

STATE OF NEW YORK

3006--B

IN ASSEMBLY

January 20, 2021

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

AN ACT to amend the education law, in relation to school contracts for excellence; to amend the education law, in relation to the apportionment of public moneys to school districts employing eight or more teachers; to amend the education law, in relation to pandemic adjustment payment reduction; to amend the education law, in relation to aidable transportation expense; to amend chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, in relation to making school food authorities eligible for the additional state subsidy in accordance with the Summer Food Service Program; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to legalize, validate, ratify and confirm the actions of certain school districts notwithstanding the failure to file certain reports with the education department; to amend the education law, in relation to charter school aid; to amend chapter 507 of the laws of 1974, relating to providing for the apportionment of state monies to certain nonpublic schools, to reimburse them for their expenses in complying with certain state requirements for the administration of state testing and evaluation programs and for participation in state programs for the reporting of basic educational data, in relation to the calculation of nonpublic schools' eligibility to receive aid; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursement for the 2021-2022 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the

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

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effectiveness thereof; to amend part B of chapter 57 of the laws of 2008, amending the education law relating to the universal prekindergarten program, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; relates to school bus driver training; relates to special apportionment for salary expenses and public pension accruals; to amend chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to apportionment amounts; to amend chapter 89 of the laws of 2016, relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, in relation to the effectiveness thereof; relates to the pandemic adjustment for the East Ramapo central school district; to amend the real property tax law, in relation to surplus funds; relates to authorizing the city school district of the city of Rochester to purchase certain services; relates to suballocations of appropriations; relating to the support of public libraries; to repeal paragraph cc of subdivision 1 and paragraph c of subdivision 17 of section 3602 of the education law relating to the gap elimination percentage; and providing for the repeal of certain provisions of the real property tax law relating thereto (Part A); intentionally omitted (Part B); intentionally omitted (Part C); to amend part D of chapter 58 of the laws of 2011 amending the education law relating to capital facilities in support of the state university and community colleges, procurement and the state university health care facilities, in relation to the effectiveness thereof (Part D); intentionally omitted (Part E); extending scholarship program eligibility for certain recipients affected by the COVID-19 pandemic (Part F); to amend the education law, in relation to establishing the amount awarded for the excelsior scholarship (Part G); intentionally omitted (Part H); intentionally omitted (Part I); to amend part G of chapter 57 of the laws of 2013, amending the executive law and the social services law relating to consolidating the youth development and delinquency prevention program and the special delinquency prevention program, in relation to making such provisions permanent (Part J); to amend part K of chapter 57 of the laws of 2012, amending the education law, relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, in relation to the effectiveness thereof (Part K); to amend the social services law and the family court act, in relation to compliance with the Federal Family First Prevention Services Act (Part L); intentionally omitted (Part M); intentionally omitted (Part N); to utilize reserves in the mortgage insurance fund for various housing purposes (Part O); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part P); to amend the state finance law, in relation to authorizing a tax check-off for gifts to food banks (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); to amend the private housing finance law, in relation to exempting certain projects from sales and compensating use taxes (Part



U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); to amend the social services law, in relation to standardizing child care copayments (Subpart A); intentionally omitted (Subpart B) (Part Z); to amend the labor law and the public service law, in relation to extending prevailing wage requirements to covered renewable energy systems (Part AA); to amend the state finance law, in relation to establishing the emergency rental assistance municipal recipient allocation fund; and to amend the social services law, in relation to establishing the statewide emergency rental assistance program and the statewide emergency homeless assistance program (Part BB); intentionally omitted (Part CC); to amend the education law, in relation to state appropriations to the state university of New York and the city university of New York (Part DD); to amend the education law, in relation to setting a minimum funding ratio for state operating support of community colleges (Part EE); to amend the education law, in relation to establishing the Martin Luther King, Jr. scholarship (Part FF); to amend the education law, in relation to tuition assistance program awards; and to amend chapter 260 of the laws of 2011 amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part GG); to amend the social services law, the education law and the public health law, in relation to providing supports and services for youth suffering from adverse childhood experiences; and providing for the repeal of certain provisions of the social services law relating thereto (Subpart A); and to amend the public health law, in relation to covered health care services (Subpart B) (Part HH); to amend the social services law, in relation to excluding certain funding from the determination of the maximum state aid rate for authorized agencies; and providing for the repeal of such provisions upon expiration thereof (Part II); to amend the public housing law, in relation to an affordable housing five-year capital plan (Part JJ); and to amend part A-4 of chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act", in relation to construction and design contracts entered into by the JSC Board; and to amend the education law, in relation to the computation of building aid for reconstruction or modernizing of no more than three projects for the third phase of the city of Syracuse cooperative school reconstruction act (Part KK)

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

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

1 Section three of this act sets forth the general effective date of this
2 act.

3

PART A

4 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
5 tion law, as amended by section 1 of part A of chapter 56 of the laws of
6 2020, is amended to read as follows:

7 e. Notwithstanding paragraphs a and b of this subdivision, a school
8 district that submitted a contract for excellence for the two thousand
9 eight--two thousand nine school year shall submit a contract for excel-
10 lence for the two thousand nine--two thousand ten school year in
11 conformity with the requirements of subparagraph (vi) of paragraph a of
12 subdivision two of this section unless all schools in the district are
13 identified as in good standing and provided further that, a school
14 district that submitted a contract for excellence for the two thousand
15 nine--two thousand ten school year, unless all schools in the district
16 are identified as in good standing, shall submit a contract for excel-
17 lence for the two thousand eleven--two thousand twelve school year which
18 shall, notwithstanding the requirements of subparagraph (vi) of para-
19 graph a of subdivision two of this section, provide for the expenditure
20 of an amount which shall be not less than the product of the amount
21 approved by the commissioner in the contract for excellence for the two
22 thousand nine--two thousand ten school year, multiplied by the
23 district's gap elimination adjustment percentage and provided further
24 that, a school district that submitted a contract for excellence for the
25 two thousand eleven--two thousand twelve school year, unless all schools
26 in the district are identified as in good standing, shall submit a
27 contract for excellence for the two thousand twelve--two thousand thir-
28 teen school year which shall, notwithstanding the requirements of
29 subparagraph (vi) of paragraph a of subdivision two of this section,
30 provide for the expenditure of an amount which shall be not less than
31 the amount approved by the commissioner in the contract for excellence
32 for the two thousand eleven--two thousand twelve school year and
33 provided further that, a school district that submitted a contract for
34 excellence for the two thousand twelve--two thousand thirteen school
35 year, unless all schools in the district are identified as in good
36 standing, shall submit a contract for excellence for the two thousand
37 thirteen--two thousand fourteen school year which shall, notwithstanding
38 the requirements of subparagraph (vi) of paragraph a of subdivision two
39 of this section, provide for the expenditure of an amount which shall be
40 not less than the amount approved by the commissioner in the contract
41 for excellence for the two thousand twelve--two thousand thirteen school
42 year and provided further that, a school district that submitted a
43 contract for excellence for the two thousand thirteen--two thousand
44 fourteen school year, unless all schools in the district are identified
45 as in good standing, shall submit a contract for excellence for the two
46 thousand fourteen--two thousand fifteen school year which shall,
47 notwithstanding the requirements of subparagraph (vi) of paragraph a of
48 subdivision two of this section, provide for the expenditure of an
49 amount which shall be not less than the amount approved by the commis-
50 sioner in the contract for excellence for the two thousand thirteen--two
51 thousand fourteen school year; and provided further that, a school
52 district that submitted a contract for excellence for the two thousand
53 fourteen--two thousand fifteen school year, unless all schools in the
54 district are identified as in good standing, shall submit a contract for

1 excellence for the two thousand fifteen--two thousand sixteen school
2 year which shall, notwithstanding the requirements of subparagraph (vi)
3 of paragraph a of subdivision two of this section, provide for the
4 expenditure of an amount which shall be not less than the amount
5 approved by the commissioner in the contract for excellence for the two
6 thousand fourteen--two thousand fifteen school year; and provided
7 further that a school district that submitted a contract for excellence
8 for the two thousand fifteen--two thousand sixteen school year, unless
9 all schools in the district are identified as in good standing, shall
10 submit a contract for excellence for the two thousand sixteen--two thou-
11 sand seventeen school year which shall, notwithstanding the requirements
12 of subparagraph (vi) of paragraph a of subdivision two of this section,
13 provide for the expenditure of an amount which shall be not less than
14 the amount approved by the commissioner in the contract for excellence
15 for the two thousand fifteen--two thousand sixteen school year; and
16 provided further that, a school district that submitted a contract for
17 excellence for the two thousand sixteen--two thousand seventeen school
18 year, unless all schools in the district are identified as in good
19 standing, shall submit a contract for excellence for the two thousand
20 seventeen--two thousand eighteen school year which shall, notwithstand-
21 ing the requirements of subparagraph (vi) of paragraph a of subdivision
22 two of this section, provide for the expenditure of an amount which
23 shall be not less than the amount approved by the commissioner in the
24 contract for excellence for the two thousand sixteen--two thousand
25 seventeen school year; and provided further that a school district that
26 submitted a contract for excellence for the two thousand seventeen--two
27 thousand eighteen school year, unless all schools in the district are
28 identified as in good standing, shall submit a contract for excellence
29 for the two thousand eighteen--two thousand nineteen school year which
30 shall, notwithstanding the requirements of subparagraph (vi) of para-
31 graph a of subdivision two of this section, provide for the expenditure
32 of an amount which shall be not less than the amount approved by the
33 commissioner in the contract for excellence for the two thousand seven-
34 teen--two thousand eighteen school year; and provided further that, a
35 school district that submitted a contract for excellence for the two
36 thousand eighteen--two thousand nineteen school year, unless all schools
37 in the district are identified as in good standing, shall submit a
38 contract for excellence for the two thousand nineteen--two thousand
39 twenty school year which shall, notwithstanding the requirements of
40 subparagraph (vi) of paragraph a of subdivision two of this section,
41 provide for the expenditure of an amount which shall be not less than
42 the amount approved by the commissioner in the contract for excellence
43 for the two thousand eighteen--two thousand nineteen school year; and
44 provided further that, a school district that submitted a contract for
45 excellence for the two thousand nineteen--two thousand twenty school
46 year, unless all schools in the district are identified as in good
47 standing, shall submit a contract for excellence for the two thousand
48 twenty--two thousand twenty-one school year which shall, notwithstanding
49 the requirements of subparagraph (vi) of paragraph a of subdivision two
50 of this section, provide for the expenditure of an amount which shall be
51 not less than the amount approved by the commissioner in the contract
52 for excellence for the two thousand nineteen--two thousand twenty school
53 year; and provided further that, a school district that submitted a
54 contract for excellence for the two thousand twenty--two thousand twen-
55 ty-one school year, unless all schools in the district are identified as
56 in good standing, shall submit a contract for excellence for the two



1 thousand twenty-one--two thousand twenty-two school year which shall,
2 notwithstanding the requirements of subparagraph (vi) of paragraph a of
3 subdivision two of this section, provide for the expenditure of an
4 amount which shall be not less than the amount approved by the commis-
5 sioner in the contract for excellence for the two thousand twenty--two
6 thousand twenty-one school year. For purposes of this paragraph, the
7 "gap elimination adjustment percentage" shall be calculated as the sum
8 of one minus the quotient of the sum of the school district's net gap
9 elimination adjustment for two thousand ten--two thousand eleven
10 computed pursuant to chapter fifty-three of the laws of two thousand
11 ten, making appropriations for the support of government, plus the
12 school district's gap elimination adjustment for two thousand eleven--
13 two thousand twelve as computed pursuant to chapter fifty-three of the
14 laws of two thousand eleven, making appropriations for the support of
15 the local assistance budget, including support for general support for
16 public schools, divided by the total aid for adjustment computed pursu-
17 ant to chapter fifty-three of the laws of two thousand eleven, making
18 appropriations for the local assistance budget, including support for
19 general support for public schools. Provided, further, that such amount
20 shall be expended to support and maintain allowable programs and activ-
21 ities approved in the two thousand nine--two thousand ten school year or
22 to support new or expanded allowable programs and activities in the
23 current year.

24 § 2. Intentionally omitted.

25 § 3. Intentionally omitted.

26 § 4. Intentionally omitted.

27 § 5. Intentionally omitted.

28 § 6. Intentionally omitted.

29 § 7. Intentionally omitted.

30 § 8. Intentionally omitted.

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

33 kk. The "federal COVID-19 supplemental stimulus" shall be equal to the
34 sum of (1) ninety percent of the funds from the elementary and secondary
35 school emergency relief made available to school districts pursuant to
36 the Coronavirus Response and Relief Supplemental Appropriations Act,
37 2021 in the same proportion as such district's share of funds provided
38 under Title I of the Elementary and Secondary Education Act of 1965 plus
39 (2) the base federal allocation. For eligible districts, the base
40 federal allocation shall be equal to the product of nine hundred fifty-
41 two dollars and fifteen cents (\$952.15) and public school district
42 enrollment in the base year as computed pursuant to paragraph n of this
43 subdivision less ninety percent of the funds from the elementary and
44 secondary school emergency relief made available to school districts
45 pursuant to the Coronavirus Response and Relief Supplemental Appropri-
46 ations Act, 2021 in the same proportion as such district's share of
47 funds provided under Title I of the Elementary and Secondary Education
48 Act of 1965, but not less than zero. Districts shall be eligible for
49 the base federal allocation if their combined wealth ratio for the
50 current year computed pursuant to subparagraph one of paragraph c of
51 subdivision three of this section is less than one and five tenths (1.5)
52 and the district is not a central high school district.

53 § 10. Intentionally omitted.

54 § 10-a. Paragraph a of subdivision 4 of section 3602 of the education
55 law is amended by adding a new subparagraph 5 to read as follows:

1 (5) "Total foundation aid" shall be equal to the product of the total
2 aidable foundation pupil units multiplied by the district's selected
3 foundation aid.

4 § 10-b. Subdivision 4 of section 3602 of the education law is amended
5 by adding a new paragraph i to read as follows:

6 i. Foundation aid payable in the two thousand twenty-one--two thousand
7 twenty-two school year. Notwithstanding any provision of law to the
8 contrary, foundation aid payable in the two thousand twenty-one--two
9 thousand twenty-two school year shall equal the sum of the total founda-
10 tion aid base computed pursuant to subparagraph (iii) of paragraph j of
11 subdivision one of this section plus the greater of the (1) phase-in
12 increase, (2) minimum increase, or (3) the catch up increase. For the
13 purposes of this paragraph:

14 (i) The "phase-in increase" shall equal the product of the foundation
15 aid phase-in factor multiplied by the positive difference, if any, of
16 (1) total foundation aid pursuant to paragraph a of this subdivision
17 less (2) the total foundation aid base computed pursuant to paragraph j
18 of subdivision one of this section.

19 (ii) The "foundation aid phase-in factor" shall be equal to the great-
20 er of (1) twenty-six thousand eight hundred thirteen hundred thousandths
21 (0.26813), (2) thirty hundredths (0.30) for districts with a sparsity
22 count computed pursuant to paragraph r of subdivision one of this
23 section greater than zero, (3) twenty-eight hundredths (0.28) for small
24 city school districts pursuant to paragraph jj of subdivision one of
25 this section, (4) thirty-nine thousand one hundred fifty-nine hundred
26 thousandths (0.39159) for city school districts of those cities having
27 populations in excess of one hundred twenty-five thousand and less than
28 one million inhabitants, or (5) forty-nine thousand six hundred seven-
29 ty-seven hundred thousandths (0.49677) for city school districts of
30 cities having populations of one hundred twenty-five thousand or more.

31 (iii) The "minimum increase" shall be equal to the product of (1) the
32 greater of two hundredths (0.02) or thirty-five thousandths (0.035) for
33 districts with a sparsity count computed pursuant to paragraph r of
34 subdivision one of this section greater than zero multiplied by (2)
35 total foundation aid base computed pursuant to paragraph j of subdivi-
36 sion one of this section.

37 (iv) The "catch up increase" shall be equal to the positive differ-
38 ence, if any, of (1) product of sixty hundredths (0.60) and total foun-
39 deration aid pursuant to paragraph a of this subdivision less (2) the
40 total foundation aid base computed pursuant to paragraph j of subdivi-
41 sion one of this section.

42 § 10-c. Clause (ii) of subparagraph 2 of paragraph b of subdivision 4
43 of section 3602 of the education law, as amended by section 5-c of part
44 YYY of chapter 59 of the laws of 2019, is amended to read as follows:

45 (ii) Phase-in foundation increase factor. For the two thousand
46 eleven--two thousand twelve school year, the phase-in foundation
47 increase factor shall equal thirty-seven and one-half percent (0.375)
48 and the phase-in due minimum percent shall equal nineteen and forty-one
49 hundredths percent (0.1941), for the two thousand twelve--two thousand
50 thirteen school year the phase-in foundation increase factor shall equal
51 one and seven-tenths percent (0.017), for the two thousand thirteen--two
52 thousand fourteen school year the phase-in foundation increase factor
53 shall equal (1) for a city school district in a city having a population
54 of one million or more, five and twenty-three hundredths percent
55 (0.0523) or (2) for all other school districts zero percent, for the two
56 thousand fourteen--two thousand fifteen school year the phase-in founda-

1 tion increase factor shall equal (1) for a city school district of a
2 city having a population of one million or more, four and thirty-two
3 hundredths percent (0.0432) or (2) for a school district other than a
4 city school district having a population of one million or more for
5 which (A) the quotient of the positive difference of the foundation
6 formula aid minus the foundation aid base computed pursuant to paragraph
7 j of subdivision one of this section divided by the foundation formula
8 aid is greater than twenty-two percent (0.22) and (B) a combined wealth
9 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or
10 (3) for all other school districts, four and thirty-one hundredths
11 percent (0.0431), and for the two thousand fifteen--two thousand sixteen
12 school year the phase-in foundation increase factor shall equal: (1) for
13 a city school district of a city having a population of one million or
14 more, thirteen and two hundred seventy-four thousandths percent
15 (0.13274); or (2) for districts where the quotient arrived at when
16 dividing (A) the product of the total aidable foundation pupil units
17 multiplied by the district's selected foundation aid less the total
18 foundation aid base computed pursuant to paragraph j of subdivision one
19 of this section divided by (B) the product of the total aidable founda-
20 tion pupil units multiplied by the district's selected foundation aid is
21 greater than nineteen percent (0.19), and where the district's combined
22 wealth ratio is less than thirty-three hundredths (0.33), seven and
23 seventy-five hundredths percent (0.0775); or (3) for any other district
24 designated as high need pursuant to clause (c) of subparagraph two of
25 paragraph c of subdivision six of this section for the school aid
26 computer listing produced by the commissioner in support of the enacted
27 budget for the two thousand seven--two thousand eight school year and
28 entitled "SA0708", four percent (0.04); or (4) for a city school
29 district in a city having a population of one hundred twenty-five thou-
30 sand or more but less than one million, fourteen percent (0.14); or (5)
31 for school districts that were designated as small city school districts
32 or central school districts whose boundaries include a portion of a
33 small city for the school aid computer listing produced by the commis-
34 sioner in support of the enacted budget for the two thousand fourteen--
35 two thousand fifteen school year and entitled "SA1415", four and seven
36 hundred fifty-one thousandths percent (0.04751); or (6) for all other
37 districts one percent (0.01), and for the two thousand sixteen--two
38 thousand seventeen school year the foundation aid phase-in increase
39 factor shall equal for an eligible school district the greater of: (1)
40 for a city school district in a city with a population of one million or
41 more, seven and seven hundred eighty four thousandths percent (0.07784);
42 or (2) for a city school district in a city with a population of more
43 than two hundred fifty thousand but less than one million as of the most
44 recent federal decennial census, seven and three hundredths percent
45 (0.0703); or (3) for a city school district in a city with a population
46 of more than two hundred thousand but less than two hundred fifty thou-
47 sand as of the most recent federal decennial census, six and seventy-two
48 hundredths percent (0.0672); or (4) for a city school district in a city
49 with a population of more than one hundred fifty thousand but less than
50 two hundred thousand as of the most recent federal decennial census, six
51 and seventy-four hundredths percent (0.0674); or (5) for a city school
52 district in a city with a population of more than one hundred twenty-
53 five thousand but less than one hundred fifty thousand as of the most
54 recent federal decennial census, nine and fifty-five hundredths percent
55 (0.0955); or (6) for school districts that were designated as small city
56 school districts or central school districts whose boundaries include a



1 portion of a small city for the school aid computer listing produced by
2 the commissioner in support of the enacted budget for the two thousand
3 fourteen--two thousand fifteen school year and entitled "SA141-5" with a
4 combined wealth ratio less than one and four tenths (1.4), nine percent
5 (0.09), provided, however, that for such districts that are also
6 districts designated as high need urban-suburban pursuant to clause (c)
7 of subparagraph two of paragraph c of subdivision six of this section
8 for the school aid computer listing produced by the commissioner in
9 support of the enacted budget for the two thousand seven--two thousand
10 eight school year and entitled "SA0708", nine and seven hundred and
11 nineteen thousandths percent (0.09719); or (7) for school districts
12 designated as high need rural pursuant to clause (c) of subparagraph two
13 of paragraph c of subdivision six of this section for the school aid
14 computer listing produced by the commissioner in support of the enacted
15 budget for the two thousand seven--two thousand eight school year and
16 entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for
17 school districts designated as high need urban-suburban pursuant to
18 clause (c) of subparagraph two of paragraph c of subdivision six of this
19 section for the school aid computer listing produced by the commissioner
20 in support of the enacted budget for the two thousand seven--two thou-
21 sand eight school year and entitled "SA0708", seven hundred nineteen
22 thousandths percent (0.00719); or (9) for all other eligible school
23 districts, forty-seven hundredths percent (0.0047), provided further
24 that for the two thousand seventeen--two thousand eighteen school year
25 the foundation aid increase phase-in factor shall equal (1) for school
26 districts with a census 2000 poverty rate computed pursuant to paragraph
27 q of subdivision one of this section equal to or greater than twenty-six
28 percent (0.26), ten and three-tenths percent (0.103), or (2) for a
29 school district in a city with a population in excess of one million or
30 more, seventeen and seventy-seven one-hundredths percent (0.1777), or
31 (3) for a city school district in a city with a population of more than
32 two hundred fifty thousand but less than one million, as of the most
33 recent decennial census, twelve and sixty-nine hundredths percent
34 (0.1269) or (4) for a city school district in a city with a population
35 of more than one hundred fifty thousand but less than two hundred thou-
36 sand, as of the most recent federal decennial census, ten and seventy-
37 eight one hundredths percent (0.1078), or (5) for a city school district
38 in a city with a population of more than one hundred twenty-five thou-
39 sand but less than one hundred fifty thousand as of the most recent
40 federal decennial census, nineteen and one hundred eight one-thousandths
41 percent (0.19108), or (6) for a city school district in a city with a
42 population of more than two hundred thousand but less than two hundred
43 fifty thousand as of the most recent federal decennial census, ten and
44 six-tenths percent (0.106), or (7) for all other districts, four and
45 eighty-seven one-hundredths percent (0.0487), and for the two thousand
46 [twenty] twenty-two--two thousand [twenty-one school year and thereafter
47 the commissioner shall annually determine the phase-in foundation
48 increase factor subject to allocation pursuant to the provisions of
49 subdivision eighteen of this section and any provisions of a chapter of
50 the laws of New York as described therein] twenty-three the foundation
51 aid phase-in increase factor shall be fifty percent (0.5), and for the
52 two thousand twenty-three--two thousand twenty-four school year and
53 thereafter the foundation aid phase-in increase factor shall be one
54 hundred percent (1.0).

