage agency for the fiscal year 2016-2017 in
23 accordance with section 2429-b of the public authorities law, if any,
24 and/or (ii) provided that the reserves in the project pool insurance
25 account of the mortgage insurance fund created pursuant to section
26 2429-b of the public authorities law are sufficient to attain and main-
27 tain the credit rating (as determined by the state of New York mortgage
28 agency) required to accomplish the purposes of such account, the project
29 pool insurance account of the mortgage insurance fund, such transfer to
30 be made as soon as practicable but no later than March 31, 2018.

31 § 7. Notwithstanding any other provision of law, the housing trust
32 fund corporation may provide, for purposes of the homes for working
33 families program for deposit in the housing trust fund created pursuant
34 to section 59-a of the private housing finance law and subject to the
35 provisions of article XVIII of the private housing finance law, a sum
36 not to exceed two million dollars for the fiscal year ending March 31,
37 2018. Notwithstanding any other provision of law, and subject to the
38 approval of the New York state director of the budget, the board of
39 directors of the state of New York mortgage agency shall authorize the
40 transfer to the housing trust fund corporation, for the purposes of
41 reimbursing any costs associated with homes for working families program
42 contracts authorized by this section, a total sum not to exceed two
43 million dollars, such transfer to be made from (i) the special account
44 of the mortgage insurance fund created pursuant to section 2429-b of the
45 public authorities law, in an amount not to exceed the actual excess
46 balance in the special account of the mortgage insurance fund, as deter-
47 mined and certified by the state of New York mortgage agency for the
48 fiscal year 2016-2017 in accordance with section 2429-b of the public
49 authorities law, if any, and/or (ii) provided that the reserves in the
50 project pool insurance account of the mortgage insurance fund created
51 pursuant to section 2429-b of the public authorities law are sufficient
52 to attain and maintain the credit rating (as determined by the state of
53 New York mortgage agency) required to accomplish the purposes of such
54 account, the project pool insurance account of the mortgage insurance
55 fund, such transfer to be made as soon as practicable but no later than
56 March 31, 2018.

1 § 8. Notwithstanding any other provision of law, the homeless housing
2 and assistance corporation may provide, for purposes of the New York
3 state supportive housing program, the solutions to end homelessness
4 program or the operational support for AIDS housing program, or to qual-
5 ified grantees under those programs, in accordance with the requirements
6 of those programs, a sum not to exceed six million five hundred twenty-
7 two thousand dollars for the fiscal year ending March 31, 2018. The
8 homeless housing and assistance corporation may enter into an agreement
9 with the office of temporary and disability assistance to administer
10 such sum in accordance with the requirements of the programs. Notwith-
11 standing any other provision of law, and subject to the approval of the
12 New York state director of the budget, the board of directors of the
13 state of New York mortgage agency shall authorize the transfer to the
14 homeless housing and assistance corporation, a total sum not to exceed
15 six million five hundred twenty-two thousand dollars, such transfer to
16 be made from (i) the special account of the mortgage insurance fund
17 created pursuant to section 2429-b of the public authorities law, in an
18 amount not to exceed the actual excess balance in the special account of
19 the mortgage insurance fund, as determined and certified by the state of
20 New York mortgage agency for the fiscal year 2016-2017 in accordance
21 with section 2429-b of the public authorities law, if any, and/or (ii)
22 provided that the reserves in the project pool insurance account of the
23 mortgage insurance fund created pursuant to section 2429-b of the public
24 authorities law are sufficient to attain and maintain the credit rating
25 (as determined by the state of New York mortgage agency) required to
26 accomplish the purposes of such account, the project pool insurance
27 account of the mortgage insurance fund, such transfer to be made as soon
28 as practicable but no later than March 31, 2018.

29 § 9. Notwithstanding any other provision of law, and in addition to
30 the powers currently authorized to be exercised by the state of New York
31 municipal bond bank agency, the state of New York municipal bond bank
32 agency may provide, for purposes of municipal relief to the city of
33 Albany, a sum not to exceed twelve million five hundred thousand dollars
34 for the city fiscal year ending December 31, 2017, to the city of Alba-
35 ny. Notwithstanding any other provision of law, and subject to the
36 approval of the New York state director of the budget, the state of New
37 York mortgage agency shall transfer to the state of New York municipal
38 bond bank agency for distribution as municipal relief to the city of
39 Albany, a total sum not to exceed twelve million five hundred thousand
40 dollars, such transfer to be made from (i) the special account of the
41 mortgage insurance fund created pursuant to section 2429-b of the public
42 authorities law, in an amount not to exceed the actual excess balance in
43 the special account of the mortgage insurance fund, as determined and
44 certified by the state of New York mortgage agency for the fiscal year
45 2016-2017 in accordance with section 2429-b of the public authorities
46 law, if any, and/or (ii) provided that the reserves in the project pool
47 insurance account of the mortgage insurance fund created pursuant to
48 section 2429-b of the public authorities law are sufficient to attain
49 and maintain the credit rating (as determined by the agency) required to
50 accomplish the purposes of such account, the project pool insurance
51 account of the mortgage insurance fund created pursuant to section
52 2429-b of the public authorities law, such transfer to be made as soon
53 as practicable after May 15, 2017 but no later than December 31, 2017,
54 and provided further that the New York state director of the budget may
55 request additional information from the city of Albany regarding the



1 utilization of these funds and the finances and operations of the city,
2 as appropriate.