55 § 11. Intentionally omitted.

56 § 12. Intentionally omitted.

1 § 12-a. Intentionally omitted.

2 § 12-b. The closing paragraph of subdivision 5-a of section 3602 of
3 the education law, as amended by section 14-c of part A of chapter 56 of
4 the laws of 2020, is amended to read as follows:

5 For the two thousand eight--two thousand nine school year, each school
6 district shall be entitled to an apportionment equal to the product of
7 fifteen percent and the additional apportionment computed pursuant to
8 this subdivision for the two thousand seven--two thousand eight school
9 year. For the two thousand nine--two thousand ten through two thousand
10 [twenty] ~~twenty-one~~--two thousand [twenty-one] ~~twenty-two~~ school years,
11 each school district shall be entitled to an apportionment equal to the
12 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS
13 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid
14 computer listing produced by the commissioner in support of the budget
15 for the two thousand nine--two thousand ten school year and entitled
16 "SA0910".

17 § 13. Intentionally omitted.

18 § 13-a. Subdivision 12 of section 3602 of the education law, as
19 amended by section 14-d of part A of chapter 56 of the laws of 2020, is
20 amended to read as follows:

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

33 b. For the two thousand nine--two thousand ten through two thousand
34 fourteen--two thousand fifteen school years, each school district shall
35 be entitled to an apportionment equal to the amount set forth for such
36 school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading
37 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
38 the commissioner in support of the budget for the two thousand nine--two
39 thousand ten school year and entitled "SA0910", and such apportionment
40 shall be deemed to satisfy the state obligation to provide an apportion-
41 ment pursuant to subdivision eight of section thirty-six hundred forty-
42 one of this article.

43 c. For the two thousand fifteen--two thousand sixteen year, each
44 school district shall be entitled to an apportionment equal to the
45 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
46 under the heading "2014-15 ESTIMATED AIDS" in the school aid computer
47 listing produced by the commissioner in support of the budget for the
48 two thousand fourteen--two thousand fifteen school year and entitled
49 "SA141-5", and such apportionment shall be deemed to satisfy the state
50 obligation to provide an apportionment pursuant to subdivision eight of
51 section thirty-six hundred forty-one of this article.

52 d. For the two thousand sixteen--two thousand seventeen school year,
53 each school district shall be entitled to an apportionment equal to the
54 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
55 under the heading "2015-16 ESTIMATED AIDS" in the school aid computer
56 listing produced by the commissioner in support of the budget for the

1 two thousand fifteen--two thousand sixteen school year and entitled
2 "SA151-6", and such apportionment shall be deemed to satisfy the state
3 obligation to provide an apportionment pursuant to subdivision eight of
4 section thirty-six hundred forty-one of this article.

5 e. For the two thousand seventeen--two thousand eighteen school year,
6 each school district shall be entitled to an apportionment equal to the
7 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
8 under the heading "2016-17 ESTIMATED AIDS" in the school aid computer
9 listing produced by the commissioner in support of the budget for the
10 two thousand sixteen--two thousand seventeen school year and entitled
11 "SA161-7", and such apportionment shall be deemed to satisfy the state
12 obligation to provide an apportionment pursuant to subdivision eight of
13 section thirty-six hundred forty-one of this article.

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

23 g. For the two thousand nineteen--two thousand twenty school year,
24 each school district shall be entitled to an apportionment equal to the
25 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
26 under the heading "2018-19 ESTIMATED AIDS" in the school aid computer
27 listing produced by the commissioner in support of the budget for the
28 two thousand eighteen--two thousand nineteen school year and entitled
29 "SA181-9", and such apportionment shall be deemed to satisfy the state
30 obligation to provide an apportionment pursuant to subdivision eight of
31 section thirty-six hundred forty-one of this article.

32 h. For the two thousand twenty--two thousand twenty-one and two thou-
33 sand twenty-one--two thousand twenty-two school [year] years, each
34 school district shall be entitled to an apportionment equal to the
35 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
36 under the heading "2019-20 ESTIMATED AIDS" in the school aid computer
37 listing produced by the commissioner in support of the budget for the
38 two thousand nineteen--two thousand twenty school year and entitled
39 "SA192-0", and such apportionment shall be deemed to satisfy the state
40 obligation to provide an apportionment pursuant to subdivision eight of
41 section thirty-six hundred forty-one of this article.

42 § 14. Intentionally omitted.

43 § 14-a. The opening paragraph of subdivision 16 of section 3602 of the
44 education law, as amended by section 14-e of part A of chapter 56 of the
45 laws of 2020, is amended to read as follows:

46 Each school district shall be eligible to receive a high tax aid
47 apportionment in the two thousand eight--two thousand nine school year,
48 which shall equal the greater of (i) the sum of the tier 1 high tax aid
49 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
50 tax aid apportionment or (ii) the product of the apportionment received
51 by the school district pursuant to this subdivision in the two thousand
52 seven--two thousand eight school year, multiplied by the due-minimum
53 factor, which shall equal, for districts with an alternate pupil wealth
54 ratio computed pursuant to paragraph b of subdivision three of this
55 section that is less than two, seventy percent (0.70), and for all other
56 districts, fifty percent (0.50). Each school district shall be eligible

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

19 § 15. Intentionally omitted.

20 § 16. Intentionally omitted.

21 § 16-a. Intentionally omitted.

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

24 c. The positive value of the pandemic adjustment payment reduction
25 shall not exceed the sum of moneys apportioned pursuant to sections
26 seven hundred one, seven hundred eleven, seven hundred fifty-one, seven
27 hundred fifty-three, thirty-six hundred nine-a, thirty-six hundred
28 nine-b, thirty-six hundred nine-d, thirty-six hundred nine-f, and thir-
29 ty-six hundred nine-h for the two thousand twenty--two thousand twenty-
30 one school year for any school district.

31 § 18. Intentionally omitted.

32 § 19. Intentionally omitted.

33 § 20. Subdivisions 6 and 7 of section 3622-a of the education law,
34 subdivision 6 as amended by section 47 of part A of chapter 58 of the
35 laws of 2011 and subdivision 7 as added by chapter 422 of the laws of
36 2004, are amended and a new subdivision 8 is added to read as follows:

37 6. Transportation of pupils to and from approved summer school
38 programs operated by a school district in the two thousand--two thousand
39 one school year and thereafter, provided, however, that if the total
40 statewide apportionment attributable to allowable transportation
41 expenses incurred pursuant to this subdivision exceeds five million
42 dollars (\$5,000,000), individual school district allocations shall be
43 prorated to ensure that the apportionment for such summer transportation
44 does not exceed five million dollars (\$5,000,000), provided that such
45 prorated apportionment computed and payable as of September one of the
46 school year immediately following the school year for which such aid is
47 claimed shall be deemed final and not subject to change; [and]

48 7. Transportation provided pursuant to section thirty-six hundred
49 thirty-five-b of this article;

50 8. Notwithstanding paragraph a of subdivision five of section thirty-
51 six hundred four of this article, transportation provided during the
52 state disaster emergency declared pursuant to executive order 202 of
53 2020, provided that transportation was provided during the time period
54 schools were directed to close pursuant to executive order 202 of 2020.
55 Such aidable transportation shall include transportation of meals,

1 educational materials and supplies to students, and transportation to
2 provide students with internet access; and

3 9. Notwithstanding paragraph a of subdivision five of section thirty-
4 six hundred four of this article, for the two thousand nineteen-two
5 thousand twenty school year during the state disaster emergency
6 declared pursuant to executive order 202 of 2020, expenditures made
7 pursuant to contracts for the transportation of pupils to and from
8 school once daily, without regard to whether such transportation was
9 provided.

10 § 21. Intentionally omitted.

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

13 4. Notwithstanding the provisions of this section or any other
14 provision of law to the contrary, for the computation of transportation
15 aid pursuant to the requirements of subdivision seven of section thir-
16 ty-six hundred two of this article, allowable transportation expense
17 shall also include transportation operating expenses described in subdi-
18 vision one of this section and transportation capital, debt service and
19 lease expenses described in subdivision two of this section incurred
20 during the state disaster emergency declared pursuant to executive order
21 202 of 2020, including expenses incurred during the time period schools
22 were directed to close pursuant to executive order 202 of 2020 or other-
23 wise necessitated by such state disaster emergency. Such expenses shall
24 be allowable transportation expenses even where aidable regular trans-
25 portation as defined in section thirty-six hundred twenty-two-a of this
26 part was not provided.

27 § 22-a. Subdivision 8 of section 4410 of the education law, as amended
28 by chapter 474 of the laws of 1996, is amended to read as follows:

29 8. Transportation. The municipality in which a preschool child resides
30 shall, beginning with the first day of service, provide either directly
31 or by contract for suitable transportation, as determined by the board,
32 to and from special services or programs; provided, however, that if the
33 municipality is a city with a population of one million or more persons
34 the municipality may delegate the authority to provide such transporta-
35 tion to the board; and provided further, that prior to providing such
36 transportation directly or contracting with another entity to provide
37 such transportation, such municipality or board shall request and
38 encourage the parents to transport their children at public expense,
39 where cost-effective, at a rate per mile or a public service fare estab-
40 lished by the municipality and approved by the commissioner. Except as
41 otherwise provided in this section, the parents' inability or declina-
42 tion to transport their child shall in no way [effect] affect the
43 municipality's or board's responsibility to provide recommended
44 services. Such transportation shall be provided once daily from the
45 child care location to the special service or program and once daily
46 from the special service or program to the child care location up to
47 fifty miles from the child care location. If the board determines that a
48 child must receive special services and programs at a location greater
49 than fifty miles from the child care location, it shall request approval
50 of the commissioner. For the purposes of this subdivision, the term
51 "child care location" shall mean a child's home or a place where care
52 for less than twenty-four hours a day is provided on a regular basis and
53 includes, but is not limited to, a variety of child care services such
54 as day care centers, family day care homes and in-home care by persons
55 other than parents. All transportation of such children shall be
56 provided pursuant to the procedures set forth in section two hundred

1 thirty-six of the family court act using the date called for in the
2 written notice of determination of the board or the date of the written
3 notice of determination of the board, whichever comes later, in lieu of
4 the date the court order was issued. Notwithstanding this subdivision
5 or any provision of law to the contrary, transportation expenses
6 incurred by a municipality for operating and maintenance costs pursuant
7 to this subdivision during the state disaster emergency declared pursu-
8 ant to executive order 202 of 2020, including expenses incurred during
9 the time period of any closures of special services or programs ordered
10 pursuant to executive order 202 of 2020 or otherwise necessitated by
11 such state disaster emergency, shall be reimbursable and considered
12 approved costs in accordance with the provisions of this section and the
13 regulations of the commissioner.

14 § 22-b. Notwithstanding any other provision of law, rule or regulation
15 to the contrary, a child who resides within a county, in a city school
16 district located in a city having a population of one million or more,
17 that has a population of less than one million and who resides in an
18 area containing at least three hundred children within a one and one-
19 half mile radius shall be provided transportation pursuant to section
20 3627 of the education law without regard to like circumstances.

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

24 16. The authority of the department to administer the universal full-
25 day pre-kindergarten program shall expire June thirtieth, two thousand
26 [twenty-one] ~~twenty-two~~; provided that the program shall continue and
27 remain in full effect.

28 § 24. Intentionally omitted.

29 § 24-a. All the acts done and proceedings heretofore had and taken or
30 caused to be had and taken by (a) the Huntington union free school
31 district and by all of its officers or agents relating to or in
32 connection with final building cost reports required to be filed with
33 the state education department for approved building projects completed
34 prior to December 31, 2011, (b) the Islip union free school district and
35 by all its officers or agents relating to or in connection with a
36 certain final cost report to be filed with the state education depart-
37 ment for project numbers 0003-12, 0011-007, 0011-008, 0003-013,
38 0007-009, 0007-010, 0007-012, and 0011-009, (c) the Liverpool central
39 school district and by all its officers or agents relating to or in
40 connection with certain final cost reports to be filed with the state
41 education department for projects 0001-003, 0001-005, 0002-007,
42 0003-003, 0003-005, 0004-005, 0005-006, 0007-003, 0009-004, 0009-006,
43 0010-005, 0010-007, 0012-003, 0014-005, 0015-003, 0016-007, 0016-010,
44 0016-011, 0018-008, 0018-010, 0019-007, 0024-004, 4011-001, and
45 5008-002, (d) the Panama central school district and by all of its offi-
46 cers or agents relating to or in connection with final building cost
47 reports required to be filed with the state education department for
48 approved building projects completed prior to December 31, 2012, (e) the
49 Monticello central school district and by all of its officers or agents
50 relating to or in connection with final building cost reports required
51 to be filed with the state education department for approved building
52 projects completed prior to December 31, 2012, (f) the Marlboro central
53 school district and by all its officers or agents relating to or in
54 connection with certain final cost reports to be filed with the state
55 education department for project number 006-005, (g) the Long Beach city
56 school district and by all its officers or agents relating to or in

1 connection with certain final cost reports to be filed with the state
2 education department for project numbers 0001-022, 0011-016, 0011-019,
3 and 0011-030, (h) the Greenville central school district and by all its
4 officers or agents relating to or in connection with certain final cost
5 reports to be filed with the state education department for project
6 number 008-016, (i) the Lawrence union free school district and by all
7 of its officers or agents relating to or in connection with certain
8 final cost reports to be filed with the state education department for
9 project numbers 0002-027, 0008-037, and 0001-024, and (j) the Pearl
10 River union free school district and by all of its officers or agents
11 relating to or in connection with certain final cost reports to be filed
12 with the state education department for projects completed prior to
13 December 31, 2017 and all acts incidental thereto are hereby legalized,
14 validated, ratified and confirmed, notwithstanding any failure to comply
15 with the approval and filing provisions of the education law or any
16 other law or any other statutory authority, rule or regulation, in
17 relation to any omission, error, defect, irregularity or illegality in
18 such proceedings had and taken.

19 § 24-b. Notwithstanding section 24-a of part A of chapter 57 of the
20 laws of 2013, and consistent with section twenty-four-a of this act, the
21 commissioner of education shall not recover from the Huntington union
22 free school district, the Islip union free school district, the Liver-
23 pool central school district, the Panama central school district, the
24 Monticello central school district, the Marlboro central school
25 district, the Long Beach city school district, the Greenville central
26 school district, the Lawrence union free school district, or the Pearl
27 River union free school district any penalty arising from the late
28 filing of a final cost report pursuant to section 31 of part A of chap-
29 ter 57 of the laws of 2012, provided that any amounts already so recov-
30 ered shall be deemed a payment of moneys due for prior years pursuant to
31 paragraph c of subdivision 5 of section 3604 of the education law and
32 shall be paid to the appropriate district pursuant to such provision,
33 provided that such school district: (a) submitted the late or missing
34 final building cost report to the commissioner of education; (b) such
35 cost report is approved by the commissioner of education; (c) all state
36 funds expended by the school district, as documented in such cost
37 report, were properly expended for such building project in accordance
38 with the terms and conditions for such project as approved by the
39 commissioner of education; and (d) the failure to submit such report in
40 a timely manner was an inadvertent administrative or ministerial over-
41 sight by the school district, and there is no evidence of any fraudulent
42 or other improper intent by such district.

43 § 24-c. All the acts done and proceedings heretofore had and taken or
44 caused to be had and taken by (a) the Cold Spring Harbor central school
45 district and by all officers, employees or agents of such school
46 district relating to or in connection with a transportation contract
47 E259217 of the 2013-14 school year, (b) the Corning city school district
48 and by all officers, employees or agents of such school district relat-
49 ing to or in connection with transportation contracts E414960, E414961,
50 E414962, and E414963 of the 2017-18 school year, (c) the Fulton city
51 school district and by all officers, employees or agents of such school
52 district relating to or in connection with transportation contract
53 E006115 of the 2016-2017 school year, (d) the Port Washington union free
54 school district and by all officers, employees or agents of such school
55 district relating to or in connection with transportation contracts
56 E267698, E275279, C415663, and E600646 of the 2016-2017 school year, (e)

1 the Baldwin union free school district and by all officers, employees or
2 agents of such school district relating to or in connection with trans-
3 portation contracts E258713, E266995, E266994,5 E266993, E266991 and
4 E266992 of the 2017-2018 school year, and (f) the West Hempstead Union
5 Free School District and by all officers, employees or agents of such
6 school district relating to or in connection with transportation
7 contract E252155 of the 2017-2018 school year, and all acts incidental
8 hereto are hereby legalized, validated, ratified and confirmed, notwith-
9 standing any failure to comply with the contract award, approval and
10 filing provisions of the education law, the general municipal law or any
11 other law or any other statutory authority, rule or regulation, other
12 than those filing provisions defined in paragraph a of subdivision 5 of
13 section 3604 of the education law, in relation to any omission, error,
14 defect, irregularity or illegality in such proceeding had and taken and
15 provided that the failure to submit a transportation contract in a time-
16 ly manner was an inadvertent administrative or ministerial oversight by
17 the school district, and there is no evidence of any fraudulent or other
18 improper intent by such district.

19 § 24-d. The state education department is hereby directed to consider
20 the aforementioned contracts for transportation aid as valid and proper
21 obligations of the Cold Spring Harbor central, the Corning city, the
22 Fulton city, the Port Washington union free, the Baldwin union free, and
23 the West Hempstead union free school districts and shall not recover
24 from such school districts any penalty arising from the failure to
25 submit a transportation contract in a timely manner, provided that any
26 amounts already so recovered shall be deemed a payment of moneys due for
27 prior years pursuant to paragraph c of subdivision 5 of section 3604 of
28 the education law and shall be paid to the appropriate district pursuant
29 to such provision.

30 § 25. Intentionally omitted.

31 § 25-a. Paragraph c of subdivision 5 of section 3604 of the education
32 law, as added by chapter 82 of the laws of 1995, is amended to read as
33 follows:

34 c. Payment of moneys due for prior years. State aid payments due for
35 prior years in accordance with the provisions of this subdivision shall
36 be paid either: (i) from funds available in the general support for
37 public school appropriation as a result of the deduction of excess
38 payments of aid pursuant to paragraph a of this subdivision; or (ii)
39 within the limit of the appropriation designated therefor provided,
40 however, that each eligible claim shall be payable in the order that it
41 has been approved for payment by the commissioner, but in no case shall
42 a single claim draw down more than forty percent of the appropriation so
43 designated for a single year, and provided further that no claim shall
44 be set aside for insufficiency of funds to make a complete payment, but
45 shall be eligible for a partial payment in one year and shall retain its
46 priority date status for appropriations designated for such purposes in
47 future years.

48 § 26. Intentionally omitted.

49 § 26-a. The opening paragraph of section 3609-a of the education law,
50 as amended by section 24 of part A of chapter 56 of the laws of 2020, is
51 amended to read as follows:

52 For aid payable in the two thousand seven--two thousand eight school
53 year through the two thousand [twenty] twenty-one--two thousand [twe-
54 ty-one] twenty-two school year, "moneys apportioned" shall mean the
55 lesser of (i) the sum of one hundred percent of the respective amount
56 set forth for each school district as payable pursuant to this section

1 in the school aid computer listing for the current year produced by the
2 commissioner in support of the budget which includes the appropriation
3 for the general support for public schools for the prescribed payments
4 and individualized payments due prior to April first for the current
5 year plus the apportionment payable during the current school year
6 pursuant to subdivision six-a and subdivision fifteen of section thir-
7 ty-six hundred two of this part minus any reductions to current year
8 aids pursuant to subdivision seven of section thirty-six hundred four of
9 this part or any deduction from apportionment payable pursuant to this
10 chapter for collection of a school district basic contribution as
11 defined in subdivision eight of section forty-four hundred one of this
12 chapter, less any grants provided pursuant to subparagraph two-a of
13 paragraph b of subdivision four of section ninety-two-c of the state
14 finance law, less any grants provided pursuant to subdivision five of
15 section ninety-seven-nnnn of the state finance law, less any grants
16 provided pursuant to subdivision twelve of section thirty-six hundred
17 forty-one of this article, or (ii) the apportionment calculated by the
18 commissioner based on data on file at the time the payment is processed;
19 provided however, that for the purposes of any payments made pursuant to
20 this section prior to the first business day of June of the current
21 year, moneys apportioned shall not include any aids payable pursuant to
22 subdivisions six and fourteen, if applicable, of section thirty-six
23 hundred two of this part as current year aid for debt service on bond
24 anticipation notes and/or bonds first issued in the current year or any
25 aids payable for full-day kindergarten for the current year pursuant to
26 subdivision nine of section thirty-six hundred two of this part. The
27 definitions of "base year" and "current year" as set forth in subdivi-
28 sion one of section thirty-six hundred two of this part shall apply to
29 this section. For aid payable in the two thousand [twenty]
30 ~~twenty-one~~-two thousand [twenty-one] ~~twenty-two~~ school year, reference
31 to such "school aid computer listing for the current year" shall mean
32 the printouts entitled ["SA202-1"] "SA212-2".

33 § 27. Intentionally omitted.

34 § 27-a. Notwithstanding any provision of law or regulation to the
35 contrary, if as a result of the state disaster emergency declared pursu-
36 ant to Executive Order 202 of 2020, approved private schools serving
37 students with disabilities subject to articles 81 and 89 of the educa-
38 tion law, special act school districts, state supported schools pursuant
39 to article 85 of the education law, and approved preschool special class
40 and special class in an integrated setting programs pursuant to section
41 4410 of the education law experience enrollment decreases as a percent-
42 age of operating capacity of 5 percentage points or more during the
43 2020-21 and 2021-22 school years, the state education department shall
44 apply an enrollment adjustment factor as part of the tuition rate recon-
45 ciliation process to stabilize tuition revenue. Moreover, should such
46 schools and programs receive federal Paycheck Protection Program loan
47 forgiveness revenue or other extraordinary federal revenue as determined
48 by the state education department, such revenue shall be applied as
49 offsetting revenue for reconciliation tuition rate calculation purposes
50 after allowable costs incurred in responding to the state disaster emer-
51 gency declared pursuant to Executive Order 202 of 2020 are defrayed, and
52 such revenues shall be subtracted from total costs after the application
53 of the nondirect care screen, and provided further, that the state
54 education department shall hold harmless prospective tuition rates for
55 the 2021-22 and subsequent school years to reflect the impact of receipt
56 of such extraordinary federal revenue.

1 § 28. Intentionally omitted.

2 § 29. Intentionally omitted.

3 § 29-a. Section 5 of chapter 537 of the laws of 1976, relating to
4 paid, free and reduced price breakfast for eligible pupils in certain
5 school districts, is amended by adding a new subdivision d to read as
6 follows:

7 d. Notwithstanding any provision of this act to the contrary, school
8 food authorities shall be eligible for the additional state subsidy
9 pursuant to this section for lunch meals served in accordance with the
10 Summer Food Service Program during the state disaster emergency declared
11 pursuant to executive order 202 of 2020.

12 § 30. Intentionally omitted.

13 § 31. Intentionally omitted.

14 § 32. Intentionally omitted.

15 § 33. Intentionally omitted.

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

20 (viii) for the two thousand twenty--two thousand twenty-one and two
21 thousand twenty-one--two thousand twenty-two school years, the charter
22 school basic tuition shall be the lesser of (A) the product of (i) the
23 charter school basic tuition calculated for the base year multiplied by
24 (ii) the average of the quotients for each school year in the period
25 commencing with the year three years prior to the base year and finish-
26 ing with the year prior to the base year of the total approved operating
27 expense for such school district calculated pursuant to paragraph t of
28 subdivision one of section thirty-six hundred two of this chapter for
29 each such year divided by the total approved operating expense for such
30 district for the immediately preceding year multiplied by, (iii) for the
31 two thousand twenty--two thousand twenty-one school year only, [(iii)]
32 nine hundred forty-five one-thousandths (0.945), or for the two thousand
33 twenty-one--two thousand twenty-two school year only, one minus the
34 adjustment factor or (B) the quotient of the total general fund expendi-
35 tures for the school district calculated pursuant to an electronic data
36 file created for the purpose of compliance with paragraph b of subdivi-
37 sion twenty-one of section three hundred five of this chapter published
38 annually on May fifteenth for the year prior to the base year divided by
39 the total estimated public enrollment for the school district pursuant
40 to paragraph n of subdivision one of section thirty-six hundred two of
41 this chapter for the year prior to the base year. The adjustment factor
42 shall equal the quotient arrived at when dividing (A) the sum of (i) the
43 services aid reduction for the school district pursuant to paragraph b
44 of subdivision twenty-one of section thirty-six hundred two of this
45 chapter, (ii) plus the local district funding adjustment for the school
46 district pursuant to subdivision one of section thirty-six hundred
47 nine-i of this chapter by (B) the total general fund expenditures for
48 the school district for the two thousand twenty--two thousand twenty-one
49 school year calculated pursuant to an electronic data file created for
50 the purpose of compliance with paragraph b of subdivision twenty-one of
51 section three hundred five of this chapter published on May fifteenth,
52 two thousand twenty-one.

53 (ix) for the two thousand twenty-two--two thousand twenty-three
54 through two thousand twenty-four--two thousand twenty-five school years
55 the charter school basic tuition shall be the lesser of (A) the product
56 of (i) for the two thousand twenty-two--two thousand twenty-three school

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

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

26 (viii) for the two thousand twenty--two thousand twenty-one and two
27 thousand twenty-one--two thousand twenty-two school years, the charter
28 school basic tuition shall be the lesser of (A) the product of (i) the
29 charter school basic tuition calculated for the base year multiplied by
30 (ii) the average of the quotients for each school year in the period
31 commencing with the year three years prior to the base year and finish-
32 ing with the year prior to the base year of the total approved operating
33 expense for such school district calculated pursuant to paragraph t of
34 subdivision one of section thirty-six hundred two of this chapter for
35 each such year divided by the total approved operating expense for such
36 district for the immediately preceding year multiplied by, (iii) for the
37 two thousand twenty--two thousand twenty-one school year only, [(iii)]
38 nine hundred forty-five one-thousandths (0.945), or for the two thousand
39 twenty-one--two thousand twenty-two school year only, one minus the
40 adjustment factor or (B) the quotient of the total general fund expendi-
41 tures for the school district calculated pursuant to an electronic data
42 file created for the purpose of compliance with paragraph b of subdivi-
43 sion twenty-one of section three hundred five of this chapter published
44 annually on May fifteenth for the year prior to the base year divided by
45 the total estimated public enrollment for the school district pursuant
46 to paragraph n of subdivision one of section thirty-six hundred two of
47 this chapter for the year prior to the base year. The adjustment factor
48 shall equal the quotient arrived at when dividing (A) the sum of (i) the
49 services aid reduction for the school district pursuant to paragraph b
50 of subdivision twenty-one of section thirty-six hundred two of this
51 chapter, (ii) plus the local district funding adjustment for the school
52 district pursuant to subdivision one of section thirty-six hundred
53 nine-i of this chapter by (B) the total general fund expenditures for
54 the school district for the two thousand twenty--two thousand twenty-one
55 school year calculated pursuant to an electronic data file created for
56 the purpose of compliance with paragraph b of subdivision twenty-one of

1 section three hundred five of this chapter published on May fifteenth,
2 two thousand twenty-one.

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

28 § 36. Intentionally omitted.

29 § 36-a. Intentionally omitted.

30 § 36-b. Intentionally omitted.

31 § 37. Intentionally omitted.

32 § 37-a. Subdivision 21 of section 305 of the education law is amended
33 by adding a new paragraph e to read as follows:

34 e. Notwithstanding any inconsistent provision of law to the contrary,
35 in preparing an electronic data file pursuant to paragraph b of this
36 subdivision, for the purposes of using estimated data for projections of
37 apportionments for the following school year, the commissioner shall (i)
38 calculate the negative difference, if any, of the allowable growth
39 amount computed pursuant to subdivision one of section thirty-six
40 hundred two of this chapter less the preliminary growth amount pursuant
41 to such subdivision, and (ii) include such negative difference as the
42 "growth cap adjustment" in any file that aggregates apportionments of
43 general support for public schools for the purpose of determining the
44 amounts necessary in the state fiscal years associated with the school
45 year estimates, provided that the commissioner shall not allocate any
46 amount of such growth cap adjustment to any school district.

47 § 37-b. Paragraph cc of subdivision 1 of section 3602 of the educa-
48 tion law is REPEALED.

49 § 37-c. Paragraph c of subdivision 17 of section 3602 of the education
50 law is REPEALED.

51 § 38. Section 3 of chapter 507 of the laws of 1974, relating to
52 providing for the apportionment of state monies to certain nonpublic
53 schools, to reimburse them for their expenses in complying with
54 certain state requirements for the administration of state testing and
55 evaluation programs and for participation in state programs for the



1 reporting of basic educational data, as amended by chapter 347 of the
2 laws of 2018, is amended to read as follows:

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

25 b. Such nonpublic schools shall be eligible to receive aid based on
26 the number of days or portion of days attendance is taken and either a
27 5.0/5.5 hour standard instructional day, or another work day as certi-
28 fied by the nonpublic school officials, in accordance with the methodol-
29 ogy for computing salary and benefits applied by the department in
30 paying aid for the two thousand twelve--two thousand thirteen and prior
31 school years.

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

39 § 39. Subdivision b of section 2 of chapter 756 of the laws of 1992,
40 relating to funding a program for work force education conducted by the
41 consortium for worker education in New York city, as amended by section
42 30 of part A of chapter 56 of the laws of 2020, is amended to read as
43 follows:

44 b. Reimbursement for programs approved in accordance with subdivision
45 a of this section for the reimbursement for the 2018--2019 school year
46 shall not exceed 59.4 percent of the lesser of such approvable costs per
47 contact hour or fourteen dollars and ninety-five cents per contact hour,
48 reimbursement for the 2019--2020 school year shall not exceed 57.7
49 percent of the lesser of such approvable costs per contact hour or
50 fifteen dollars sixty cents per contact hour, [and] reimbursement for
51 the 2020--2021 school year shall not exceed 56.9 percent of the lesser
52 of such approvable costs per contact hour or sixteen dollars and twen-
53 ty-five cents per contact hour, and reimbursement for the 2021--2022
54 school year shall not exceed 56.0 percent of the lesser of such approva-
55 ble costs per contact hour or sixteen dollars and forty cents per
56 contact hour, and where a contact hour represents sixty minutes of



1 instruction services provided to an eligible adult. Notwithstanding any
2 other provision of law to the contrary, for the 2018--2019 school year
3 such contact hours shall not exceed one million four hundred sixty-three
4 thousand nine hundred sixty-three (1,463,963); for the 2019--2020 school
5 year such contact hours shall not exceed one million four hundred
6 forty-four thousand four hundred forty-four (1,444,444); [and] for the
7 2020--2021 school year such contact hours shall not exceed one million
8 four hundred six thousand nine hundred twenty-six (1,406,926); and for
9 the 2021--2022 school year such contact hours shall not exceed one
10 million four hundred sixteen thousand one hundred twenty-two
11 (1,416,122). Notwithstanding any other provision of law to the contrary,
12 the apportionment calculated for the city school district of the city of
13 New York pursuant to subdivision 11 of section 3602 of the education law
14 shall be computed as if such contact hours provided by the consortium
15 for worker education, not to exceed the contact hours set forth herein,
16 were eligible for aid in accordance with the provisions of such subdivi-
17 sion 11 of section 3602 of the education law.

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

22 z. The provisions of this subdivision shall not apply after the
23 completion of payments for the 2021--2022 school year. Notwithstanding
24 any inconsistent provisions of law, the commissioner of education shall
25 withhold a portion of employment preparation education aid due to the
26 city school district of the city of New York to support a portion of the
27 costs of the work force education program. Such moneys shall be credited
28 to the elementary and secondary education fund-local assistance account
29 and shall not exceed thirteen million dollars (\$13,000,000).

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

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

36 § 41-a. Paragraph a-1 of subdivision 11 of section 3602 of the educa-
37 tion law, as amended by section 32-a of part A of chapter 56 of the laws
38 of 2020, is amended to read as follows:

39 a-1. Notwithstanding the provisions of paragraph a of this subdivi-
40 sion, for aid payable in the school years two thousand--two thousand one
41 through two thousand nine--two thousand ten, and two thousand eleven--
42 two thousand twelve through two thousand [twenty] twenty-one--two thou-
43 sand [twenty-one] twenty-two, the commissioner may set aside an amount
44 not to exceed two million five hundred thousand dollars from the funds
45 appropriated for purposes of this subdivision for the purpose of serving
46 persons twenty-one years of age or older who have not been enrolled in
47 any school for the preceding school year, including persons who have
48 received a high school diploma or high school equivalency diploma but
49 fail to demonstrate basic educational competencies as defined in regu-
50 lation by the commissioner, when measured by accepted standardized
51 tests, and who shall be eligible to attend employment preparation educa-
52 tion programs operated pursuant to this subdivision.

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

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

4 § 42-a. Subparagraph (ii) of paragraph (c) of subdivision 8 of section
5 3602-ee of the education law, as amended by section 22-b of part A of
6 chapter 56 of the laws of 2020, is amended to read as follows:

7 (ii) Provided that, notwithstanding any provisions of this paragraph
8 to the contrary, for the two thousand seventeen-two thousand eighteen
9 through the two thousand [~~twenty~~] twenty-one--two thousand [~~twenty-one~~]
10 twenty-two school years an exemption to the certification requirement of
11 subparagraph (i) of this paragraph may be made for a teacher without
12 certification valid for service in the early childhood grades who
13 possesses a written plan to obtain certification and who has registered
14 in the ASPIRE workforce registry as required under regulations of the
15 commissioner of the office of children and family services. Notwith-
16 standing any exemption provided by this subparagraph, certification
17 shall be required for employment no later than June thirtieth, two thou-
18 sand [~~twenty-one~~] twenty-two; provided that for the two thousand [~~twen-~~
19 ty] twenty-one--two thousand [~~twenty-one~~] twenty-two school year, school
20 districts with teachers seeking an exemption to the certification
21 requirement of subparagraph (i) of this paragraph shall submit a report
22 to the commissioner regarding (A) the barriers to certification, if any,
23 (B) the number of uncertified teachers registered in the ASPIRE work-
24 force registry teaching pre-kindergarten in the district, including
25 those employed by a community-based organization, (C) the number of
26 previously uncertified teachers who have completed certification as
27 required by this subdivision, and (D) the expected certification
28 completion date of such teachers.

29 § 42-b. Subdivision 4 of section 51 of part B of chapter 57 of the
30 laws of 2008 amending the education law relating to the universal prek-
31 indergarten program, as amended by section 22-a of part A of chapter 56
32 of the laws of 2020, is amended to read as follows:

33 4. section twenty-three of this act shall take effect July 1, 2008 and
34 shall expire and be deemed repealed June 30, [2021] 2022;

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

41 § 4. This act shall take effect July 1, 2002 and section one of this
42 act shall expire and be deemed repealed June 30, 2019, and sections two
43 and three of this act shall expire and be deemed repealed on June 30,
44 [2021] 2022.

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

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

52 § 45. School bus driver training. In addition to apportionments other-
53 wise provided by section 3602 of the education law, for aid payable in
54 the 2021--2022 school year, the commissioner of education shall allocate
55 school bus driver training grants to school districts and boards of
56 cooperative educational services pursuant to sections 3650-a, 3650-b and

1 3650-c of the education law, or for contracts directly with not-for-pro-
2 fit educational organizations for the purposes of this section. Such
3 payments shall not exceed four hundred thousand dollars (\$400,000) per
4 school year.

5 § 46. Special apportionment for salary expenses. a. Notwithstanding
6 any other provision of law, upon application to the commissioner of
7 education, not sooner than the first day of the second full business
8 week of June 2022 and not later than the last day of the third full
9 business week of June 2022, a school district eligible for an apportion-
10 ment pursuant to section 3602 of the education law shall be eligible to
11 receive an apportionment pursuant to this section, for the school year
12 ending June 30, 2022, for salary expenses incurred between April 1 and
13 June 30, 2021 and such apportionment shall not exceed the sum of (i) the
14 deficit reduction assessment of 1990--1991 as determined by the commis-
15 sioner of education, pursuant to paragraph f of subdivision 1 of section
16 3602 of the education law, as in effect through June 30, 1993, plus (ii)
17 186 percent of such amount for a city school district in a city with a
18 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
19 such amount for a city school district in a city with a population of
20 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
21 ing to the latest federal census, plus (iv) the net gap elimination
22 adjustment for 2010--2011, as determined by the commissioner of educa-
23 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
24 nation adjustment for 2011--2012 as determined by the commissioner of
25 education pursuant to subdivision 17 of section 3602 of the education
26 law, and provided further that such apportionment shall not exceed such
27 salary expenses. Such application shall be made by a school district,
28 after the board of education or trustees have adopted a resolution to do
29 so and in the case of a city school district in a city with a population
30 in excess of 125,000 inhabitants, with the approval of the mayor of such
31 city.

32 b. The claim for an apportionment to be paid to a school district
33 pursuant to subdivision a of this section shall be submitted to the
34 commissioner of education on a form prescribed for such purpose, and
35 shall be payable upon determination by such commissioner that the form
36 has been submitted as prescribed. Such approved amounts shall be payable
37 on the same day in September of the school year following the year in
38 which application was made as funds provided pursuant to subparagraph
39 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
40 law, on the audit and warrant of the state comptroller on vouchers
41 certified or approved by the commissioner of education in the manner
42 prescribed by law from moneys in the state lottery fund and from the
43 general fund to the extent that the amount paid to a school district
44 pursuant to this section exceeds the amount, if any, due such school
45 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
46 section 3609-a of the education law in the school year following the
47 year in which application was made.

48 c. Notwithstanding the provisions of section 3609-a of the education
49 law, an amount equal to the amount paid to a school district pursuant to
50 subdivisions a and b of this section shall first be deducted from the
51 following payments due the school district during the school year
52 following the year in which application was made pursuant to subpara-
53 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
54 section 3609-a of the education law in the following order: the lottery
55 apportionment payable pursuant to subparagraph (2) of such paragraph
56 followed by the fixed fall payments payable pursuant to subparagraph (4)

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

7 § 46-a. Subdivision a of section 5 of chapter 121 of the laws of 1996,
8 relating to authorizing the Roosevelt union free school district to
9 finance deficits by the issuance of serial bonds, as amended by section
10 42-a of part A of chapter 56 of the laws of 2020, is amended to read as
11 follows:

12 a. Notwithstanding any other provisions of law, upon application to
13 the commissioner of education submitted not sooner than April first and
14 not later than June thirtieth of the applicable school year, the Roose-
15 velt union free school district shall be eligible to receive an appor-
16 tionment pursuant to this chapter for salary expenses, including related
17 benefits, incurred between April first and June thirtieth of such school
18 year. Such apportionment shall not exceed: for the 1996-97 school year
19 through the [2020-21] 2021-22 school year, four million dollars
20 (\$4,000,000); for the [2021-22] 2022-23 school year, three million
21 dollars (\$3,000,000); for the [2022-23] 2023-24 school year, two million
22 dollars (\$2,000,000); for the [2023-24] 2024-25 school year, one million
23 dollars (\$1,000,000); and for the [2024-25] 2025-26 school year, zero
24 dollars. Such annual application shall be made after the board of
25 education has adopted a resolution to do so with the approval of the
26 commissioner of education.

27 § 46-b. Section 8 of chapter 89 of the laws of 2016 relating to
28 supplementary funding for dedicated programs for public school students
29 in the East Ramapo central school district, as amended by section 42-b
30 of part A of chapter 56 of the laws of 2020, is amended to read as
31 follows:

32 § 8. This act shall take effect July 1, 2016 and shall expire and be
33 deemed repealed June 30, [2021] 2022, except that paragraph (b) of
34 section five of this act and section seven of this act shall expire and
35 be deemed repealed June 30, [2021] 2022.

36 § 46-c. a. Notwithstanding any inconsistent provision of law to the
37 contrary, for purposes of the pandemic adjustment as defined in the
38 appropriation for general support for public schools pursuant to chapter
39 53 of the laws of 2020 and subdivision 19 of section 3602 of the educa-
40 tion law, the pandemic adjustment amount for the East Ramapo central
41 school district shall equal zero.

42 b. Notwithstanding any provision of law to the contrary, the commis-
43 sioner of education shall reduce payments for general support for public
44 schools due to the East Ramapo central school district for the 2020-2021
45 school year by an amount equal to the product of nine one-hundredths
46 (0.09) multiplied by the sum of (A) the amount set forth for such
47 district as "TOTAL" under the heading "2020-21 BASE YEAR AIDS" on the
48 school aid computer listing produced by the commissioner in November
49 2020 pursuant to subdivision 21 of section 305 of the education law and
50 entitled "CL2122" plus (B) the positive value of the amount set forth as
51 "PANDEMIC ADJUSTMENT" on such listing, provided further that an amount
52 equal to the amount of such deduction shall be deemed to have been paid
53 to the district pursuant to this section for the school year in which
54 such deduction is made.

55 c. Notwithstanding any provisions of law to the contrary, for the
56 purposes of an apportionment from the education stabilization fund

1 appropriated in chapter 53 of the laws of 2020, the East Ramapo central
2 school district shall be apportioned an amount equal to the amount set
3 forth for such district as "PANDEMIC ADJUSTMENT" under the heading
4 "2020-21 BASE YEAR AIDS" on the school aid computer listing produced by
5 the commissioner in November 2020 pursuant to subdivision 21 of section
6 305 of the education law in support of the budget for the 2020-2021
7 school year and entitled "CL2122".

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

25 b. The claim for an apportionment to be paid to a school district
26 pursuant to subdivision a of this section shall be submitted to the
27 commissioner of education on a form prescribed for such purpose, and
28 shall be payable upon determination by such commissioner that the form
29 has been submitted as prescribed. Such approved amounts shall be payable
30 on the same day in September of the school year following the year in
31 which application was made as funds provided pursuant to subparagraph
32 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
33 law, on the audit and warrant of the state comptroller on vouchers
34 certified or approved by the commissioner of education in the manner
35 prescribed by law from moneys in the state lottery fund and from the
36 general fund to the extent that the amount paid to a school district
37 pursuant to this section exceeds the amount, if any, due such school
38 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
39 section 3609-a of the education law in the school year following the
40 year in which application was made.

41 c. Notwithstanding the provisions of section 3609-a of the education
42 law, an amount equal to the amount paid to a school district pursuant to
43 subdivisions a and b of this section shall first be deducted from the
44 following payments due the school district during the school year
45 following the year in which application was made pursuant to subpara-
46 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
47 section 3609-a of the education law in the following order: the lottery
48 apportionment payable pursuant to subparagraph (2) of such paragraph
49 followed by the fixed fall payments payable pursuant to subparagraph (4)
50 of such paragraph and then followed by the district's payments to the
51 teachers' retirement system pursuant to subparagraph (1) of such para-
52 graph, and any remainder to be deducted from the individualized payments
53 due the district pursuant to paragraph b of such subdivision shall be
54 deducted on a chronological basis starting with the earliest payment due
55 the district.



1 § 47-a. Subdivision 1 of section 1318 of the real property tax law, as
2 amended by chapter 238 of the laws of 2007, is amended to read as
3 follows:

4 1. The warrant of the collecting officer shall be signed by the trus-
5 tee, or the trustees, or a majority of them, or the board of education
6 or a majority thereof. Such warrant shall state the amount of unexpended
7 surplus funds in the custody of the board and shall further state that
8 except as authorized or required by law, such unexpended surplus funds
9 have been applied in determining the amount of the school tax levy. For
10 the two thousand seven--two thousand eight school year, surplus funds as
11 used in this subdivision shall mean any operating funds in excess of
12 three percent of the current school year budget, and shall not include
13 funds properly retained under other sections of law. For the two thou-
14 sand eight--two thousand nine school year, and thereafter, surplus funds
15 as used in this subdivision shall mean any operating funds in excess of
16 four percent of the current school year budget, and shall not include
17 funds properly retained under other sections of law. For the two thou-
18 sand twenty--two thousand twenty-one school year through the two thou-
19 sand twenty-two--two thousand twenty-three school year, surplus funds as
20 used in this subdivision shall mean any operating funds in excess of six
21 percent of the current school year budget, and shall not include funds
22 properly retained under other sections of law. Such warrant shall have
23 the same force and effect as a warrant issued by a board of supervisors
24 to a collecting officer in a town. The collecting officer to whom it may
25 be delivered for collection shall be thereby authorized and required to
26 collect from every person named on such school tax roll the sum set
27 opposite his name, or the amount due from any person specified therein,
28 in the same manner and with the same powers that collecting officers in
29 towns are authorized to collect taxes levied by the board of supervi-
30 sors.

31 § 48. Notwithstanding the provision of any law, rule, or regulation to
32 the contrary, the city school district of the city of Rochester, upon
33 the consent of the board of cooperative educational services of the
34 supervisory district serving its geographic region may purchase from
35 such board for the 2021--2022 school year, as a non-component school
36 district, services required by article 19 of the education law.

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

40 a. for the development, maintenance or expansion of magnet schools or
41 magnet school programs for the 2021--2022 school year. For the city
42 school district of the city of New York there shall be a setaside of
43 foundation aid equal to forty-eight million one hundred seventy-five
44 thousand dollars (\$48,175,000) including five hundred thousand dollars
45 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
46 school district, twenty-one million twenty-five thousand dollars
47 (\$21,025,000); for the Rochester city school district, fifteen million
48 dollars (\$15,000,000); for the Syracuse city school district, thirteen
49 million dollars (\$13,000,000); for the Yonkers city school district,
50 forty-nine million five hundred thousand dollars (\$49,500,000); for the
51 Newburgh city school district, four million six hundred forty-five thou-
52 sand dollars (\$4,645,000); for the Poughkeepsie city school district,
53 two million four hundred seventy-five thousand dollars (\$2,475,000); for
54 the Mount Vernon city school district, two million dollars (\$2,000,000);
55 for the New Rochelle city school district, one million four hundred ten
56 thousand dollars (\$1,410,000); for the Schenectady city school district,

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

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

26 c. The commissioner of education shall not be authorized to withhold
27 foundation aid from a school district that used such funds in accordance
28 with this paragraph, notwithstanding any inconsistency with a request
29 for proposals issued by such commissioner for the purpose of attendance
30 improvement and dropout prevention for the 2021--2022 school year, and
31 for any city school district in a city having a population of more than
32 one million, the setaside for attendance improvement and dropout
33 prevention shall equal the amount set aside in the base year. For the
34 2021--2022 school year, it is further provided that any city school
35 district in a city having a population of more than one million shall
36 allocate at least one-third of any increase from base year levels in
37 funds set aside pursuant to the requirements of this section to communi-
38 ty-based organizations. Any increase required pursuant to this section
39 to community-based organizations must be in addition to allocations
40 provided to community-based organizations in the base year.