3 § 10. Notwithstanding any other provision of law, the housing trust
4 fund corporation shall provide, for the purposes of the mobile and manu-
5 factured home replacement program, a sum not to exceed one million
6 dollars for the fiscal year ending March 31, 2018.

7 Eligible units of local government or not-for-profit corporations with
8 substantial experience in affordable housing, may apply to administer
9 local programs to replace dilapidated mobile or manufactured homes that
10 are sited on land owned by the homeowner with new manufactured, modular
11 or site built homes. All replacement homes shall be energy star rated
12 for energy efficiency. The total contract pursuant to any one eligible
13 applicant in a specified region may not exceed five hundred thousand
14 dollars. The corporation shall authorize the eligible applicant to spend
15 seven and one-half percent of the contract amount for approved planning
16 and costs associated with administering the program. The contract shall
17 provide for completion of the program within a reasonable period, as
18 specified therein, which shall not exceed four years from commencement
19 of the program. Upon request, the corporation may extend the term of the
20 contract for up to an additional one year period for good cause shown by
21 the eligible applicant.

22 An eligible property must be the primary residence of the homeowner
23 with a total household income that does not exceed eighty percent of
24 area median income for the county in which a project is located as
25 calculated by the United States department of housing and urban develop-
26 ment. Funds shall be made available for relocation assistance to eligi-
27 ble property owners who are unable to voluntarily relocate during the
28 demolition and construction phases of the project. The cost of demoli-
29 tion and removal shall be an eligible use within the program. The total
30 payment to replace a mobile or manufactured home pursuant to any one
31 eligible property shall not exceed one hundred thousand dollars and
32 provide for completion not to exceed four years.

33 Financial assistance to property owners shall be one hundred percent
34 grants in the form of deferred payment loans (DPL). A ten year declining
35 balance lien in the form of a note and mortgage, duly filed at the coun-
36 ty clerk's office, will be utilized for replacement projects. No inter-
37 est or payments will be required on the DPL unless the property is sold
38 or transferred before the regulatory term expires. In such cases funds
39 will be recaptured from the proceeds of the sale of the home, on a
40 declining balance basis, unless an income-eligible immediate family
41 member accepts ownership of, and resides in the home for the remainder
42 of the regulatory term.

43 Notwithstanding any other provision of law, and subject to approval of
44 the New York state director of the budget, the board of directors of the
45 state of New York mortgage agency shall authorize the transfer to the
46 housing trust fund corporation, for the purposes of carrying out the
47 provisions of the mobile and manufactured home replacement program, a
48 total sum not to exceed one million dollars, such transfer to be made
49 from (i) the special account of the mortgage insurance fund created
50 pursuant to section 2429-b of the public authorities law, in an amount
51 not to exceed the actual excess balance in the special account of the
52 mortgage insurance fund, as determined and certified by the state of New
53 York mortgage agency for the fiscal year 2016--2017 in accordance with
54 section 2429-b of the public authorities law, if any, and/or (ii)
55 provided that the reserves in the project pool insurance account of the
56 mortgage insurance fund created pursuant to section 2429-b of the public

1 authorities law are sufficient to attain and maintain the credit rating
2 (as determined by the state of New York mortgage agency) required to
3 accomplish the purposes of such account, the project pool insurance
4 account of the mortgage insurance fund, such transfer to be made as soon
5 as practicable but no later than March 31, 2018.

6 § 11. Notwithstanding any other provision of law to the contrary, the
7 community restoration fund established pursuant to section 2405-f of the
8 public authorities law, shall be authorized to spend a sum not to exceed
9 one million dollars to facilitate the development of nonprofit community
10 land trusts, including, but not limited to, planning, real property
11 acquisitions and transfers, and other capital expenditures for the
12 fiscal year ending March 31, 2018. Notwithstanding any other provision
13 of law to the contrary, and subject to the approval of the New York
14 state director of the budget, the board of directors of the state of New
15 York mortgage agency shall authorize the transfer to the community
16 restoration fund, for the purposes of reimbursing any costs associated
17 with the development of community land trusts authorized by this
18 section, a total sum not to exceed one million dollars, such transfer to
19 be made from (i) the special account of the mortgage insurance fund
20 created pursuant to section 2429-b of the public authorities law, in an
21 amount not to exceed the actual excess balance in the special account of
22 the mortgage insurance fund, as determined and certified by the state of
23 New York mortgage agency for the fiscal year 2016--2017 in accordance
24 with section 2429-b of the public authorities law, if any, and/or (ii)
25 provided that the reserves in the project pool insurance account of the
26 mortgage insurance fund created pursuant to section 2429-b of the public
27 authorities law are sufficient to attain and maintain the credit rating
28 (as determined by the state of New York mortgage agency) required to
29 accomplish the purposes of such account, the project pool insurance
30 account of the mortgage insurance fund, such transfer to be made as soon
31 as practicable but no later than March 31, 2018.