41 d. For the purpose of teacher support for the 2021--2022 school year:
42 for the city school district of the city of New York, sixty-two million
43 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city
44 school district, one million seven hundred forty-one thousand dollars
45 (\$1,741,000); for the Rochester city school district, one million seven-
46 ty-six thousand dollars (\$1,076,000); for the Yonkers city school
47 district, one million one hundred forty-seven thousand dollars
48 (\$1,147,000); and for the Syracuse city school district, eight hundred
49 nine thousand dollars (\$809,000). All funds made available to a school
50 district pursuant to this section shall be distributed among teachers
51 including prekindergarten teachers and teachers of adult vocational and
52 academic subjects in accordance with this section and shall be in addi-
53 tion to salaries heretofore or hereafter negotiated or made available;
54 provided, however, that all funds distributed pursuant to this section
55 for the current year shall be deemed to incorporate all funds distrib-
56 uted pursuant to former subdivision 27 of section 3602 of the education

1 law for prior years. In school districts where the teachers are repres-
2 ented by certified or recognized employee organizations, all salary
3 increases funded pursuant to this section shall be determined by sepa-
4 rate collective negotiations conducted pursuant to the provisions and
5 procedures of article 14 of the civil service law, notwithstanding the
6 existence of a negotiated agreement between a school district and a
7 certified or recognized employee organization.

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

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

30 § 51. Severability. The provisions of this act shall be severable, and
31 if the application of any clause, sentence, paragraph, subdivision,
32 section or part of this act to any person or circumstance shall be
33 adjudged by any court of competent jurisdiction to be invalid, such
34 judgment shall not necessarily affect, impair or invalidate the applica-
35 tion of any such clause, sentence, paragraph, subdivision, section, part
36 of this act or remainder thereof, as the case may be, to any other
37 person or circumstance, but shall be confined in its operation to the
38 clause, sentence, paragraph, subdivision, section or part thereof
39 directly involved in the controversy in which such judgment shall have
40 been rendered.

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

44 1. Sections one, ten-a, ten-b, twelve-b, thirteen-a, fourteen-a, twen-
45 ty-three, thirty-seven-a, thirty-seven-b, thirty-seven-c, forty-one,
46 forty-one-a, forty-two-a, forty-three, forty-four, forty-five, forty-
47 six-a, forty-eight and forty-nine of this act shall take effect July 1,
48 2021;

49 2. Intentionally omitted;

50 3. Intentionally omitted;

51 3-a. Section twenty-two-b of this act shall take effect on July 1,
52 2021 and shall expire June 30, 2024 when upon such date the provisions
53 of such section shall be deemed repealed;

54 4. The amendments to paragraph (a) of subdivision 1 of section 2856 of
55 the education law made by section thirty-four of this act shall be
56 subject to the expiration and reversion of such subdivision pursuant to

1 subdivision d of section 27 of chapter 378 of the laws of 2007, as
2 amended, when upon such date the provisions of section thirty-five of
3 this act shall take effect;

4 5. Intentionally omitted;

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

10 7. Section forty-six-c of this act shall be deemed to have been in
11 full force and effect on July 1, 2020 and shall apply to only the 2020-
12 2021 school year; and

13 8. Section forty-seven-a of this act shall expire July 1, 2025 when
14 upon such date the provisions of such section shall be deemed repealed.

15 PART B

16 Intentionally Omitted

17 PART C

18 Intentionally Omitted

19 PART D

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

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

27 § 2. Section 4 of subpart B of part D of chapter 58 of the laws of
28 2011 amending the education law relating to procurement in support of
29 the state and city universities, as amended by section 2 of part Q of
30 chapter 54 of the laws of 2016, is amended to read as follows:

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

33 § 3. Section 3 of subpart C of part D of chapter 58 of the laws of
34 2011 amending the education law relating to state university health care
35 facilities, as amended by section 3 of part Q of chapter 54 of the laws
36 of 2016, is amended to read as follows:

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

39 § 4. Intentionally omitted.

40 § 5. This act shall take effect immediately.

41 PART E

42 Intentionally Omitted

43 PART F

44 Section 1. Notwithstanding any provision of law or regulation to the
45 contrary, for purposes of an award made pursuant to subparts 2 through 4
46 of part 2 of article 14 of the education law in the 2019--2020 or 2020-

1 -2021 academic years, any semester, quarter or term that a recipient of
2 such an award is unable to complete as a result of the COVID-19 pandemic
3 state disaster emergency declared March 7, 2020, as certified by a
4 college or university and approved by the New York state higher educa-
5 tion services corporation, shall not be considered for purposes of
6 determining the maximum duration of such award for that recipient, and
7 provided further that no such recipient shall suffer a reduction in the
8 original award amount granted pursuant to such subparts in such academic
9 years solely due to inability to complete any semester, quarter or term
10 as a result of the COVID-19 pandemic state disaster emergency declared
11 March 7, 2020, as certified by a college or university and approved by
12 the New York state higher education services corporation.

13 § 2. This act shall take effect immediately.

14

PART G

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

18 2. Amount. Within amounts appropriated therefor and based on avail-
19 ability of funds, awards shall be granted beginning with the two thou-
20 sand seventeen--two thousand eighteen academic year and thereafter to
21 applicants that the corporation has determined are eligible to receive
22 such awards. The corporation shall grant such awards in an amount up to
23 five thousand five hundred dollars or actual tuition, whichever is less;
24 provided, however, (a) a student who receives educational grants and/or
25 scholarships that cover the student's full cost of attendance shall not
26 be eligible for an award under this program; and (b) an award under this
27 program shall be applied to tuition after the application of payments
28 received under the tuition assistance program pursuant to section six
29 hundred sixty-seven of this subpart, tuition credits pursuant to section
30 six hundred eighty-nine-a of this article, federal Pell grant pursuant
31 to section one thousand seventy of title twenty of the United States
32 code, et seq., and any other program that covers the cost of attendance
33 unless exclusively for non-tuition expenses, and the award under this
34 program shall be reduced in the amount equal to such payments, provided
35 that the combined benefits do not exceed five thousand five hundred
36 dollars. Upon notification of an award under this program, the institu-
37 tion shall defer the amount of tuition. Notwithstanding paragraph h of
38 subdivision two of section three hundred fifty-five and paragraph (a) of
39 subdivision seven of section six thousand two hundred six of this chap-
40 ter, and any other law, rule or regulation to the contrary, the under-
41 graduate tuition charged by the institution to recipients of an award
42 shall not exceed the tuition rate established by the institution for the
43 two thousand sixteen--two thousand seventeen academic year provided,
44 however, that in the two thousand [twenty-one] ~~twenty-three~~--two thou-
45 sand [twenty-two] ~~twenty-four~~ academic year and every [four years] year
46 thereafter, the undergraduate tuition charged by the institution to
47 recipients of an award shall be reset to equal the tuition rate estab-
48 lished by the institution for the forthcoming academic year, provided
49 further that the tuition credit calculated pursuant to section six
50 hundred eighty-nine-a of this article shall be applied toward the
51 tuition rate charged for recipients of an award under this program.
52 Provided further that the state university of New York and the city
53 university of New York shall provide an additional tuition credit to
54 students receiving an award to cover the remaining cost of tuition.



1 § 2. This act shall take effect immediately.

2 PART H

3 Intentionally Omitted

4 PART I

5 Intentionally Omitted

6 PART J

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

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

15 § 2. This act shall take effect immediately.

16 PART K

17 Section 1. Section 4 of part K of chapter 57 of the laws of 2012,
18 amending the education law, relating to authorizing the board of cooper-
19 ative educational services to enter into contracts with the commissioner
20 of children and family services to provide certain services, as amended
21 by section 1 of part J of chapter 56 of the laws of 2018, is amended to
22 read as follows:

23 § 4. This act shall take effect July 1, 2012 [and shall expire June
24 30, 2021 when upon such date the provisions of this act shall be deemed
25 repealed].

26 § 2. This act shall take effect immediately.

27 PART L

28 Section 1. Paragraph (g) of subdivision 3 of section 358-a of the
29 social services law, as amended by section 4 of subpart L of part XX of
30 chapter 55 of the laws of 2020, is amended to read as follows:

31 (g) (i) In any case in which an order has been issued pursuant to this
32 section approving a foster care placement instrument, the social
33 services official or authorized agency charged with custody or care of
34 the child shall report the initial placement and any anticipated change
35 in placement to the court and the attorneys for the parties, including
36 the attorney for the child, forthwith, but not later than one business
37 day following either the decision to make the initial placement or to
38 change the placement or the actual date the initial placement or place-
39 ment change occurred, whichever is sooner. Such notice shall indicate
40 the date that the placement change is anticipated to occur or the date
41 the placement change occurred, as applicable. Provided, however, if such
42 notice lists an anticipated date for the initial placement or placement
43 change, the local social services district or authorized agency shall
44 subsequently notify the court and attorneys for the parties, including
45 the attorney for the child, of the date the placement or placement

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

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

16 § 1-a. Section 371 of the social services law is amended by adding a
17 new subdivision 22 to read as follows:

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

26 § 1-b. Paragraph (c) of subdivision 2 of section 383-a of the social
27 services law, as added by section 5 of part M of chapter 54 of the laws
28 of 2016, is amended to read as follows:

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

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

34 § 393. Court approval of placement in a qualified residential treat-
35 ment program. 1. The provisions of this section shall apply when a child
36 is placed on or after September twenty-ninth, two thousand twenty-one
37 and resides in a qualified residential treatment program, as defined in
38 section four hundred nine-h of this article, and whose care and custody
39 were transferred to the commissioner of a local social services district
40 in accordance with section three hundred fifty-eight-a of this chapter,
41 or whose custody and guardianship were transferred to the commissioner
42 of a local social services district in accordance with section three
43 hundred eighty-three-c, or three hundred eighty-four-b of this title.

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

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

50 (ii) Determine whether the needs of the child can be met through
51 placement in a foster family home and, if not, whether placement of the
52 child in the particular qualified residential treatment program provides
53 the most effective and appropriate level of care for the child in the
54 least restrictive environment, whether placement in an alternative qual-
55 ified residential treatment program would be more appropriate and wheth-

1 er that placement is consistent with the short-term and long-term goals
2 for the child, as specified in the child's permanency plan;

3 (iii) Consider any relevant information or documentation that is
4 necessary to make a determination, including any such information
5 provided by an authorized agency as defined in subdivision ten of
6 section three hundred seventy-one of this title; and

7 (iv) Approve or disapprove the placement of the child in the qualified
8 residential treatment program. Provided that where the qualified indi-
9 vidual determines that the placement of the child in the qualified resi-
10 dential treatment program is not appropriate in accordance with the
11 assessment required pursuant to section four hundred nine-h of this
12 article, the court may approve the placement of the child in the quali-
13 fied residential treatment program if the court finds, and states in the
14 written order that:

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

17 (B) that continued placement in the qualified residential program is
18 in the child's best interest.

19 (b) If the court disapproves the placement of the child in the quali-
20 fied residential treatment program, the court shall, on its own motion,
21 determine a schedule for the return of the child, change the authorized
22 agency in which the child is placed, or direct the local social services
23 district or office of children and family services, as applicable, to
24 make such other arrangements for the child's care and welfare in the
25 most effective and least restrictive environment as the facts of the
26 case may arise. If such alternative arrangements include a placement in
27 a different qualified residential treatment program, the requirements
28 included in this section and section four hundred nine-h of this article
29 shall be satisfied for such new placement.

30 (c) Nothing herein shall require the court to hold a hearing to
31 conduct such assessment and determination when all parties agree to the
32 placement of the child, as long as such review is completed within sixty
33 days of the initial placement of the child.

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

36 4. Nothing in this section shall prohibit the court's approval of a
37 placement in a qualified residential treatment program from occurring at
38 the same time as another hearing scheduled for such child, including but
39 not limited to the child's dispositional or permanency hearing, provided
40 such approval is completed within sixty days of the start of such place-
41 ment.

42 5. Notwithstanding any other provision of law to the contrary, any
43 child placed in a setting prior to September twenty-ninth, two thousand
44 twenty-one, which is subsequently accredited to be a qualified residen-
45 tial treatment program as defined in section four hundred nine-h of this
46 article, shall not be subject to the requirements of this section, and
47 such placement, if initially eligible for funding title IV-E of the
48 federal Social Security Act, as amended, shall continue to be eligible
49 to receive such reimbursement.

50 § 2-a. Subparagraph 1 of paragraph (g) of subdivision 6 and subdivi-
51 sion 10 of section 398 of the social services law, subparagraph 1 of
52 paragraph (g) of subdivision 6 as amended by chapter 3 of the laws of
53 2012 and subdivision 10 as amended by chapter 563 of the laws of 1986,
54 are amended to read as follows:

55 (1) Place children in its care and custody or its custody and guardi-
56 anship, in suitable instances, in supervised settings, family homes,

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

32 10. Any provision of this chapter or any other law notwithstanding,
33 where a foster child for whom a social services official has been making
34 foster care payments is in attendance at a college or university away
35 from his or her foster family boarding home, group home, agency boarding
36 home or institution, a social services official may make foster
37 payments, not to exceed the amount which would have been paid to a
38 foster parent on behalf of said child had the child been cared for in a
39 foster family boarding home, to such college or university or a provider
40 of room and board as appropriate, in lieu of payment to the foster
41 parents or authorized agency, for the purpose of room and board, if not
42 otherwise provided.

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

45 § 409-h. Assessment of appropriateness of placement in a qualified
46 residential treatment program. 1. (a) Prior to a child's placement in a
47 qualified residential treatment program, but no later than thirty days
48 from the start of a placement in a qualified residential treatment
49 program of a child in the care and custody or the custody and guardian-
50 ship of the commissioner of a local social services district or the
51 office of children and family services that occurs on or after September
52 twenty-ninth, two thousand twenty-one, a qualified individual as defined
53 in subdivision four of this section shall assess the appropriateness of
54 such placement utilizing an age-appropriate, evidence-based, validated,
55 functional assessment tool approved by the federal government for such
56 purpose. Such assessment shall be in accordance with 42 United States



1 Code sections 672 and 675a and shall include, but not be limited to: (i)
2 an assessment of the strengths and needs of the child; and (ii) a deter-
3 mination of the most effective and appropriate level of care for the
4 child in the least restrictive setting, including whether the needs of
5 the child can be met with family members or through placement in a
6 foster family home, or alternative setting which may include, but is not
7 limited to, such settings specified in paragraph (d) of this subdivision
8 or a qualified residential treatment program, consistent with the short-
9 term and long-term goals for the child as specified in the child's
10 permanency plan. Such assessment shall be completed in conjunction with
11 the family and permanency team established pursuant to paragraph (b) of
12 this subdivision.

13 (b) Such assessment and all supporting information shall be provided
14 in writing to the court, the parties to the proceeding, including the
15 attorney for the child, the office and the local social services
16 district where such child is in their care and custody or custody and
17 guardianship no later than five days after the completion of such
18 assessment.

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

27 (d) Where the qualified individual determines that the child may not
28 be placed in a foster family home, the qualified individual must specify
29 in writing the reasons why the needs of the child cannot be met by the
30 child's family or in a foster family home and why such a placement is
31 not the most effective and appropriate level of care for such child.
32 Such determination shall include whether the needs of the child can be
33 met through placement in:

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

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

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

42 (iv) A qualified residential treatment program.

43 2. Where the qualified individual determines that the placement of the
44 child in the qualified residential treatment program is not appropriate
45 after the assessment conducted pursuant to subdivision one of this
46 section, the child's placement shall continue, at least until the court
47 has an opportunity to examine the qualified individual's assessment.
48 Provided however, during such time, after the qualified individual's
49 assessment but prior to the court's review, the local social services
50 district or the office of children and family services with legal custo-
51 dy of the child, shall determine potential alternative placement
52 settings that may be appropriate for the child if the court also disap-
53 proves the placement. Such placements shall be determined based on the
54 best interest of the child and may include, but are not limited to with
55 family members, in an available foster family home, a setting specified

1 in paragraph (d) of subdivision one of this section or a different qual-
2 ified residential treatment program.

3 3. As used in the section, "qualified residential treatment program"
4 means a program that is a non-foster family residential program in
5 accordance with 42 United State Code section 672.

6 4. As used in this section, "qualified individual" shall mean a
7 trained professional or licensed clinician acting within their scope of
8 practice who shall have current or previous relevant experience in the
9 child welfare field. Provided however, such individual shall not be an
10 employee or agent of the office of children and family services, nor
11 shall such person have a direct role in case management or case planning
12 decision making authority for the child for whom such assessment is
13 being conducted, in accordance with 42 United States Code section 675.

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

16 § 353.7. Placement in qualified residential treatment programs. 1. The
17 provisions of this section shall apply when a respondent is placed
18 pursuant to clause (A) of subparagraph (i) of paragraph (b) of subdivi-
19 sion two-a or paragraph (c) of subdivision three of section 353.3 of
20 this part, on or after September twenty-ninth, two thousand twenty-one
21 and resides in a qualified residential treatment program, as defined in
22 section four hundred nine-h of the social services law, and whose care
23 and custody were transferred to a local social services district or the
24 office of children and family services in accordance with this article.

25 2. (a) When a respondent is in the care and custody of a local social
26 services district or the office of children and family services pursuant
27 to this article, such social services district or office shall report
28 any anticipated placement of the respondent into a qualified residential
29 treatment program as defined in section four hundred nine-h of the
30 social services law to the court and the attorneys for the parties,
31 including the attorney for the respondent, forthwith, but not later than
32 one business day following either the decision to place the respondent
33 in the qualified residential treatment program or the actual date the
34 placement change occurred, whichever is sooner. Such notice shall indi-
35 cate the date that the initial placement or change in placement is
36 anticipated to occur or the date the placement change occurred, as
37 applicable. Provided, however, if such notice lists an anticipated date
38 for the placement change, the local social services district or office
39 shall subsequently notify the court and the attorneys for the parties,
40 including the attorney for the respondent, of the date the placement
41 change occurred, such notice shall occur no later than one business day
42 following the placement change.

43 (b) When a respondent whose legal custody was transferred to a local
44 social services district or the office of children and family services
45 in accordance with this article resides in a qualified residential
46 treatment program as defined in section four hundred nine-h of the
47 social services law, and where such respondent's initial placement or
48 change in placement in such qualified residential treatment program
49 commenced on or after September twenty-ninth, two thousand twenty-one,
50 upon receipt of notice required pursuant to paragraph (a) of this subdivi-
51 vision and motion of the local social services district or the office of
52 children and family services with legal custody of the respondent, the
53 court shall make an assessment and determination on such placement in
54 accordance with subdivision three of this section. Notwithstanding any
55 other provision of law to the contrary, such assessment and determi-
56 nation shall occur no later than sixty days from the date the placement

1 of the respondent in the qualified residential treatment program
2 commenced.

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

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

9 (ii) Determine whether the needs of the respondent can be met through
10 placement in a foster family home and, if not, whether placement of the
11 respondent in the particular qualified residential treatment program
12 provides the most effective and appropriate level of care for the
13 respondent in the least restrictive environment, whether placement in an
14 alternative qualified residential treatment program would be more appro-
15 priate and whether that placement is consistent with the short-term and
16 long-term goals for the respondent as specified in the respondent's
17 permanency plan;

18 (iii) Consider any relevant information or documentation that is
19 necessary to make a determination, including any such information
20 provided by an authorized agency as defined in subdivision ten of
21 section three hundred seventy-one of the social services law; and

22 (iv) Approve or disapprove the placement of the respondent in the
23 qualified residential treatment program. Provided that, where a quali-
24 fied individual determines that the placement of the respondent in the
25 qualified residential treatment program is not appropriate in accordance
26 with the assessment required pursuant to section four hundred nine-h of
27 the social services law, the court may approve the placement of the
28 respondent in the qualified residential treatment program if the court
29 finds, and states in the written order that:

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

32 (B) that continued placement in the qualified residential treatment
33 program serves the respondent's needs and best interests or the need for
34 protection of the community.

35 (b) If the court disapproves the placement of the child in the quali-
36 fied residential treatment program, the court shall, on its own motion,
37 determine a schedule for the return of the child, change the authorized
38 agency in which the child is placed, or direct the local social services
39 district or office of children and family services, as applicable, to
40 make such other arrangements for the child's care and welfare in the
41 most effective and least restrictive environment as the facts of the
42 case may arise. If such alternative arrangements include a placement in
43 a different qualified residential treatment program, the requirements
44 included in this section and section four hundred nine-h of the social
45 services law shall be satisfied for such new placement.

46 (c) Nothing herein shall require the court to hold a hearing to
47 conduct such assessment and determination when all parties agree to the
48 placement of the child, as long as such review is completed within
49 sixty days of the initial placement of the child.

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

52 5. Nothing in this section shall prohibit the court's approval of a
53 placement in a qualified residential treatment program from occurring at
54 the same time as another hearing scheduled for such respondent, includ-
55 ing but not limited to the respondent's dispositional or permanency

1 hearing, provided such approval is completed within sixty days of the
2 start of such placement.

3 6. Notwithstanding any other section of law to the contrary, any child
4 placed in a setting prior to September twenty-ninth, two thousand twen-
5 ty-one, which is subsequently accredited to be a qualified residential
6 treatment program as defined in section four hundred nine-h of the
7 social services law, shall not be subject to the requirements of this
8 section, and such placement, if initially eligible for funding title
9 IV-E of the federal Social Security Act, as amended, shall continue to
10 be eligible to receive such reimbursement.

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

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

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

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

29 (c) documenting the efforts made by the local social services district
30 or the office of children and family services with legal custody of the
31 respondent to prepare the respondent to return home, or to be placed
32 with a fit and willing relative, legal guardian or adoptive parent, or
33 in a foster family home.

34 § 6. Section 356-a of the family court act is amended by adding a new
35 subdivision (h) to read as follows:

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

41 (i) demonstrating that ongoing assessment of the strengths and needs
42 of the respondent continues to support the determination that the needs
43 of the respondent cannot be met through placement in a foster family
44 home, that the placement in the qualified residential treatment program
45 provides the most effective and appropriate level of care for the
46 respondent in the least restrictive environment, and that the placement
47 is consistent with the short-term and long-term goals of the respondent,
48 as specified in the respondent's permanency plan;

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

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

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

3 § 756-b. Court approval of placement in a qualified residential treat-
4 ment program. 1. The provisions of this section shall apply when a
5 respondent is placed on or after September twenty-ninth, two thousand
6 twenty-one and resides in a qualified residential treatment program, as
7 defined in section four hundred nine-h of the social services law, and
8 whose care and custody were transferred to a local social services
9 district in accordance with this part.

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

27 (b) When a respondent whose legal custody was transferred to a local
28 social services district in accordance with this part resides in a qual-
29 ified residential treatment program, as defined in section four hundred
30 nine-h of the social services law, and where such respondent's initial
31 placement or change in placement in such qualified residential treatment
32 program commenced on or after September twenty-ninth, two thousand twen-
33 ty-one, upon receipt of notice required pursuant to paragraph (a) of
34 this subdivision and motion of the local social services district, the
35 court shall make an assessment and determination on such placement in
36 accordance with subdivision three of this section. Notwithstanding any
37 other provision of law to the contrary, such assessment and determi-
38 nation shall occur no later than sixty days from the date the placement
39 of the respondent in the qualified residential treatment program
40 commenced.

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

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

47 (ii) Determine whether the needs of the respondent can be met through
48 placement in a foster family home and, if not, whether placement of the
49 respondent in the qualified residential treatment program provides the
50 most effective and appropriate level of care for the respondent in the
51 least restrictive environment, whether placement in an alternative qual-
52 ified residential treatment program would be more appropriate and wheth-
53 er that placement is consistent with the short-term and long-term goals
54 for the respondent as specified in the respondent's permanency plan;

55 (iii) Consider any relevant information or documentation that is
56 necessary to make a determination, including any such information

1 provided by an authorized agency as defined in subdivision ten of
2 section three hundred seventy-one of the social services law; and

3 (iv) Approve or disapprove the placement of the respondent in a quali-
4 fied residential treatment program. Provided that, where the qualified
5 individual determines that the placement of the respondent in the quali-
6 fied residential treatment program is not appropriate in accordance with
7 the assessment required pursuant to section four hundred nine-h of the
8 social services law, the court may approve the placement of the respond-
9 ent in the qualified residential treatment program if the court finds,
10 and states in the written order that:

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

13 (B) that it would be contrary to the welfare of the respondent to be
14 placed in a less restrictive setting and that continued placement in the
15 qualified residential program is in the respondent's best interest.

16 (b) If the court disapproves the placement of the child in the quali-
17 fied residential treatment program, the court shall, on its own motion,
18 determine a schedule for the return of the child, change the authorized
19 agency in which the child is placed, or direct the local social services
20 district or office of children and family services, as applicable, to
21 make such other arrangements for the child's care and welfare in the
22 most effective and least restrictive environment as the facts of the
23 case may arise. If such alternative arrangements include a placement in
24 a different qualified residential treatment program, the requirements
25 included in this section and section four hundred nine-h of the social
26 services law shall be satisfied for such new placement.

27 (c) Nothing herein shall require the court to hold a hearing to
28 conduct such assessment and determination when all parties agree to the
29 placement of the child, as long as such review is completed within sixty
30 days of the initial placement of the child.

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

33 5. Nothing in this section shall prohibit the court's approval of a
34 placement in a qualified residential treatment program from occurring at
35 the same time as another hearing scheduled for such respondent, includ-
36 ing but not limited to the respondent's dispositional or permanency
37 hearing, provided such approval is completed within sixty days of the
38 start of such placement.

39 6. Notwithstanding any other section of law to the contrary, any child
40 placed in a setting prior to September twenty-ninth, two thousand twen-
41 ty-one, which is subsequently accredited to be a qualified residential
42 treatment program as defined in section four hundred nine-h of this
43 article, shall not be subject to the requirements of this section, and
44 such placement, if initially eligible for funding title IV-E of the
45 federal Social Security Act, as amended, shall continue to be eligible
46 to receive such reimbursement.

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

50 (b) When a child whose legal custody was transferred to the commis-
51 sioner of a local social services district in accordance with this
52 section resides in a qualified residential treatment program, as defined
53 in section four hundred nine-h of the social services law, and where
54 such child's initial placement or change in placement in such program
55 commenced on or after September twenty-ninth, two thousand twenty-one,
56 upon receipt of notice required pursuant to paragraph (a) of this subdi-

1 vision and motion of the local social services district, the court shall
2 make an assessment and determination on such placement in accordance
3 with section one thousand fifty-five-c of this article. Notwithstanding
4 any other provision of law to the contrary, such assessment and determi-
5 nation shall occur no later than sixty days from the date the placement
6 of the child in the qualified residential treatment program commenced.

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

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

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

25 § 1055-c. Court approval of placement in a qualified residential
26 treatment program. 1. The provisions of this section shall apply when a
27 child is placed on or after September twenty-ninth, two thousand twen-
28 ty-one and resides in a qualified residential treatment program, as
29 defined in section four hundred nine-h of the social services law, and
30 whose care and custody were transferred to the commissioner of a local
31 social services district in accordance with this article.

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

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

38 (b) Determine whether the needs of the child can be met through place-
39 ment in a foster family home and, if not, whether placement of the child
40 in the qualified residential treatment program provides the most effec-
41 tive and appropriate level of care for the child in the least restric-
42 tive environment, whether placement in an alternative qualified residen-
43 tial treatment program would be more appropriate and whether that
44 placement is consistent with the short-term and long-term goals for the
45 child, as specified in the child's permanency plan;

46 (c) Consider any relevant information or documentation that is neces-
47 sary to make a determination, including any such information provided by
48 an authorized agency as defined in subdivision ten of section three
49 hundred seventy-one of the social services law; and

50 (d) Approve or disapprove the placement of the child in the qualified
51 residential treatment program. Provided that, where the qualified indi-
52 vidual determines that the placement of the child in the qualified resi-
53 dential treatment program is not appropriate in accordance with the
54 assessment required pursuant to section four hundred nine-h of the
55 social services law, the court may approve the placement of the child in

1 the qualified residential treatment program if the court finds, and
2 states in the written order that:

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

5 (ii) that continued placement in the qualified residential treatment
6 program is in the child's best interest.

7 3. If the court disapproves the placement of the child in the quali-
8 fied residential treatment program, the court shall, on its own motion,
9 determine a schedule for the return of the child, change the authorized
10 agency in which the child is placed, or direct the local social services
11 district or office of children and family services, as applicable, to
12 make such other arrangements for the child's care and welfare in the
13 most effective and least restrictive environment as the facts of the
14 case may arise. If such alternative arrangements include a placement in
15 a different qualified residential treatment program, the requirements
16 included in this section and section four hundred nine-h of the social
17 services law shall be satisfied for such new placement.

18 4. Nothing herein shall require the court to hold a hearing to conduct
19 such assessment and determination when all parties agree to the place-
20 ment of the child, as long as such review is completed within sixty days
21 of the initial placement of the child.

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

24 6. Nothing in this section shall prohibit the court's approval of a
25 placement in a qualified residential treatment program from occurring at
26 the same time as another hearing scheduled for such child, including but
27 not limited to the child's dispositional or permanency hearing, provided
28 such approval is completed within sixty days of the start of such place-
29 ment.

30 7. Notwithstanding any other section of law to the contrary, any child
31 placed in a setting prior to September twenty-ninth, two thousand twen-
32 ty-one, which is subsequently accredited to be a qualified residential
33 treatment program as defined in section four hundred nine-h of the
34 social services law, shall not be subject to the requirements of this
35 section, and such placement, if initially eligible for funding title
36 IV-E of the federal Social Security Act, as amended, shall continue to
37 be eligible to receive such reimbursement.

38 § 11. Clause (C) of subparagraph (ix) of paragraph 5 of subdivision
39 (c) of section 1089 of the family court act, as added by section 27 of
40 part A of chapter 3 of the laws of 2005, is amended, and a new paragraph
41 6 is added to read as follows:

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

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

50 (i) demonstrating that ongoing assessment of the strengths and needs
51 of the child continues to support the determination that the needs of
52 the child cannot be met through placement in a foster family home, that
53 the placement in the qualified residential treatment program provides
54 the most effective and appropriate level of care for the child in the
55 least restrictive environment, and that the placement is consistent with

1 the short-term and long-term goals for the child, as specified in the
2 child's permanency plan;

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

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

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

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

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

30 § 1091-a. Court approval of placement in a qualified residential
31 treatment program. 1. The provisions of this section shall apply when a
32 former foster care youth is placed on or after September twenty-ninth,
33 two thousand twenty-one, and resides in a qualified residential treat-
34 ment program, as defined in section four hundred nine-h of the social
35 services law, and whose care and custody were transferred to a local
36 social services district or the office of children and family services
37 in accordance with this article.

38 2. (a) When a former foster care youth is in the care and custody of a
39 local social services district or the office of children and family
40 services pursuant to this article, such social services district or
41 office shall report any anticipated placement of the former foster care
42 youth into a qualified residential treatment program, as defined in
43 section four hundred nine-h of the social services law, to the court and
44 the attorneys for the parties, including the attorney for the former
45 foster care youth, forthwith, but not later than one business day
46 following either the decision to place the former foster care youth in
47 the qualified residential treatment program or the actual date the
48 placement change occurred, whichever is sooner. Such notice shall indi-
49 cate the date that the initial placement or change in placement is
50 anticipated to occur or the date the placement change occurred, as
51 applicable. Provided, however, if such notice lists an anticipated date
52 for the placement change, the local social services district or office
53 shall subsequently notify the court and attorneys for the parties,
54 including the attorney for the former foster care youth, of the date the
55 placement change occurred; such notice shall occur no later than one
56 business day following the placement change.

1 (b) When a former foster care youth whose legal custody was trans-
2 ferred to a local social services district or the office of children and
3 family services in accordance with this article resides in a qualified
4 residential treatment program, as defined in section four hundred nine-h
5 of the social services law, and where such former foster care youth's
6 initial placement or change in placement in such qualified residential
7 treatment program commenced on or after September twenty-ninth, two
8 thousand twenty-one, upon receipt of notice required pursuant to para-
9 graph (a) of this subdivision and motion of the local social services
10 district, the court shall make an assessment and determination on such
11 placement in accordance with subdivision three of this section. Notwith-
12 standing any other provision of law to the contrary, such assessment and
13 determination shall occur no later than sixty days from the date the
14 placement of the former foster care youth in the qualified residential
15 treatment program commenced.

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

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

22 (b) Determine whether the needs of the former foster care youth can be
23 met through placement in a foster family home and, if not, whether
24 placement of the former foster care youth in the qualified residential
25 treatment program provides the most effective and appropriate level of
26 care for the former foster care youth in the least restrictive environ-
27 ment, whether placement in an alternative qualified residential treat-
28 ment program would be more appropriate and whether that placement is
29 consistent with the short-term and long-term goals for the former foster
30 care youth, as specified in the former foster care youth's permanency
31 plan;

32 (c) Consider any relevant information or documentation that is neces-
33 sary to make a determination, including any such information provided by
34 an authorized agency as defined in subdivision ten of section three
35 hundred seventy-one of the social services law; and

36 (d) Approve or disapprove the placement of the former foster care
37 youth in the qualified residential treatment program. Provided that,
38 where the qualified individual determines that the placement of the
39 former foster care youth in the qualified residential treatment program
40 is not appropriate in accordance with the assessment required pursuant
41 to section four hundred nine-h of the social services law, the court may
42 approve the placement of the former foster care youth in the qualified
43 residential treatment program if the court finds, and states in the
44 written order that:

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

47 (ii) that continued placement in the qualified residential treatment
48 program is in the former foster care youth's best interest.

49 4. If the court disapproves the placement of the child in the quali-
50 fied residential treatment program, the court shall, on its own motion,
51 determine a schedule for the return of the child, change the authorized
52 agency in which the child is placed, or direct the local social services
53 district or office of children and family services, as applicable, to
54 make such other arrangements for the child's care and welfare in the
55 most effective and least restrictive environment as the facts of the
56 case may arise. If such alternative arrangements include a placement in

1 a different qualified residential treatment program, the requirements
2 included in this section and section four hundred nine-h of the social
3 services law shall be satisfied for such new placement.

4 5. Nothing herein shall require the court to hold a hearing to conduct
5 such assessment and determination when all parties agree to the place-
6 ment of the child, as long as such review is completed within sixty days
7 of the initial placement of the child.

8 6. Documentation of the court's determination pursuant to this section
9 shall be recorded in the former foster care youth's case record.

10 7. Nothing in this section shall prohibit the court's approval of a
11 placement in a qualified residential treatment program from occurring at
12 the same time as another hearing scheduled for such former foster care
13 youth, including but not limited to the former foster care youth's
14 dispositional or permanency hearing, provided such approval is completed
15 within sixty days of the start of such placement.

16 8. Notwithstanding any other section of law to the contrary, any child
17 placed in a setting prior to September twenty-ninth, two thousand twen-
18 ty-one, which is subsequently accredited to be a qualified residential
19 treatment program as defined in section four hundred nine-h of the
20 social services law, shall not be subject to the requirements of this
21 section, and such placement, if initially eligible for funding title
22 IV-E of the federal Social Security Act, as amended, shall continue to
23 be eligible to receive such reimbursement.

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

26 § 1097. Court approval of placement in a qualified residential treat-
27 ment program. 1. The provisions of this section shall apply when a child
28 is placed on or after September twenty-ninth, two thousand twenty-one,
29 and resides in a qualified residential treatment program, as defined in
30 section four hundred nine-h of the social services law, and whose care
31 and custody were transferred to a local social services district in
32 accordance with this article.

33 2. (a) When a child is in the care and custody of a local social
34 services district pursuant to this article, such social services
35 district shall report any anticipated placement of the child into a
36 qualified residential treatment program, as defined in section four
37 hundred nine-h of the social services law, to the court and the attor-
38 neys for the parties, including the attorney for the child, forthwith,
39 but not later than one business day following either the decision to
40 place the child in the qualified residential treatment program or the
41 actual date the placement change occurred, whichever is sooner. Such
42 notice shall indicate the date that the initial placement or change in
43 placement is anticipated to occur or the date the placement change
44 occurred, as applicable. Provided, however, if such notice lists an
45 anticipated date for the placement change, the local social services
46 district shall subsequently notify the court and attorneys for the
47 parties, including the attorney for the child, of the date the placement
48 change occurred, such notice shall occur no later than one business day
49 following the placement change.

50 (b) When a child whose legal custody was transferred to a local social
51 services district in accordance with this article resides in a qualified
52 residential treatment program, as defined in section four hundred nine-h
53 of the social services law, and where such child's initial placement or
54 change in placement in such qualified residential treatment program
55 commenced on or after September twenty-ninth, two thousand twenty-one,
56 upon receipt of notice required pursuant to paragraph (a) of this subdi-

1 vision and motion of the local social services district, the court shall
2 make an assessment and determination on such placement in accordance
3 with subdivision three of this section. Notwithstanding any other
4 provision of law to the contrary, such assessment and determination
5 shall occur no later than sixty days from the date the placement of the
6 child in the qualified residential treatment program commenced.

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

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

13 (b) Determine whether the needs of the child can be met through place-
14 ment in a foster family home and, if not, whether placement of the child
15 in the qualified residential treatment program provides the most effec-
16 tive and appropriate level of care for the child in the least restric-
17 tive environment, whether placement in an alternative qualified residen-
18 tial treatment program would be more appropriate and whether that
19 placement is consistent with the short-term and long-term goals for the
20 child, as specified in the child's permanency plan;

21 (c) Consider any relevant information or documentation that is neces-
22 sary to make a determination, including any such information provided by
23 an authorized agency as defined in subdivision ten of section three
24 hundred seventy-one of the social services law; and

25 (d) Approve or disapprove the placement of the child in the qualified
26 residential treatment program. Provided that, where the qualified indi-
27 vidual determines that the placement of the child in the qualified resi-
28 dential treatment program is not appropriate in accordance with the
29 assessment required pursuant to section four hundred nine-h of the
30 social services law, the court may approve the placement of the child in
31 the qualified residential treatment program if the court finds, and
32 states in the written order that:

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

35 (ii) that continued placement in the qualified residential treatment
36 program is in the child's best interest.

37 4. If the court disapproves the placement of the child in the quali-
38 fied residential treatment program, the court shall, on its own motion,
39 determine a schedule for the return of the child, change the authorized
40 agency in which the child is placed, or direct the local social services
41 district or office of children and family services, as applicable, to
42 make such other arrangements for the child's care and welfare in the
43 most effective and least restrictive environment as the facts of the
44 case may arise. If such alternative arrangements include a placement in
45 a different qualified residential treatment program, the requirements
46 included in this section and section four hundred nine-h of the social
47 services law shall be satisfied for such new placement.

48 5. Nothing herein shall require the court to hold a hearing to conduct
49 such assessment and determination when all parties agree to the place-
50 ment of the child, as long as such review is completed within sixty days
51 of the initial placement of the child.

52 6. Documentation of the court's determination pursuant to this section
53 shall be recorded in the child's case record.

54 7. Nothing in this section shall prohibit the court's approval of a
55 placement in a qualified residential treatment program from occurring at
56 the same time as another hearing scheduled for such child, including but

1 not limited to the child's dispositional or permanency hearing, provided
2 such approval is completed within sixty days of the start of such place-
3 ment.

4 8. Notwithstanding any other section of law to the contrary, any child
5 placed in a setting prior to September twenty-ninth, two thousand twen-
6 ty-one, which is subsequently accredited to be a qualified residential
7 treatment program as defined in section four hundred nine-h of the
8 social services law, shall not be subject to the requirements of this
9 section, and such placement, if initially eligible for funding title
10 IV-E of the federal Social Security Act, as amended, shall continue to
11 be eligible to receive such reimbursement.

12 § 15. The office of children and family services beginning one year
13 after the effective date of this act and annually thereafter, shall
14 provide a report to the governor, the speaker of the assembly, the
15 temporary president of the senate, and the chairpersons of the assembly
16 and senate children and families committees which shall include but not
17 be limited to the following information:

18 a. the total number of youths placed in a qualified residential treat-
19 ment program whose placement was ultimately determined to be inappropri-
20 ate, requiring an alternative placement, detailing which alternative
21 placement was utilized;

22 b. the total number of youths placed in a qualified residential treat-
23 ment program whose placement was ultimately determined to be appropri-
24 ate;

25 c. the total number of youths placed in a foster family home or with a
26 kinship relative and whether they remained in such placement at the end
27 of the year;

28 d. the total number of foster parents and kinship relatives in the
29 state at the end of the year, including whether such number is an
30 increase or decrease from the previous year;

31 e. the assistance the state has provided the local social services
32 districts in recruiting and retaining foster and kinship families, as
33 well as any recommendations to improve recruitment and retention rates;

34 f. the amount of preventive funding invested by local social services
35 district per year, and whether such funding is an increase or decrease
36 from the previous year; and

37 g. any other information the office deems appropriate to evaluate the
38 effectiveness of the implementation of the family first prevention
39 services act.

40 § 16. Severability. If any clause, sentence, paragraph, section or
41 part of this act shall be adjudged by any court of competent jurisdic-
42 tion to be invalid and after exhaustion of all further judicial review,
43 the judgment shall not affect, impair or invalidate the remainder there-
44 of, but shall be confined in its operation to the clause, sentence,
45 paragraph, section or part of this act directly involved in the contro-
46 versy in which the judgment shall have been rendered.

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

49 (a) notwithstanding any other provision of law, provisions in this act
50 shall not take effect unless and until the state title IV-E agency
51 submits to the United States Department of Health and Human Services,
52 Administration for Children, Youth and Families, an amendment to the
53 title IV-E state plan and the United States Department of Health and
54 Human Services, Administration for Children, Youth and Families approves
55 said title IV-E state plan amendment regarding when a child is placed in
56 a qualified residential treatment program in relation to the following

1 components: (1) the qualified individual and the establishment of the
2 assessment by the qualified individual to be completed prior to or with-
3 in 30-days of the child's placement as established by section three of
4 this act; (2) the 60 day court reviews, including the ability to conduct
5 at the same time as another hearing scheduled for the child, as estab-
6 lished by sections one, two, four, seven, eight, nine, ten, twelve,
7 thirteen and fourteen of this act; and (3) permanency hearing require-
8 ments as established by sections five, six and eleven of this act;

9 (b) the office of children and family services shall inform the legis-
10 lative bill drafting commission upon the occurrence of the submission
11 set forth in subdivision (a) of this section and any approval related
12 thereto in order that the commission may maintain an effective and time-
13 ly database of the official texts of the laws of New York in furtherance
14 of effectuating the provisions of section 44 of the legislative law and
15 section 70-b of the public officers law;

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

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

25 PART M

26 Intentionally Omitted

27 PART N

28 Intentionally Omitted

29 PART O

30 Section 1. Notwithstanding any other provision of law to the contrary,
31 the housing trust fund corporation may provide, for purposes of the
32 neighborhood preservation program, a sum not to exceed \$12,830,000 for
33 the fiscal year ending March 31, 2022. Within this total amount,
34 \$150,000 shall be used for the purpose of entering into a contract with
35 the neighborhood preservation coalition to provide technical assistance
36 and services to companies funded pursuant to article 16 of the private
37 housing finance law. Notwithstanding any other provision of law, and
38 subject to the approval of the New York state director of the budget,
39 the board of directors of the state of New York mortgage agency shall
40 authorize the transfer to the housing trust fund corporation, for the
41 purposes of reimbursing any costs associated with neighborhood preserva-
42 tion program contracts authorized by this section, a total sum not to
43 exceed \$12,830,000, such transfer to be made from (i) the special
44 account of the mortgage insurance fund created pursuant to section
45 2429-b of the public authorities law, in an amount not to exceed the
46 actual excess balance in the special account of the mortgage insurance
47 fund, as determined and certified by the state of New York mortgage
48 agency for the fiscal year 2020-2021 in accordance with section 2429-b
49 of the public authorities law, if any, and/or (ii) provided that the
50 reserves in the project pool insurance account of the mortgage insurance



1 fund created pursuant to section 2429-b of the public authorities law
2 are sufficient to attain and maintain the credit rating (as determined
3 by the state of New York mortgage agency) required to accomplish the
4 purposes of such account, the project pool insurance account of the
5 mortgage insurance fund, such transfer to be made as soon as practicable
6 but no later than June 30, 2021.

7 § 2. Notwithstanding any other provision of law to the contrary, the
8 housing trust fund corporation may provide, for purposes of the rural
9 preservation program, a sum not to exceed \$5,360,000 for the fiscal year
10 ending March 31, 2022. Within this total amount, \$150,000 shall be used
11 for the purpose of entering into a contract with the rural housing
12 coalition to provide technical assistance and services to companies
13 funded pursuant to article 16 of the private housing finance law.
14 Notwithstanding any other provision of law, and subject to the approval
15 of the New York state director of the budget, the board of directors of
16 the state of New York mortgage agency shall authorize the transfer to
17 the housing trust fund corporation, for the purposes of reimbursing any
18 costs associated with rural preservation program contracts authorized by
19 this section, a total sum not to exceed \$5,360,000, such transfer to be
20 made from (i) the special account of the mortgage insurance fund created
21 pursuant to section 2429-b of the public authorities law, in an amount
22 not to exceed the actual excess balance in the special account of the
23 mortgage insurance fund, as determined and certified by the state of New
24 York mortgage agency for the fiscal year 2020-2021 in accordance with
25 section 2429-b of the public authorities law, if any, and/or (ii)
26 provided that the reserves in the project pool insurance account of the
27 mortgage insurance fund created pursuant to section 2429-b of the public
28 authorities law are sufficient to attain and maintain the credit rating
29 (as determined by the state of New York mortgage agency) required to
30 accomplish the purposes of such account, the project pool insurance
31 account of the mortgage insurance fund, such transfer to be made as soon
32 as practicable but no later than June 30, 2021.

33 § 3. Notwithstanding any other provision of law to the contrary, the
34 homeless housing and assistance corporation may provide, for services
35 and expenses related to homeless housing and preventative services
36 programs including but not limited to the New York state supportive
37 housing program, the solutions to end homelessness program or the opera-
38 tional support for AIDS housing program, or to qualified grantees under
39 such programs, in accordance with the requirements of such programs, a
40 sum not to exceed \$45,181,000 for the fiscal year ending March 31, 2022.
41 The homeless housing and assistance corporation may enter into an agree-
42 ment with the office of temporary and disability assistance to adminis-
43 ter such sum in accordance with the requirements of such programs.
44 Notwithstanding any other provision of law, and subject to the approval
45 of the New York state director of the budget, the board of directors of
46 the state of New York mortgage agency shall authorize the transfer to
47 the homeless housing and assistance corporation, a total sum not to
48 exceed \$45,181,000, such transfer to be made from (i) the special
49 account of the mortgage insurance fund created pursuant to section
50 2429-b of the public authorities law, in an amount not to exceed the
51 actual excess balance in the special account of the mortgage insurance
52 fund, as determined and certified by the state of New York mortgage
53 agency for the fiscal year 2020-2021 in accordance with section 2429-b
54 of the public authorities law, if any, and/or (ii) provided that the
55 reserves in the project pool insurance account of the mortgage insurance
56 fund created pursuant to section 2429-b of the public authorities law

1 are sufficient to attain and maintain the credit rating as determined by
2 the state of New York mortgage agency, required to accomplish the
3 purposes of such account, the project pool insurance account of the
4 mortgage insurance fund, such transfer shall be made as soon as practi-
5 cable but no later than March 31, 2022.