32 § 12. Notwithstanding any other provision of law to the contrary, the
33 state office for the aging may provide, for costs associated with
34 naturally occurring retirement communities, a sum not to exceed one
35 million dollars for the fiscal year ending March 31, 2018. Notwith-
36 standing any other provision of law to the contrary, and subject to the
37 approval of the New York state director of the budget, the board of
38 directors of the state of New York mortgage agency shall authorize the
39 transfer to the state office for the aging, for the purposes of reim-
40 bursing any costs associated with naturally occurring retirement commu-
41 nities authorized by this section, a total sum not to exceed one million
42 dollars, such transfer to be made from (i) the special account of the
43 mortgage insurance fund created pursuant to section 2429-b of the public
44 authorities law, in an amount not to exceed the actual excess balance in
45 the special account of the mortgage insurance fund, as determined and
46 certified by the state of New York mortgage agency for the fiscal year
47 2016-2017 in accordance with section 2429-b of the public authorities
48 law, if any, and/or (ii) provided that the reserves in the project pool
49 insurance account of the mortgage insurance fund created pursuant to
50 section 2429-b of the public authorities law are sufficient to attain
51 and maintain the credit rating (as determined by the state of New York
52 mortgage agency) required to accomplish the purposes of such account,
53 the project pool insurance account of the mortgage insurance fund, such
54 transfer to be made as soon as practicable but no later than June 30,
55 2018.



1 § 13. Notwithstanding any other provision of law to the contrary, the
 2 state office for the aging may provide, for costs associated with neigh-
 3 borhood naturally occurring retirement communities, a sum not to exceed
 4 one million dollars for the fiscal year ending March 31, 2018. Notwith-
 5 standing any other provision of law to the contrary, and subject to the
 6 approval of the New York state director of the budget, the board of
 7 directors of the state of New York mortgage agency shall authorize the
 8 transfer to the state office for the aging, for the purposes of reim-
 9 bursing any costs associated with neighborhood naturally occurring
 10 retirement communities authorized by this section, a total sum not to
 11 exceed one million dollars, such transfer to be made from (i) the
 12 special account of the mortgage insurance fund created pursuant to
 13 section 2429-b of the public authorities law, in an amount not to exceed
 14 the actual excess balance in the special account of the mortgage insur-
 15 ance fund, as determined and certified by the state of New York mortgage
 16 agency for the fiscal year 2016-2017 in accordance with section 2429-b
 17 of the public authorities law, if any, and/or (ii) provided that the
 18 reserves in the project pool insurance account of the mortgage insurance
 19 fund created pursuant to section 2429-b of the public authorities law
 20 are sufficient to attain and maintain the credit rating (as determined
 21 by the state of New York mortgage agency) required to accomplish the
 22 purposes of such account, the project pool insurance account of the
 23 mortgage insurance fund, such transfer to be made as soon as practicable
 24 but no later than June 30, 2018.
 25 § 14. This act shall take effect immediately.

26 PART S
 27 Intentionally Omitted

28 PART T
 29 Intentionally Omitted

30 PART U
 31 Intentionally Omitted

32 PART V

33 Section 1. Subdivision c of section 2 of part K of chapter 58 of the
 34 laws of 2010 amending the social services law relating to establishing
 35 the savings plan demonstration, as amended by section 1 of part S of
 36 chapter 54 of the laws of 2016, is amended to read as follows:

37 c. this act shall expire and be deemed repealed March 31, [2017] 2018;
 38 provided, however that at such time that the office of temporary and
 39 disability assistance approves a revised savings demonstration plan that
 40 has been submitted to the office by the City of New York, this act shall
 41 expire and be deemed repealed. Upon approval of the revised plan, the
 42 office shall notify the chair of the senate finance committee and the
 43 chair of the assembly ways and means committee; provided, further, that
 44 the office of temporary and disability assistance shall notify the
 45 legislative bill drafting commission upon the approval of the revised
 46 savings demonstration plan in order that the commission may maintain an
 47 accurate and timely effective data base of the official text of the laws
 48 of the state of New York in furtherance of effectuating the provisions

1 of section 44 of the legislative law and section 70-b of the public
2 officers law.

3 § 2. This act shall take effect immediately.

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

13 § 3. This act shall take effect immediately provided, however, that
14 the applicable effective date of Parts A through V of this act shall be
15 as specifically set forth in the last section of such Parts.