6 § 4. Notwithstanding any other provision of law to the contrary, the
7 homeless housing and assistance corporation may provide, for purposes of
8 reimbursing New York city expenditures for adult shelters, a sum not to
9 exceed \$65,568,000 for the fiscal year ending March 31, 2022. Notwith-
10 standing any other inconsistent provision of law, such funds shall be
11 available for eligible costs incurred on or after January 1, 2021, and
12 before January 1, 2022, that are otherwise reimbursable by the state on
13 or after April 1, 2021, and that are claimed by March 31, 2022. Such
14 reimbursement shall constitute total state reimbursement for activities
15 funded herein in state fiscal year 2021-2022, and shall include
16 reimbursement for costs associated with a court mandated plan to improve
17 shelter conditions for medically frail persons and additional costs
18 incurred as part of a plan to reduce over-crowding in congregate shel-
19 ters. The homeless housing and assistance corporation may enter into an
20 agreement with the office of temporary and disability assistance to
21 administer such sum in accordance with the laws, rules or regulations
22 relating to public assistance and care or the administration thereof.
23 Notwithstanding any other provision of law, and subject to the approval
24 of the New York state director of the budget, and the authorization by
25 the members of the state of New York housing finance agency, the state
26 of New York housing finance agency shall transfer to the homeless hous-
27 ing and assistance corporation, a total sum not to exceed \$65,568,000,
28 such transfer to be made from excess funds of the housing finance agen-
29 cy, not pledged to the payment of the agency's outstanding bonds. Such
30 transfer shall be made as soon as practicable but no later than March
31 31, 2022.

32 § 5. Notwithstanding any other provision of law to the contrary, the
33 department of law may provide, for purposes of a homeowner protection
34 program or to qualified grantees under such program, in accordance with
35 the requirements of such program, a sum not to exceed \$20,000,000 for
36 the fiscal year ending March 31, 2022. Notwithstanding any other
37 provision of law, and subject to the approval of the New York state
38 director of the budget, the board of directors of the state of New York
39 mortgage agency shall authorize the transfer to the department of law, a
40 total sum not to exceed \$20,000,000, such transfer to be made from (i)
41 the special account of the mortgage insurance fund created pursuant to
42 section 2429-b of the public authorities law, in an amount not to exceed
43 the actual excess balance in the special account of the mortgage insur-
44 ance fund, as determined and certified by the state of New York mortgage
45 agency for the fiscal year 2020-2021 in accordance with section 2429-b
46 of the public authorities law, if any, and/or (ii) provided that the
47 reserves in the project pool insurance account of the mortgage insurance
48 fund created pursuant to section 2429-b of the public authorities law
49 are sufficient to attain and maintain the credit rating as determined by
50 the state of New York mortgage agency, required to accomplish the
51 purposes of such account, the project pool insurance account of the
52 mortgage insurance fund, such transfer shall be made as soon as practi-
53 cable, but no later than March 31, 2022.

54 § 6. This act shall take effect immediately.



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

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

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

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

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

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

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

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

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

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

35 (c) On and after January first, two thousand ~~[twenty]~~ twenty-one, (i)
36 for an eligible individual receiving family care, ~~[\$1,049.48]~~ \$1,060.48
37 if he or she is receiving such care in the city of New York or the coun-
38 ty of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
39 couple receiving family care in the city of New York or the county of
40 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
41 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
42 ual receiving such care in any other county in the state, ~~[\$1,011.48]~~
43 \$1,022.48; and (iv) for an eligible couple receiving such care in any
44 other county in the state, two times the amount set forth in subpara-
45 graph (iii) of this paragraph.

46 (d) On and after January first, two thousand ~~[twenty]~~ twenty-one, (i)
47 for an eligible individual receiving residential care, ~~[\$1,218.00]~~
48 \$1,229.00 if he or she is receiving such care in the city of New York or
49 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
50 eligible couple receiving residential care in the city of New York or
51 the county of Nassau, Suffolk, Westchester or Rockland, two times the
52 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
53 eligible individual receiving such care in any other county in the
54 state, ~~[\$1,188.00]~~ \$1,199.00; and (iv) for an eligible couple receiving
55 such care in any other county in the state, two times the amount set
56 forth in subparagraph (iii) of this paragraph.

1 (e) On and after January first, two thousand [twenty] twenty-one, (i)
2 for an eligible individual receiving enhanced residential care,
3 [\$1,477.00] \$1,488.00; and (ii) for an eligible couple receiving
4 enhanced residential care, two times the amount set forth in subpara-
5 graph (i) of this paragraph.

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

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

12

PART Q

13 Section 1. Section 82 of the state finance law, as added by chapter
14 375 of the laws of 2018, is amended to read as follows:

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

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

27 3. Monies of the fund shall, after appropriation by the legislature,
28 be made available to the [office of temporary and disability assistance]
29 department of health for grants to regional food banks, organized to
30 serve specific regions of the state, that generally collect and redis-
31 tribute food donations to organizations serving persons in need. Monies
32 shall be payable from the fund by the commissioner of taxation and
33 finance on vouchers approved by the commissioner of [temporary and disa-
34 bility assistance] health. The commissioner of [temporary and disability
35 assistance] health shall promulgate rules and regulations necessary for
36 the distribution of such grants.

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

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

48 6. On or before the first day of February each year, the commissioner
49 of [the office of temporary and disability assistance] health shall
50 provide a written report to the temporary president of the senate,
51 speaker of the assembly, chair of the senate finance committee, chair of
52 the assembly ways and means committee, chair of the senate committee on
53 social services, chair of the assembly social services committee, and

1 the public. Such report shall include how the monies of the fund were
2 utilized during the preceding calendar year and shall include:

- 3 (a) the amount of money [dispersed] disbursed from the fund;
- 4 (b) the recipients of awards from the fund;
- 5 (c) the amount awarded to each recipient;
- 6 (d) the purposes for which such awards were granted; and
- 7 (e) a summary financial plan for such monies which shall include esti-
8 mates of all receipts and all disbursements for the current and succeed-
9 ing fiscal years, along with the actual results from the prior fiscal
10 year.

11 § 2. This act shall take effect immediately.

12 PART R

13 Intentionally Omitted

14 PART S

15 Intentionally Omitted

16 PART T

17 Intentionally Omitted

18 PART U

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

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

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

33 PART V

34 Intentionally Omitted

35 PART W

36 Intentionally Omitted

37 PART X

38 Intentionally Omitted

39 PART Y

40 Intentionally Omitted

1

PART Z

2 Section 1. This part enacts into law major components of legislation
3 which are related to standardizing child care copayments. Each compo-
4 nent is wholly contained within a Subpart identified as Subparts A and
5 B. The effective date for each particular provision contained within
6 such Subpart is set forth in the last section of such Subpart. Any
7 provision in any section contained within a Subpart, including the
8 effective date of the Subpart, which makes reference to a section of
9 "this act", when used in connection with that particular component,
10 shall be deemed to mean and refer to the corresponding section of the
11 Subpart in which it is found. Section two contains a severability
12 clause for all provisions contained in each subpart of this Part.
13 Section three of this act sets forth the general effective date of this
14 Part.

15

SUBPART A

16 Section 1. Subdivision 6 of section 410-x of the social services law,
17 as added by section 52 of part B of chapter 436 of the laws of 1997, is
18 amended to read as follows:

19 6. Pursuant to department regulations, child care assistance shall be
20 provided on a sliding fee basis based upon the family's ability to pay.
21 The local social services district shall not require a family receiving
22 child care assistance pursuant to this title to contribute more than
23 twenty percent of the amount of their income exceeding the poverty
24 level.

25 § 2. This act shall take effect on the first of April next succeeding
26 the date on which it shall have become a law.

27

SUBPART B

28

Intentionally Omitted

29 § 2. Severability. If any clause, sentence, paragraph, subdivision,
30 section or part contained in any subpart of this act shall be adjudged
31 by any court of competent jurisdiction to be invalid, such judgment
32 shall not affect, impair, or invalidate the remainder thereof, but shall
33 be confined in its operation to the clause, sentence, paragraph, subdivi-
34 sion, section or part contained in any subpart thereof directly
35 involved in the controversy in which such judgment shall have been
36 rendered. It is hereby declared to be the intent of the legislature that
37 this act would have been enacted even if such invalid provisions had not
38 been included herein.

39 § 3. This act shall take effect immediately, provided, however, that
40 the applicable effective date of Subparts A and B of this act shall be
41 as specifically set forth in the last section of such Subparts.

42

PART AA

43 Section 1. Legislative findings and intent. The legislature finds that
44 the transition to the green economy and creating good paying jobs are
45 not mutually exclusive priorities for New York State. In order to make
46 this transition and achieve the ambitious goals set forth in the Climate
47 Leadership and Community Protection Act, a clear focus on prioritizing
48 renewable energy sources is necessary. However, the workers who will

1 build, operate and maintain the infrastructure of the green economy must
2 not be left behind. Setting clear standards for job quality will ensure
3 the creation of good jobs, protect workers in the ongoing transition of
4 our energy sector, and result in positive economic impacts. In addition
5 to workers engaged directly in the renewable energy sector, New Yorkers
6 have experienced widespread unemployment as a result of the COVID-19
7 pandemic. New manufacturing and supply chain jobs are a necessary
8 element of any pandemic recovery. Due to such findings, the legislature
9 hereby declares that the mandate of prevailing wage or project labor
10 agreements for construction work performed in connection with the
11 installation of renewable energy systems, labor peace involved with such
12 systems, and the buy American preference provided in this bill will
13 ensure that workers are central to New York State's transition to the
14 green economy and its pandemic recovery plan.

15 § 2. Paragraph b of subdivision 4 of section 224-a of the labor law,
16 as added by section 1 of part FFF of chapter 58 of the laws of 2020, is
17 amended to read as follows:

18 b. Construction work performed under a contract with a not-for-profit
19 corporation as defined in section one hundred two of the not-for-profit
20 corporation law, other than a not-for-profit corporation formed exclu-
21 sively for the purpose of holding title to property and collecting
22 income thereof or any public entity as defined in this section, where
23 the not-for-profit corporation has gross annual revenue and support less
24 than five million dollars;

25 § 3. The labor law is amended by adding a new section 224-d to read as
26 follows:

27 § 224-d. Prevailing wage for covered renewable energy systems. 1. For
28 purposes of this section, a "covered renewable energy system" means a
29 renewable energy system, as such term is defined in section sixty-six-p
30 of the public service law, with a capacity of at least five megawatts
31 alternating current and which involves the procurement of renewable
32 energy credits by a public entity, or a third party acting on behalf and
33 for the benefit of a public entity.

34 2. For purposes of this section, "public entity" shall include, but
35 shall not be limited to, the state, a local development corporation as
36 defined in subdivision eight of section eighteen hundred one of the
37 public authorities law or section fourteen hundred eleven of the not-
38 for-profit corporation law, a municipal corporation as defined in
39 section one hundred nineteen-n of the general municipal law, an indus-
40 trial development agency formed pursuant to article eighteen-A of the
41 general municipal law or industrial development authorities formed
42 pursuant to article eight of the public authorities law, and any state,
43 local or interstate or international authorities as defined in section
44 two of the public authorities law; and shall include any trust created
45 by any such entities.

46 3. Notwithstanding part FFF of chapter fifty-eight of the laws of two
47 thousand twenty that established prevailing wage for construction work
48 done under contract which is paid for in whole or in part out of public
49 funds, a covered renewable energy system shall be subject to prevailing
50 wage requirements in accordance with sections two hundred twenty and two
51 hundred twenty-b of this article. Provided that a renewable energy
52 system defined in section sixty-six-p of the public service law which is
53 not considered to be covered by this section, may still otherwise be
54 deemed a "covered project" pursuant to section two hundred twenty-four-a
55 of this article if it meets such definition.



1 4. For purposes of this section, a covered renewable energy system
2 shall exclude construction work performed under a pre-hire collective
3 bargaining agreement between an owner or contractor and a bona fide
4 building and construction trade labor organization which has established
5 itself, and/or its affiliates, as the collective bargaining represen-
6 tative for all persons who will perform work on such a system, and which
7 provides that only contractors and subcontractors who sign a pre-negoti-
8 ated agreement with the labor organization can perform work on such a
9 system, or construction work performed under a labor peace agreement,
10 project labor agreement, or any other construction work performed under
11 an enforceable agreement between an owner or contractor and a bona fide
12 building and construction trade labor organization.

13 5. For purposes of this section, the "fiscal officer" shall be deemed
14 to be the commissioner of labor. The enforcement of any covered renewa-
15 ble energy system pursuant to this section shall be subject to the
16 requirements of sections two hundred twenty, two hundred twenty-a, two
17 hundred twenty-b, two hundred twenty-three, two hundred twenty-four-b
18 and two hundred twenty-seven of this chapter and within the jurisdiction
19 of the fiscal officer; provided, however, nothing contained in this
20 section shall be deemed to construe any covered renewable energy system
21 as otherwise being considered public work pursuant to this article.

22 6. The fiscal officer may issue rules and regulations governing the
23 provisions of this section. Violations of this section shall be grounds
24 for determinations and orders pursuant to section two hundred twenty-b
25 of this article.

26 § 4. Section 66-p of the public service law, as added by chapter 705
27 of the laws of 2019, is renumbered section 66-q and a new section 66-r
28 is added to read as follows:

29 § 66-r. Renewable energy projects; labor standards. 1. In the imple-
30 mentation of section sixty-six-p of this article, the commission shall
31 ensure that labor and job standards associated with renewable energy
32 projects are prioritizing the creation of good paying jobs and protect-
33 ing all workers throughout the state in accordance with the provisions
34 of this section.

35 2. For purposes of this section, a "covered renewable energy system"
36 means a renewable energy system, as such term is defined in section
37 sixty-six-p of this article, with a capacity of at least five megawatts
38 alternating current and which involves the procurement of renewable
39 energy credits by a public entity, or a third party acting on behalf and
40 for the benefit of a public entity.

41 3. For purposes of this section, "public entity" shall include, but
42 shall not be limited to, the state, a local development corporation as
43 defined in subdivision eight of section eighteen hundred one of the
44 public authorities law or section fourteen hundred eleven of the not-
45 for-profit corporation law, a municipal corporation as defined in
46 section one hundred nineteen-n of the general municipal law, an indus-
47 trial development agency formed pursuant to article eighteen-A of the
48 general municipal law or industrial development authorities formed
49 pursuant to article eight of the public authorities law, and any state,
50 local or interstate or international authorities as defined in section
51 two of the public authorities law; and shall include any trust created
52 by any such entities.

53 4. The owner of the covered renewable energy system, or a third party
54 acting on the owner's behalf, as a condition of any renewable energy
55 credits agreement with a public entity, must stipulate to the public
56 entity that it will enter into a labor peace agreement with at least one

1 bona fide labor organization that is actively engaged in representing or
2 attempting to represent employees who will provide necessary operations
3 and maintenance services for the renewable energy system. The mainte-
4 nance of such a labor peace agreement shall be an ongoing material
5 condition of any continuation of payments. For purposes of this section
6 "labor peace agreement" means an agreement between an entity and a labor
7 organization that, at a minimum, protects the state's proprietary inter-
8 ests by prohibiting labor organizations and members from engaging in
9 picketing, work stoppages, boycotts, and any other economic interference
10 with the relevant renewable energy system.

11 5. The public entity shall require a covered renewable energy system,
12 in each of its contracts for construction, reconstruction, alteration,
13 repair, improvement or maintenance, to contain a provision that the iron
14 and structural steel used or supplied in the performance of the
15 contract, shall be, when practicable, produced or made in whole or
16 substantial part in the United States, its territories or possessions in
17 accordance with the provisions of subdivision one of section one hundred
18 forty-six of the state finance law.

19 6. Whenever changes are proposed to any public procurement process
20 involving the program described in subdivision two of section
21 sixty-six-p of this article, the commission shall make simultaneous
22 recommendations to the temporary president of the senate and the speaker
23 of the assembly, regarding necessary changes to this section and section
24 two hundred twenty-four-d of the labor law, if any, in meeting the goals
25 outlined in the legislative findings and intent of the chapter of the
26 laws of two thousand twenty-one which added this section.

27 § 5. Severability clause. If any clause, sentence, paragraph, subdivi-
28 sion, or section of this act shall be adjudged by any court of competent
29 jurisdiction to be invalid, such judgment shall not affect, impair, or
30 invalidate the remainder thereof, but shall be confined in its operation
31 to the clause, sentence, paragraph, subdivision, or section thereof
32 directly involved in the controversy in which such judgment shall have
33 been rendered. It is hereby declared to be the intent of the legislature
34 that this act would have been enacted even if such invalid provisions
35 had not been included herein.

36 § 6. This act shall take effect on October 1, 2021 and shall apply to
37 any agreement which involves the procurement of renewable energy credits
38 by a public entity, or a third party acting on behalf and for the bene-
39 fit of a public entity, for applicable renewable energy projects entered
40 into on or after that date; provided, however, that section two of this
41 act shall take effect on the same date and in the same manner as section
42 1 of part FFF of chapter 58 of the laws of 2020, takes effect.

43

PART BB

44 Section 1. The state finance law is amended by adding a new section
45 99-ii to read as follows:

46 § 99-ii. Emergency rental assistance municipal recipient allocation
47 fund. 1. There is hereby established in the joint custody of the state
48 comptroller and the commissioner of taxation and finance a trust and
49 agency fund known as the "emergency rental assistance municipal recipi-
50 ent allocation fund".

51 2. Municipal corporations as defined in section two of the general
52 municipal law that have received federal allocations from the United
53 States treasury for emergency rental assistance authorized pursuant to
54 public law 116-260 and choose to participate in the statewide emergency



1 rental assistance program in accordance with title three of the social
2 services law shall deposit such funds in the "emergency rental assist-
3 ance municipal recipient allocation fund".

4 3. The monies of the fund shall be paid, without appropriation, to
5 provide authorized benefits to eligible households of the respective
6 municipal recipient from which monies were received in accordance with
7 subdivision two of this section. Provided further, all such funds
8 deposited by the municipal recipient shall be expended only for the
9 benefit of such municipality's residents.

10 § 2. Article 2-A of the social services law is amended by adding two
11 new titles 3 and 3-A to read as follows:

12 TITLE 3

13 STATEWIDE EMERGENCY RENTAL ASSISTANCE PROGRAM

14 Section 46. Statewide emergency rental assistance program.

15 § 46. Statewide emergency rental assistance program. 1. There is here-
16 by established the statewide emergency rental assistance program, here-
17 inafter known as "the statewide program." The statewide program shall
18 provide benefits to eligible households to prevent evictions and home-
19 lessness in accordance with this title utilizing funds made available
20 pursuant to section ninety-nine-ii of the state finance law; public law
21 116-260; and any other funds appropriated for this purpose. Funds shall
22 be equitably distributed throughout the state, based on residents'
23 rental and arrear needs. Provided however, no less than sixty-five
24 percent of funds provided for emergency rental assistance authorized
25 pursuant to public law 116-260 shall be allocated no later than Septem-
26 ber thirtieth, two thousand twenty-one.

27 2. Definitions. The following terms shall have the following meaning
28 when used in this title:

29 (a) "Municipality" shall have the same meaning as municipal corpo-
30 ration as defined in section two of the general municipal law.

31 (b) "Municipal recipient" shall mean a municipality that received
32 federal funding pursuant to public law 116-260.

33 (c) "Rent" shall have the same meaning as defined in section seven
34 hundred two of the real property actions and proceedings law.

35 (d) "At risk of homelessness" shall include but not be limited to
36 individuals with:

37 (i) a past due utility or rent notice or eviction notice; (ii) unsafe
38 or unhealthy living conditions; or (iii) any other evidence of such risk
39 as determined by the office of temporary and disability assistance.

40 (e) "Agency that primarily enforces immigration law" shall include,
41 but not be limited to, United States immigration and customs enforcement
42 and United States customs and border protection, and any successor agen-
43 cies having similar duties.

44 3. Municipal recipient plans. (a) Each municipal recipient that choos-
45 es to participate in the statewide program shall be required to submit a
46 plan for approval to the office of temporary and disability assistance
47 and the division of budget in order to also utilize funds awarded to
48 the state pursuant to public law 116-260.

49 (b) Each plan shall be in accordance with the requirements of this
50 title, and shall include, but not be limited to: (i) eligibility stand-
51 ards in accordance with subdivision five of this section; (ii) benefits
52 in accordance with subdivision six of this section; and (iii) an
53 outreach and assistance plan in accordance with subdivision nine of this
54 section to supplement the state's outreach plan.



1 (c) Each plan shall be submitted within fifteen days of the effective
2 date of this title. The office in consultation with the division of
3 budget shall review the plans submitted and, in writing, either approve
4 or request additional information within ten days of submission. In
5 instances where the office requests additional information, the municipi-
6 pal recipient shall work with the office and provide such necessary
7 materials within two days of the request. After reviewing the additional
8 information provided, the office may either approve the original plan
9 that was submitted or request that a revised comprehensive plan be
10 submitted. The office shall work with the municipal recipient to revise
11 such plan to ensure it is consistent with the requirements of this title
12 and public law 116-260. The revised plan shall be submitted within five
13 days of the request and the office shall approve such plan within three
14 days after the submission. Provided however, in all cases where a
15 municipal recipient complies with the requirements of this subdivision,
16 their plan shall be approved within thirty-five days of the effective
17 date of this title.

18 (d) Upon approval of the plan, the municipal recipient shall remit
19 their allocation of funds provided under public law 116-260 to the emer-
20 gency rental assistance municipal recipient allocation fund established
21 pursuant to section ninety-nine-ii of the state finance law. Provided
22 further, after a municipal recipient receives approval, their residents
23 shall be entitled to benefit from the state allocation under public law
24 116-260 with equitable distribution of such state funds across the state
25 based on the residents' rent and arrear needs.

26 4. Statewide portal. (a) The office of temporary and disability assist-
27 ance, in consultation with the division of housing and community
28 renewal, shall establish, either directly or through contract, a state-
29 wide portal to accept and process applications for assistance under the
30 statewide emergency rental assistance program.

31 (b) The statewide portal shall accept and process applications for
32 residents residing in municipalities that choose to participate in the
33 statewide program as well as residents from municipalities that did not
34 receive a federal allocation pursuant to public law 116-260.

35 (c) The office of temporary and disability assistance shall accept and
36 make determinations on applications submitted to the statewide portal on
37 a rolling basis, not to exceed twenty-one days at a time, to ensure
38 households across the state have equal access to the program. Such
39 determinations shall be made in accordance with priorities established
40 pursuant to paragraphs (a) and (b) of subdivision five of this section.

41 (d) The statewide portal shall accept documentation in multiple
42 languages, including English, Yiddish, Bengali, Arabic and the six most
43 common non-English languages spoken by individuals with limited-English
44 proficiency in the state of New York based on the United States census
45 data.

46 (e) Applicants shall be able to track the status of their application
47 in real time, after such application has been submitted. Furthermore,
48 if the applicant is a landlord, the tenant for whom such application
49 was submitted shall also be able to track the status in real time.

50 (f) (i) Any documentation provided to the statewide portal or communi-
51 ty based organizations pursuant to subdivision nine of this section
52 shall be kept confidential and shall only be used for the purposes of
53 determining eligibility for the statewide program under this title.

54 (ii) Any portion of any record retained by the commissioners in
55 relation to an application pursuant to this title that contains the
56 photo image or identifies the social security number, telephone number,

1 place of birth, country of origin, place of employment, school or educa-
2 tional institution attended, source of income, status as a recipient of
3 public benefits, the customer identification number associated with a
4 public utilities account, medical information or disability information
5 of the holder of, or applicant for, application is not a public record
6 and shall not be disclosed in response to any request for records
7 except: (1) to the person who is the subject of such records; or (2)
8 where expressly required pursuant to chapter three hundred three of part
9 A of subtitle vi of title forty-nine of the United States code; or (3)
10 where necessary to comply with a lawful court order, judicial warrant
11 signed by a judge appointed pursuant to article III of the United States
12 constitution, or subpoena for individual records issued pursuant to the
13 criminal procedure law or the civil practice law and rules.

14 (iii) The commissioners shall require any person or entity that
15 receives or has access to records or information related to an applica-
16 tion for benefits under this title to certify to the commissioners,
17 before such receipt or access, that such person or entity shall not (i)
18 use such records or information for civil immigration purposes or (ii)
19 disclose such records or information to any agency that primarily
20 enforces immigration law or to any employee or agent of any such agency.

21 5. Eligibility. (a) A household is eligible for assistance under the
22 statewide program if one or more individuals in the household is obli-
23 gated to pay rent on a residential dwelling and has: (i) (1) qualified
24 for unemployment benefits; (2) experienced a reduction in household
25 income, incurred significant costs or experienced other financial hard-
26 ship due, directly or indirectly to the novel coronavirus disease (COVID
27 -19) outbreak; or (3) can demonstrate a risk of experiencing homeless-
28 ness, at risk of homelessness or housing instability; and (ii) the
29 household has a household income that is not more than eighty percent of
30 the area median income for the household.

31 (b) Notwithstanding paragraph (a) of this subdivision, priority shall
32 be given to a household where the income of such household does not
33 exceed fifty percent of the area median income for the household and one
34 or more individuals in the household has been unemployed for ninety days
35 preceding the application submission. Provided further, additional
36 prioritization shall be given to households under this paragraph who (i)
37 reside in a dwelling owned by a small landlord, (ii) are considered to
38 be part of a vulnerable population, including but not limited to
39 victims of domestic violence, human trafficking victims and veterans,
40 (iii) are involved in an eviction proceeding, and (iv) are residing in
41 communities that were disproportionately impacted by the COVID-19
42 pandemic. For the purposes of this title a "small landlord" shall
43 include any person that owns a building with twenty or fewer apartments.

44 (c) Documentation to ascertain eligibility and confirm the approval of
45 benefits shall be provided in accordance with subdivision six of this
46 section.

47 (d) The immigration status of any member of the household shall not be
48 considered when determining eligibility for the statewide program.

49 6. Benefits. (a) Benefits provided to an eligible household, as deter-
50 mined under subdivision five of this section, may be provided in accord-
51 ance with this subdivision, for a period not to exceed a total of
52 fifteen months.

53 (b) Such benefits shall include: (i) up to twelve months of rental
54 arrears, which may date back to March thirteenth, two thousand twenty;
55 (ii) up to twelve months of utility and/or home energy arrears; (iii)

1 expenses related to internet access; and (iv) prospective rent, if such
2 benefit will provide housing stability.

3 (c) Notwithstanding paragraph (b) of this subdivision, if an eligible
4 household has rental arrears, such expenses shall be provided prior to
5 the approval of any prospective rent payments.

6 (d) Benefits provided under this section shall be paid directly to the
7 landlord and/or utility provider on behalf of the eligible household,
8 except when such landlord and/or utility provider has refused to partic-
9 ipate in the statewide program, in which case, the benefit shall be paid
10 directly to the eligible household.

11 7. Applications. (a) Applications for the statewide program shall be
12 submitted through the portal established pursuant to subdivision four of
13 this section. Applications may be submitted by either the tenant or the
14 landlord, provided however written consent must be obtained from the
15 tenant by either the landlord or an authorized community based organiza-
16 tion pursuant to subdivision nine of this section before a landlord may
17 submit an application. Tenants and landlords are encouraged to submit
18 applications together, to prevent duplications and expedite the review
19 process.

20 (b) To verify eligibility, acceptable documentation shall include but
21 is not limited to any such required documentation provided in the form
22 of a photocopy, photograph, email or facsimile. Provided further and in
23 accordance with federal guidance, an attestation, including a self-
24 attestation, of any such information from an individual with relevant
25 knowledge of the household's situation, shall be considered an accepta-
26 ble form of documentation.

27 (c) Upon determination of an application, both the tenant and the
28 landlord shall be provided with both verbal and written confirmation of
29 such determination in their native language.

30 8. Tenant protections and landlord requirements. (a) Acceptance of
31 payment for rent or rental arrears from this program shall constitute
32 agreement by the recipient landlord or property owner: (i) that the
33 arrears covered by this payment are satisfied and will not be used as
34 the basis for a non-payment eviction; (ii) to waive any late fees due on
35 any rental arrears; (iii) to keep constant the monthly rent due for the
36 dwelling unit such that it shall remain the same as the amount that was
37 due at the time of application to the program for any and all months for
38 which rental assistance is received and for one year after the first
39 rental assistance payment is received; (iv) not to evict for reason of
40 expired lease or holdover tenancy any household on behalf of whom rental
41 assistance is received for one year after the first rental assistance
42 payment is received, unless the dwelling unit that is the subject of the
43 lease or rental agreement is located in a building that contains four or
44 fewer units, in which case the landlord may decline to extend the lease
45 or tenancy if the landlord intends to immediately occupy the unit for
46 the landlord's personal use as a primary residence or the use of an
47 immediate family member as a primary residence; and (v) to notify the
48 tenant of the protections established under this subdivision.

49 (b) Landlords of buildings with outstanding violations issued by a
50 code enforcement agency for conditions that would be dangerous, hazard-
51 ous, or detrimental to life, health or safety of the tenant shall
52 resolve those violations as a condition of receiving funds. Provided
53 however, at the office's discretion, a portion of the funds may be set
54 aside to be used by the landlord to correct such violations.

55 (c) For an eligible household who is also a recipient of a public
56 benefit including any federal, state or locally funded program:

1 (i) Any benefits provided under this title shall not be considered to
2 be part of the standard of need as defined in paragraph (b) of subdivi-
3 vision ten of section one hundred thirty-one-a of this chapter;

4 (ii) Any benefit provided to cover any rent arrears or utility/home
5 energy arrears payments shall not be recoupable;

6 (iii) benefits provided pursuant to this title shall not count as a
7 lump sum payment for any such assistance regardless of whether the bene-
8 fit is provided to the eligible household, landlord and/or utility
9 provider; and

10 (iv) any such assistance provided under this title shall not be
11 regarded as income, and shall not be regarded as a resource for purposes
12 of determining eligibility or recertification for any member of the
13 household.

14 9. Emergency rental assistance outreach and assistance program. (a)
15 The office of temporary and disability assistance shall contract with
16 community based organizations statewide, ensuring appropriate geographic
17 representation regardless of whether there is an outreach program oper-
18 ated by a municipal recipient. Such community based organizations shall
19 provide application assistance as well as outreach to ensure the state-
20 wide program is fully utilized. The community based organizations shall
21 have demonstrated previous successful experience providing assistance in
22 a culturally competent manner, delivered in multiple languages to popu-
23 lations, including but not limited to vulnerable and/or low income popu-
24 lations, communities disproportionately impacted by the COVID-19 pandem-
25 ic, tenants residing in a dwelling owned by a small landlord and
26 veterans.

27 (b) In addition to the outreach program established by the state
28 pursuant to paragraph (a) of this subdivision, each municipal recipient
29 that chose to participate in the statewide program shall be responsible
30 for operating an outreach program in accordance with their plan submit-
31 ted pursuant to subdivision three of this section specific to their
32 geographic location. Municipal recipients shall contract with community
33 based organizations to supplement the state's outreach program, provid-
34 ing additional application assistance and outreach activities specific
35 to their geographic location. Such community based organizations shall
36 deliver their services in multiple languages and in a culturally compe-
37 tent manner to vulnerable and/or low income populations, communities
38 disproportionately impacted by the COVID-19 pandemic, and tenants resid-
39 ing in a dwelling owned by a small landlord and veterans.

40 (c) Any information provided to a community based organization in
41 connection with this title shall be kept confidential and be subject to
42 the same requirements pursuant to paragraph (f) of subdivision four of
43 this section.

44 10. The office shall be required to report and post information on
45 their website, and update such information at least monthly. Such infor-
46 mation shall include but not be limited to: (a) the number of municipal
47 recipients that choose to participate in the statewide program; (b) the
48 number of eligible households that received assistance under this title,
49 including the particular category of assistance which was provided; (c)
50 the average amount of funding provided per eligible household receiving
51 assistance; and (d) the number of households that applied for assist-
52 ance.

53 TITLE 3-A

54 STATEWIDE EMERGENCY HOMELESS ASSISTANCE PROGRAM



1 Section 47. Statewide emergency homeless assistance program.

2 § 47. Statewide emergency homeless assistance program. 1. There is
3 hereby established the statewide emergency homeless assistance program,
4 hereinafter known as "the program". The program shall provide benefits
5 to eligible recipients experiencing homelessness in accordance with this
6 title within amounts appropriated.

7 2. Supplements. (a) Each local social services district, except a
8 local social services district with a population of one million or more,
9 shall provide shelter supplements to eligible recipients as defined in
10 subdivision three of this section, up to the maximum amount of the fair
11 market rent in the district, as established by the federal department of
12 Housing and Urban Development, for the household composition.

13 (b) For a local social services district with a population of one
14 million or more, such funds made available pursuant to this title shall
15 be utilized to supplement the family homelessness and eviction
16 prevention supplement to provide additional supplements up to the maxi-
17 imum amount of the fair market rent in the district, as established by
18 the federal department of Housing and Urban Development, for the house-
19 hold composition.

20 3. Eligibility. Supplements shall be made available in accordance with
21 subdivision four of this section to individuals or families who are
22 homeless and eligible for or in receipt of public assistance or, in a
23 local social services district with a population of one million or more,
24 individuals and families who are eligible for the family homelessness
25 and eviction prevention supplement. For purposes of this title, home-
26 less shall mean individuals or families who lack a fixed, regular and
27 adequate nighttime residence in a location ordinarily used as a regular
28 sleeping accommodation for human beings.

29 4. Distribution. (a) The office of temporary and disability assistance
30 shall distribute funds appropriated for the purposes of this title. Such
31 funds shall be equitably distributed across the state, ensuring adequate
32 geographic disbursement based on an analysis conducted by the office to
33 determine which local social services districts are experiencing the
34 highest percentages of homelessness. Additionally, such analysis shall
35 evaluate the need to prioritize vulnerable populations including fami-
36 lies with children, victims of domestic violence as defined in subdivi-
37 sion one in section four hundred fifty-nine-a of this chapter and veter-
38 ans as defined in section one hundred sixty-eight of this chapter.

39 (b) Local social services districts shall ensure supplements are
40 provided to eligible individuals and families where such assistance will
41 provide the greatest long term housing stability.

42 (c) Funds made available pursuant to this title shall be distributed
43 to eligible recipients as expeditiously as possible.

44 5. Supplements made available pursuant to this title shall:

45 (a) not be considered as part of the standard of need as defined in
46 paragraph (b) of subdivision ten of section one hundred thirty-one-a of
47 this chapter.

48 (b) be issued by the local social services district directly to the
49 landlord or vendor; and

50 (c) not be a recoupable benefit.

51 6. Report. The commissioner shall issue a report on the program to
52 the governor, the speaker of the assembly and the temporary president of
53 the senate one year after the effective date of this title and annually
54 thereafter regarding the effectiveness of the program, based on the
55 information provided from the local social services districts. Each
56 local district, upon the request of the office, shall provide the office

1 the necessary data for the completion of the report. Each report shall
2 include the following information, for each district: (i) priority
3 groups served; (ii) the number of individuals and families participating
4 in the program; (iii) factors contributing to households experiencing
5 housing issues, including but not limited to health and safety and budg-
6 eting constrains; (iv) total funding utilized; (v) estimated avoided
7 costs in temporary shelter, and (vi) any other information or available
8 data that the commissioner deems relevant and necessary for comprehen-
9 sive evaluation of the program.

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

12 PART CC

13 Intentionally Omitted

14 PART DD

15 Section 1. Clause (vi) of subparagraph 4 of paragraph h of subdivision
16 2 of section 355 of the education law, as amended by section 1 of part
17 JJJ of chapter 59 of the laws of 2017, is amended to read as follows:

18 (vi) Beginning in state fiscal year two thousand twenty-two--two thou-
19 sand twenty-three and thereafter, the state shall appropriate and make
20 available general fund operating support and fringe benefits, for the
21 state university and the state university health science centers in an
22 amount not less than the amounts separately appropriated and made avail-
23 able in the prior state fiscal year; provided, further, the state shall
24 appropriate and make available general fund operating support to cover
25 all mandatory costs of the state university and the state university
26 health science centers, which shall include, but not be limited to,
27 collective bargaining costs including salary increments, fringe bene-
28 fits, and other non-personal service costs such as utility costs, build-
29 ing rentals and other inflationary expenses incurred by the state
30 university and the state university health science centers, and any
31 increase in the tuition credit pursuant to section six hundred eighty-
32 nine-a of this title as tuition increases are enacted by the board of
33 trustees of the state university; provided, however, that if the gover-
34 nor declares a fiscal emergency, and communicates such emergency to the
35 temporary president of the senate and the speaker of the assembly, state
36 support for operating expenses at the state university and city univer-
37 sity may be reduced in a manner proportionate to one another, and the
38 aforementioned provisions shall not apply; provided further, the state
39 shall appropriate and make available general fund support to fully fund
40 the tuition credit pursuant to subdivision two of section six hundred
41 sixty-nine-h of this title.

42 (vii) For the state university fiscal years commencing two thousand
43 eleven--two thousand twelve and ending two thousand fifteen--two thou-
44 sand sixteen, each university center may set aside a portion of its
45 tuition revenues derived from tuition increases to provide increased
46 financial aid for New York state resident undergraduate students whose
47 net taxable income is eighty thousand dollars or more subject to the
48 approval of a NY-SUNY 2020 proposal by the governor and the chancellor
49 of the state university of New York. Nothing in this paragraph shall be
50 construed as to authorize that students whose net taxable income is
51 eighty thousand dollars or more are eligible for tuition assistance

1 program awards pursuant to section six hundred sixty-seven of this
2 [chapter] title.

3 § 2. Paragraph (a) of subdivision 7 of section 6206 of the education
4 law is amended by adding a new subparagraph (vi) to read as follows:

5 (vi) Beginning in state fiscal year two thousand twenty-two--two thou-
6 sand twenty-three and thereafter, the state shall appropriate and make
7 available general fund operating support and fringe benefits, for the
8 city university in an amount not less than the amounts separately appro-
9 riated and made available in the prior state fiscal year; provided,
10 further, the state shall appropriate and make available general fund
11 operating support to cover all mandatory costs of the city university,
12 which shall include, but not be limited to, collective bargaining costs
13 including salary increments, fringe benefits, and other non-personal
14 service costs such as utility costs, building rentals and other infla-
15 tionary expenses incurred by the city university, and any increase in
16 the tuition credit pursuant to section six hundred eighty-nine-a of this
17 chapter as tuition increases are enacted by the board of trustees of the
18 state university; provided, however, that if the governor declares a
19 fiscal emergency, and communicates such emergency to the temporary pres-
20 ident of the senate and the speaker of the assembly, state support for
21 operating expenses at the state university and city university may be
22 reduced in a manner proportionate to one another, and the aforementioned
23 provisions shall not apply; provided further, the state shall appropri-
24 ate and make available general fund support to fully fund the tuition
25 credit pursuant to subdivision two of section six hundred sixty-nine-h
26 of this chapter.

27 § 3. This act shall take effect immediately provided that:

28 (a) the amendments to subparagraph 4 of paragraph h of subdivision 2
29 of section 355 of the education law made by section one of this act
30 shall not affect the expiration and reversion of such subparagraph
31 pursuant to chapter 260 of the laws of 2011, as amended, and shall
32 expire therewith; and

33 (b) the amendments to paragraph (a) of subdivision 7 of section 6206
34 of the education law made by section two of this act shall not affect
35 the expiration and reversion of such paragraph pursuant to chapter 260
36 of the laws of 2011, as amended, and shall expire therewith.

37

PART EE

38 Section 1. Paragraph a of subdivision 1 of section 6304 of the educa-
39 tion law, as amended by chapter 552 of the laws of 1984, is amended to
40 read as follows:

41 a. State financial aid shall be one-third of the amount of operating
42 costs, as approved by the state university trustees, provided that in no
43 case shall a community college receive less than ninety-eight percent of
44 the amount of state operating support that was provided for such commu-
45 nity college in the previous community college fiscal year. Operating
46 costs shall not include any payment of debt service or rentals or other
47 payments by a local sponsor to the dormitory authority pursuant to any
48 lease, sublease or other agreement entered into between the dormitory
49 authority and a local sponsor. Such aid for a college shall, however, be
50 for two-fifths of operating costs for any fiscal year of the college
51 during which it is implementing a program of full opportunity provided a
52 plan has been approved by the state university trustees. Such plan,
53 which shall be submitted by the college only after approval by the board
54 of trustees and the local sponsor or sponsors, shall

1 (i) establish a policy of offering acceptance in an appropriate
2 program of the college to all applicants residing in the sponsorship
3 area who graduated from high school within the prior year and to appli-
4 cants who are high school graduates and who were released from active
5 duty with the armed forces of the United States within the prior year;

6 (ii) provide for full implementation of such policy by the fall semes-
7 ter of nineteen hundred seventy or, if the college demonstrates to the
8 state university trustees that full implementation by such time would
9 not be feasible and in the best interests of the college, provide for a
10 timetable to achieve such full implementation within five years which
11 provides for substantial growth in registration each year;

12 (iii) make provision for and contain adequate assurances of the
13 expenditure of funds by the sponsor or sponsors at a level pursuant to
14 state university regulations, at least that necessary to implement the
15 plan;

16 (iv) provide for adequate programs of remediation, instruction and
17 counselling to meet the needs of all students to be served by the
18 college. The trustees may require periodic reports or certifications
19 from colleges which have submitted plans which have been approved and
20 may, in appropriate cases, revoke such approval in case a college is in
21 default of implementing its plan.

22 § 2. This act shall take effect July 1, 2021.

23

PART FF

24 Section 1. The education law is amended by adding a new section 669-i
25 to read as follows:

26 § 669-i. Martin Luther King, Jr. scholarship. 1. Purpose. The New York
27 state Martin Luther King, Jr. scholarship is hereby established for the
28 purpose of granting awards to assist students with the expenses of non-
29 tuition costs and fees associated with attending an institution of high-
30 er education in the state of New York.

31 2. Eligibility. A Martin Luther King, Jr. scholarship award shall be
32 made to an applicant who is eligible for an award under the tuition
33 assistance program as set forth in section six hundred sixty-seven of
34 this subpart.

35 3. Amount. Within amounts appropriated therefor and based on the
36 availability of funds, awards shall be granted beginning with the two
37 thousand twenty-one--two thousand twenty-two academic year and thereaft-
38 er to applicants that the corporation has determined are eligible to
39 receive such awards. The corporation shall grant an annual award in the
40 amount of three thousand five hundred dollars to each applicant.

41 4. Qualified non-tuition costs. An award pursuant to this section
42 shall be applied toward a recipient's non-tuition costs and fees. For
43 the purposes of this section, "non-tuition costs" shall include room and
44 board, transportation expenses, textbooks and instructional materials,
45 technology and electronic devices, and personal expenses including
46 clothing, food, or medical, vision, and dental insurance.

47 5. Duration. An eligible recipient shall not receive an award for more
48 than four academic years of full-time undergraduate study or five
49 academic years if the program of study normally requires five years. An
50 eligible recipient enrolled in an eligible two-year program of study
51 shall not receive an award for more than two academic years.

52 6. Recipient selection. The president may establish: (a) an applica-
53 tion deadline; and (b) a method of selecting recipients in accordance
54 with the demonstrated financial needs if in any given year there are



1 insufficient funds to cover the needs of all applicants as determined by
 2 the corporation, provided that priority shall be given to eligible
 3 applicants who have received an award pursuant to this section in a
 4 prior year.

5 7. Other awards. Recipients shall be eligible to apply for other
 6 awards under this article. Awards pursuant to this section shall not be
 7 included within the calculation for determining a student's eligibility
 8 or award amount for an excelsior scholarship pursuant to section six
 9 hundred sixty-nine-h of this subpart or an enhanced tuition award pursu-
 10 ant to section six hundred sixty-seven-d of this subpart.

11 8. Rules and regulations. The corporation is authorized to promulgate
 12 rules and regulations, and may promulgate emergency regulations, neces-
 13 sary for the implementation of the provisions of this section.

14 § 2. This act shall take effect immediately.

15

PART GG

16 Section 1. Clause (A) of subparagraph (i) of paragraph a of subdivi-
 17 sion 3 of section 667 of the education law, as amended by section 1 of
 18 part B of chapter 60 of the laws of 2000, item 1 as amended by section 1
 19 and item 2 as amended by section 2 of part H and subitem (d) of item 1
 20 as added by section 1 of part E of chapter 58 of the laws of 2011, the
 21 opening paragraph of item 1 as amended by section 2 of part X of chapter
 22 56 of the laws of 2014, subitem (a) of item 1 as amended by section 2,
 23 subitem (b) of item 1 as amended by section 3 and subitem (c) of item 1
 24 as amended by section 1 of part U of chapter 56 of the laws of 2014, is
 25 amended to read as follows:

26 (A) (1) In the case of students who have not been granted an exclusion
 27 of parental income, who have qualified as an orphan, foster child, or
 28 ward of the court for the purposes of federal student financial aid
 29 programs authorized by Title IV of the Higher Education Act of 1965, as
 30 amended, or had a dependent for income tax purposes during the tax year
 31 next preceding the academic year for which application is made, except
 32 for those students who have been granted exclusion of parental income
 33 who have a spouse but no other dependent:

34 (a) [For students first receiving aid after nineteen hundred ninety-
 35 three--nineteen hundred ninety-four and before two thousand--two thou-
 36 sand one, four thousand two hundred ninety dollars; or

37 (b) For students first receiving aid in nineteen hundred ninety-three-
 38 -nineteen hundred ninety-four or earlier, three thousand seven hundred
 39 forty dollars; or

40 (c) For students first receiving aid in two thousand--two thousand one
 41 and thereafter, five] Five thousand dollars, except starting in two
 42 thousand fourteen--two thousand fifteen [and thereafter] such students
 43 shall receive five thousand one hundred sixty-five dollars, and except
 44 starting in two thousand twenty-one--two thousand twenty-two and there-
 45 after such students shall receive six thousand one hundred sixty-five
 46 dollars; or

47 [(d)] (b) For undergraduate students enrolled in a program of study at
 48 a non-public degree-granting institution that does not offer a program
 49 of study that leads to a baccalaureate degree, or at a registered not-
 50 for-profit business school qualified for tax exemption under section
 51 501(c)(3) of the internal revenue code for federal income tax purposes
 52 that does not offer a program of study that leads to a baccalaureate
 53 degree, four thousand dollars, except starting in two thousand twenty-
 54 one--two thousand twenty-two and thereafter such students shall receive



1 five thousand dollars. Provided, however, that this subitem shall not
 2 apply to students enrolled in a program of study leading to a certifi-
 3 cate or degree in nursing.

4 (2) In the case of students receiving awards pursuant to subparagraph
 5 (iii) of this paragraph and those students who have been granted exclu-
 6 sion of parental income who have a spouse but no other dependent[.

7 (a) For students first receiving aid in nineteen hundred ninety-four
 8 --nineteen hundred ninety-five and nineteen hundred ninety-five--nine-
 9 teen hundred ninety-six and thereafter, three thousand twenty-five
 10 dollars, or

11 (b) For students first receiving aid in nineteen hundred ninety-two--
 12 nineteen hundred ninety-three and nineteen hundred ninety-three--nine-
 13 teen hundred ninety-four, two thousand five hundred seventy-five
 14 dollars, or

15 (c) For students first receiving aid in nineteen hundred ninety-one--
 16 nineteen hundred ninety-two or earlier, two thousand four hundred fifty
 17 dollars] four thousand twenty-five dollars; or

18 § 2. Subparagraphs (i) and (ii) of paragraph b of subdivision 3 of
 19 section 667 of the education law, as amended by chapter 309 of the laws
 20 of 1996, clause (B) of subparagraph (i) as amended by section 2 of part
 21 B of chapter 60 of the laws of 2000, are amended to read as follows:

22 (i) For each year of study, assistance shall be provided as computed
 23 on the basis of the amount which is the lesser of the following:

24 (A) (1) one thousand eight hundred dollars, or

25 (2) for students receiving awards pursuant to subparagraph (iii) of
 26 this paragraph, one thousand six hundred forty dollars; or

27 (B) (1) Ninety-five percent of the amount of tuition (exclusive of
 28 educational fees) charged.

29 (2) For the two thousand one--two thousand two academic year and ther-
 30 eafter one hundred percent of the amount of tuition (exclusive of educa-
 31 tional fees).

32 (ii) Except for students as noted in subparagraph (iii) of this para-
 33 graph, the base amount as determined in subparagraph (i) of this para-
 34 graph, shall be reduced in relation to income as follows:

35 Amount of income	Schedule of reduction
36	of base amount
37 (A) Less than seven thousand	None
38 dollars	
39 (B) Seven thousand dollars or	Seven per centum of the excess
40 more, but less than eleven	over seven thousand dollars
41 thousand dollars	

42 [(C) For students first receiving aid:

43 (1) for the first time in academic years nineteen hundred eighty-nine-
 44 --nineteen hundred ninety, nineteen hundred ninety-two--nineteen hundred
 45 ninety-three and nineteen hundred ninety-three--nineteen hundred nine-
 46 ty-four:

47 Amount of income	Schedule of reduction of
48	base amount
49 Eleven thousand dollars or	Two hundred eighty dollars plus
50 more but not more than forty-	ten per centum of the excess

1 two thousand five hundred over eleven thousand dollars
2 dollars

3 (2) for the first time in academic years nineteen hundred ninety--
4 nineteen hundred ninety-one, nineteen hundred ninety-one--nineteen
5 hundred ninety-two, nineteen hundred ninety-four--nineteen hundred nine-
6 ty-five and thereafter:

7 Amount of income Schedule of reduction of
8 base amount

9 Eleven thousand dollars or Two hundred eighty dollars plus
10 more but not more than fifty ten per centum of the excess
11 thousand five hundred over eleven thousand dollars
12 dollars

13 (3) for the first time in academic years prior to academic year nine-
14 teen hundred eighty-nine--nineteen hundred ninety:

15 Amount of income Schedule of reduction of
16 base amount

17 Eleven thousand dollars or Two hundred eighty dollars plus
18 more but not more than thirty- ten per centum of the excess over
19 four thousand two hundred fifty eleven thousand dollars
20 dollars]

21 § 3. Section 689-a of the education law, as added by chapter 260 of
22 the laws of 2011, is amended to read as follows:

23 § 689-a. Tuition credits. 1. The New York state higher education
24 services corporation shall calculate a tuition credit for each resident
25 undergraduate student who has filed an application with such corporation
26 for a tuition assistance program award pursuant to section six hundred
27 sixty-seven of this article, and is determined to be eligible to receive
28 such award, and is also enrolled in a program of undergraduate study at
29 a state operated or senior college of the state university of New York
30 or the city university of New York where the annual resident undergradu-
31 ate tuition rate will exceed [five thousand dollars] the maximum tuition
32 assistance program award pursuant to subitem (a) of item one of clause
33 (A) of subparagraph (i) of paragraph a of subdivision three of section
34 six hundred sixty-seven of this article. Such tuition credit shall be
35 calculated for each semester, quarter or term of study that tuition is
36 charged and tuition for the corresponding semester, quarter or term
37 shall not be due for any student eligible to receive such tuition credit
38 until such credit is calculated, the student and school where the
39 student is enrolled is notified of the tuition credit amount, and such
40 tuition credit is applied toward the tuition charged.

41 2. Each tuition credit pursuant to this section shall be an amount
42 equal to the product of the total annual resident undergraduate tuition
43 rate minus [five thousand dollars] the maximum tuition assistance
44 program award pursuant to subitem (a) of item one of clause (A) of
45 subparagraph (i) of paragraph a of subdivision three of section six
46 hundred sixty-seven of this article then multiplied by an amount equal
47 to the product of the total annual award for the student pursuant to
48 section six hundred sixty-seven of this article divided by an amount
49 equal to the maximum amount the student qualifies to receive pursuant to

1 clause (A) of subparagraph (i) of paragraph a of subdivision three of
2 section six hundred sixty-seven of this article.

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

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

15 § 5. This act shall take effect July 1, 2021 provided, however, that
16 the amendments to section 689-a of the education law made by section
17 three of this act shall not affect the repeal of such section and shall
18 be deemed to expire therewith.

19

PART HH

20 Section 1. This part enacts into law major components of legislation
21 which are related to the availability of adverse childhood experiences
22 services. Each component is wholly contained within a Subpart identi-
23 fied as Subparts A and B. The effective date for each particular
24 provision contained within such Subpart is set forth in the last section
25 of such Subpart. Any provision in any section contained within a
26 Subpart, including the effective date of the Subpart, which makes refer-
27 ence to a section of "this act", when used in connection with that
28 particular component, shall be deemed to mean and refer to the corre-
29 sponding section of the Subpart in which it is found. Section two
30 contains a severability clause for all provisions contained in each
31 Subpart of this Part. Section three of this act sets forth the general
32 effective date of this Part.

33

SUBPART A

34 Section 1. The social services law is amended by adding a new section
35 131-aaa to read as follows:

36 § 131-aaa. Availability of adverse childhood experiences services.
37 Each local social services district shall be required to provide appli-
38 cants and recipients of public assistance who are a parent, guardian,
39 custodian or otherwise responsible for a child's care, with educational
40 materials developed pursuant to subdivision two of section three hundred
41 seventy-c of this article to educate them about adverse childhood expe-
42 riences, the importance of protective factors and the availability of
43 services for children at risk for or suffering from adverse childhood
44 experiences. The educational materials may be made available electron-
45 ically and shall be provided at the time of application, recertification
46 and any other instances the applicant or recipient makes contact with
47 the local social services district.

48 § 2. Article 5 of the social services law is amended by adding a new
49 title 12-A to read as follows:

50

TITLE 12-A

51

SUPPORTS AND SERVICES FOR YOUTH SUFFERING FROM ADVERSE

52

CHILDHOOD EXPERIENCES

1 Section 370-c. Supports and services for youth suffering from adverse
2 childhood experiences.

3 § 370-c. Supports and services for youth suffering from adverse child-
4 hood experiences. 1. Youth suffering from or at risk of adverse child-
5 hood experiences, as defined in paragraph (c) of subdivision one of
6 section twenty-d of this chapter, shall be eligible for a range of
7 appropriate services and supports, which shall be beneficial to the
8 health and well-being of the youth. Such services shall be culturally
9 competent, evidence based and trauma informed and include, but not be
10 limited to appropriate health and behavioral health services covered
11 under subdivision seven of section twenty-five hundred ten of the public
12 health law and subdivision two of section three hundred sixty-five-a of
13 this article; preventive services provided pursuant to subdivision two
14 of section four hundred fifty-eight-m of this chapter, enhancement of
15 protective factors and any other services necessary to serve youth
16 suffering from adverse childhood experiences.

17 2. The office of children and family services, in consultation with
18 the office of temporary and disability assistance, the office of mental
19 health, the office of addiction services and supports, the department of
20 health and not-for-profit organizations that have expertise providing
21 services to individuals suffering from adverse childhood experiences,
22 shall develop or utilize existing educational materials to be used to
23 educate parents, guardians and other authorized individuals about
24 adverse childhood experiences including the environmental events that
25 may impact or lead to adverse childhood experiences, the importance of
26 protective factors and the availability of services for children at risk
27 of or suffering from adverse childhood experiences. Such information
28 shall be made available electronically and shall be posted on each agen-
29 cy's website.

30 § 3. Subdivision 7 of section 390 of the social services law is
31 amended by adding a new paragraph (c) to read as follows:

32 (c) The office of children and family services shall implement a
33 statewide campaign to educate parents and other potential consumers of
34 child day care programs about adverse childhood experiences, the impor-
35 tance of protective factors, and the availability of services for chil-
36 dren at risk for or experiencing adverse childhood experiences as
37 defined in paragraph (c) of subdivision one of section twenty-d of this
38 chapter. Such statewide campaign, shall include but is not limited to,
39 providing all licensed, registered and enrolled child care providers
40 with educational materials developed pursuant to subdivision two of
41 section three hundred seventy-c of this chapter. The educational materi-
42 als may be made available electronically and shall be provided to
43 parents and other potential consumers at the time of enrollment and once
44 every six months during the time of their child's enrollment.

45 § 4. Section 305 of the education law is amended by adding a new
46 subdivision 59 to read as follows:

47 59. The commissioner shall make available educational materials devel-
48 oped pursuant to subdivision two of section three hundred seventy-c of
49 the social services law to every school district and board of cooper-
50 ative educational services for the purpose of educating parents, guardi-
51 ans and other authorized individuals responsible for the child's care
52 about adverse childhood experiences, the importance of protective
53 factors, and the availability of services for children at risk for or
54 experiencing adverse childhood experiences. The commissioner shall
55 provide that such educational materials are made available online pursu-



1 ant to subdivision two of section three hundred seventy-c of the social
2 services law.

3 § 5. The public health law is amended by adding a new section 2509-c
4 to read as follows:

5 § 2509-c. Availability of adverse childhood experiences services.
6 Every pediatrics healthcare provider licensed pursuant to article one
7 hundred thirty-one of the education law shall be required to provide the
8 parent, guardian, custodian or other authorized individual of a child
9 that the pediatrician sees in their official capacity, with educational
10 materials developed pursuant to subdivision two of section three hundred
11 seventy-c of the social services law. Such materials may be provided
12 electronically and shall be used to inform and educate them about
13 adverse childhood experiences, the importance of protective factors and
14 the availability of services for children at risk for or experiencing
15 adverse childhood experiences.

16 § 6. Paragraph (a) of subdivision 2 of section 422 of the social
17 services law, as amended by chapter 357 of the laws of 2014, is amended
18 to read as follows:

19 (a) The central register shall be capable of receiving telephone calls
20 alleging child abuse or maltreatment and of immediately identifying
21 prior reports of child abuse or maltreatment and capable of monitoring
22 the provision of child protective service twenty-four hours a day, seven
23 days a week. To effectuate this purpose, but subject to the provisions
24 of the appropriate local plan for the provision of child protective
25 services, there shall be a single statewide telephone number that all
26 persons, whether mandated by the law or not, may use to make telephone
27 calls alleging child abuse or maltreatment and that all persons so
28 authorized by this title may use for determining the existence of prior
29 reports in order to evaluate the condition or circumstances of a child.
30 In addition to the single statewide telephone number, there shall be a
31 special unlisted express telephone number and a telephone facsimile
32 number for use only by persons mandated by law to make telephone calls,
33 or to transmit telephone facsimile information on a form provided by the
34 commissioner of children and family services, alleging child abuse or
35 maltreatment, and for use by all persons so authorized by this title for
36 determining the existence of prior reports in order to evaluate the
37 condition or circumstances of a child. When any allegations contained in
38 such telephone calls utilizing protocols that would remove implicit bias
39 from the decision making process in determining which calls could
40 reasonably constitute a report of child abuse or maltreatment, such
41 allegations and any previous reports to the central registry involving
42 the subject of such report or children named in such report, including
43 any previous report containing allegations of child abuse and maltreat-
44 ment alleged to have occurred in other counties and districts in New
45 York state shall be immediately transmitted orally or electronically by
46 the office of children and family services to the appropriate local
47 child protective service for investigation. The inability of the person
48 calling the register to identify the alleged perpetrator shall, in no
49 circumstance, constitute the sole cause for the register to reject such
50 allegation or fail to transmit such allegation for investigation. If the
51 records indicate a previous report concerning a subject of the report,
52 the child alleged to be abused or maltreated, a sibling, other children
53 in the household, other persons named in the report or other pertinent
54 information, the appropriate local child protective service shall be
55 immediately notified of the fact. If the report involves either (i) an
56 allegation of an abused child described in paragraph (i), (ii) or (iii)

1 of subdivision (e) of section one thousand twelve of the family court
2 act or sexual abuse of a child or the death of a child or (ii) suspected
3 maltreatment which alleges any physical harm when the report is made by
4 a person required to report pursuant to section four hundred thirteen of
5 this title within six months of any other two reports that were indi-
6 cated, or may still be pending, involving the same child, sibling, or
7 other children in the household or the subject of the report, the office
8 of children and family services shall identify the report as such and
9 note any prior reports when transmitting the report to the local child
10 protective services for investigation.

11 § 7. Paragraph (c) of subdivision 2 of section 421 of the social
12 services law, as amended by section 2 of part R of chapter 56 of the
13 laws of 2020, is amended to read as follows;

14 (c) issue guidelines to assist local child protective services in the
15 interpretation and assessment of reports of abuse and maltreatment made
16 to the statewide central register described in section four hundred
17 twenty-two of this article. Such guidelines shall include information,
18 standards and criteria for the identification of evidence of alleged
19 abuse and maltreatment as required to determine whether a report may be
20 indicated pursuant to this article. Provided further, the office of
21 children and family services shall update such guidelines, standards and
22 criteria issued to the local child protective services to include
23 protocols to remove implicit bias in the decision-making processes,
24 strategies for identifying adverse childhood experiences as defined in
25 paragraph (c) of subdivision one of section twenty-d of this chapter,
26 and guidelines to assist in recognizing signs of abuse or maltreatment
27 while interacting virtually. The office may utilize existing programs
28 or materials established pursuant to section twenty-d of this chapter.
29 Individuals considered to be a mandated reporter pursuant to subdivision
30 one of section four hundred thirteen of this title, shall have three
31 years from the effective date of the chapter of the laws of two thou-
32 sand twenty-one that amended this paragraph, to receive such updated
33 mandated reporter training.

34 § 8. Section 413 of the social services law is amended by adding a new
35 subdivision 5 to read as follows:

36 5. Persons and officials required to report cases of suspected child
37 abuse or maltreatment pursuant to this section shall be required to
38 receive updated training pursuant to paragraph (c) of subdivision two of
39 section four hundred twenty-one of this title.

40 § 9. This act shall take effect on the thirtieth day after it shall
41 have become a law, provided, however, that section eight of this act
42 shall expire and be deemed repealed three years after the effective date
43 of this act.

44

SUBPART B

45 Section 1. Subdivision 7 of section 2510 of the public health law, as
46 amended by chapter 428 of the laws of 2013, is amended to read as
47 follows:

48 7. "Covered health care services" means: the services of physicians,
49 optometrists, nurses, nurse practitioners, midwives and other related
50 professional personnel which are provided on an outpatient basis,
51 including routine well-child visits; diagnosis and treatment of illness
52 and injury; early and periodic screening, diagnosis and treatment (as
53 provided under medical assistance under title eleven of article five of
54 the social services law); inpatient health care services; laboratory



1 tests; diagnostic x-rays; prescription and non-prescription drugs and
2 durable medical equipment; radiation therapy; chemotherapy; hemodialy-
3 sis; outpatient blood clotting factor products and other treatments and
4 services furnished in connection with the care of hemophilia and other
5 blood clotting protein deficiencies; emergency room services; hospice
6 services; emergency, preventive and routine dental care, including
7 medically necessary orthodontia but excluding cosmetic surgery; emergen-
8 cy, preventive and routine vision care, including eyeglasses; speech and
9 hearing services; and, inpatient and outpatient mental health, alcohol
10 and substance [abuse] use services as defined by the commissioner in
11 consultation with the superintendent, but shall include early and peri-
12 odic screening, diagnosis and treatment under this subdivision.
13 "Covered health care services" shall not include drugs, procedures and
14 supplies for the treatment of erectile dysfunction when provided to, or
15 prescribed for use by, a person who is required to register as a sex
16 offender pursuant to article six-C of the correction law, provided that
17 any denial of coverage of such drugs, procedures or supplies shall
18 provide the patient with the means of obtaining additional information
19 concerning both the denial and the means of challenging such denial.

20 § 2. This act shall take effect immediately.

21 § 2. Severability. If any clause, sentence, paragraph, subdivision,
22 section or part contained in any subpart of this act shall be adjudged
23 by any court of competent jurisdiction to be invalid, such judgment
24 shall not affect, impair, or invalidate the remainder thereof, but shall
25 by confined in its operation to the clause, sentence, paragraph, subdi-
26 vision, section or part contained in any subpart thereof directly
27 involved in the controversy in which such judgment shall have been
28 rendered. It is hereby declared to be the intent of the legislature that
29 this act would have been enacted even if such invalid provisions had not
30 been included herein.

31 § 3. This act shall take effect immediately, provided, however, that
32 the applicable effective date of Subparts A and B of this act shall be
33 as specifically set forth in the last section of such Subparts.

34

PART II

35 Section 1. Section 398-a of the social services law is amended by
36 adding a new subdivision 6 to read as follows:

37 (6) Any federal paycheck protection program loan forgiveness funding
38 or other extraordinary federal funding, as determined by the office of
39 children and family services, received by an authorized agency as
40 defined in subdivision ten of section three hundred seventy-one of this
41 article, shall be disregarded when calculating the maximum state aid
42 rate when such funding is utilized for allowable costs incurred in
43 responding to the state of emergency that was declared in executive
44 order two hundred two on March seventh, two thousand twenty. Allowable
45 expenses shall include, but are not limited to expenses incurred related
46 to pandemic related expenses as well as expenses related to offsetting
47 lost revenue due to a reduction in placements due to the novel coronavi-
48 rus (COVID-19) pandemic. Provided further, the office of children and
49 family services shall hold harmless prospective maximum state aid rate
50 for the two thousand twenty-one--two thousand twenty-two rate year and
51 subsequent applicable rate years to reflect the impact of receipt of
52 such extraordinary federal revenue.

53 § 2. This act shall take effect immediately and shall expire and be
54 deemed repealed 5 years after such date.



1

PART JJ

2 Section 1. The public housing law is amended by adding a new section
3 20-a to read as follows:

4 § 20-a. Affordable housing five-year capital plan. 1. For the fiscal
5 year commencing on April first, two thousand twenty-two and every fifth
6 fiscal year thereafter, the governor shall submit to the legislature, as
7 part of the annual executive budget, a statewide comprehensive five-year
8 capital plan to support the development, preservation and capital
9 improvement of affordable housing in New York state.

10 2. The statewide comprehensive five-year capital plan to support the
11 development, preservation and capital improvement of affordable housing
12 in New York state required pursuant to subdivision one of this section
13 shall be developed in consultation with any state department, agency or
14 public authority which administers and/or plans for the development of
15 any program intended to provide suitable housing accommodations which
16 may fall under the purview of the capital plan and shall provide for, at
17 a minimum: the development of supportive housing units; the preservation
18 and/or capital improvement of public housing units of the New York city
19 housing authority and other public housing authorities in the state; the
20 development and/or rehabilitation of affordable housing targeted to
21 low-income seniors; the rehabilitation of site-specific multi-family
22 rental housing currently under a regulatory agreement or extended use
23 agreement with the division of housing and community renewal or another
24 state, federal or local housing agency; the preservation and/or capital
25 improvement of Mitchell-Lama properties; the promotion of home ownership
26 among families of low- and moderate-income; and the repair and/or
27 replacement of mobile and manufactured homes. Such plan shall, to the
28 greatest extent possible: provide for both rental and homeownership
29 opportunities affordable to low- and moderate-income households across
30 the state; address areas and populations with critical affordable hous-
31 ing needs; and advance the specific housing priorities of New York
32 state.

33 3. On or before September first, two thousand twenty-two and on or
34 before September first annually thereafter, and on or before March
35 first, two thousand twenty-three and on or before March first annually
36 thereafter, the governor shall, as part of the statewide comprehensive
37 five-year capital plan to support the development, preservation and
38 capital improvement of affordable housing in New York state required
39 pursuant to subdivision one of this section and in consultation with the
40 commissioner of housing and community renewal, submit and make publicly
41 available to the legislature and on the division's website information
42 summarizing the activities undertaken pursuant to the funding made
43 available in the enacted affordable housing capital plan. Such informa-
44 tion shall be cumulative and shall include an itemized list of each
45 project utilizing funds appropriated by the affordable housing capital
46 plan subsequent to the enactment of the capital plan, including a brief
47 description of the project, street address, county, awardee, total budg-
48 et, amount of capital subsidy appropriated by the affordable housing
49 capital plan, relevant section of the affordable housing capital plan,
50 bonded or cash, amount of each additional public funding source, funding
51 program, number of units, area median income requirements if applicable,
52 month and year construction will commence, projected date of occupancy,
53 and project phase (in development, engineering, construction, complete,
54 defunded).

55 § 2. This act shall take effect immediately.

1

PART KK

2 Section 1. Subdivision (h) of section 4 of part A-4 of chapter 58 of
3 the laws of 2006 enacting the "city of Syracuse and the board of
4 education of the city school district of the city of Syracuse cooper-
5 ative school reconstruction act", as amended by chapter 459 of the laws
6 of 2013, is amended to read as follows:

7 (h) "Project" shall mean work at an existing school building site that
8 involves the design, reconstruction, or rehabilitation of an existing
9 school building for its continued use as a school of the city school
10 district, which may include an addition to an existing school building
11 for such continued use at a cost, for such addition, of, for projects
12 identified in subdivision (a) of section five of this act, no more than
13 nine million dollars, and, for projects identified in subdivision (b)
14 and (c) of section five of this act, no more than twenty million
15 dollars, and which also may include (1) the construction or recon-
16 struction of athletic fields, playgrounds, and other recreational facil-
17 ities for such existing school building, and/or (2) the acquisition and
18 installation of all equipment necessary and attendant to and for the use
19 of such existing school building and/or the acquisition of additional
20 real property necessary for the project.

21 § 2. Section 5 of part A-4 of chapter 58 of the laws of 2006 enacting
22 the "city of Syracuse and the board of education of the city school
23 district of the city of Syracuse cooperative school reconstruction act",
24 as amended by chapter 9 of the laws of 2014, is amended to read as
25 follows:

26 § 5. (a) No more than seven projects, one each at the Central High
27 School, the Blodgett School, the Shea Middle School, the H.W. Smith
28 Elementary School, the Clary Middle School, the Dr. Weeks Elementary
29 School and the Fowler High School, up to a total cost of two hundred
30 twenty-five million dollars; and (b) no more than twenty projects which
31 shall be located at the Bellevue Elementary School, the Clary Middle
32 School, the Corcoran High School, the Danforth Middle School, the Edward
33 Smith K-8 School, the Expeditionary Learning Middle School, the Fowler
34 High School, the Frazer K-8 School, the Grant Middle School, the Grey-
35 stone Building, the Henninger High School, the Huntington K-8 School,
36 the Nottingham High School, the Shea Middle School and the Westside
37 Academy at Blodgett, up to a total cost of three hundred million
38 dollars; and (c) no more than 10 projects, which shall be located at the
39 STEM at Blodgett Middle School, the Corcoran High School, the Delaware
40 Primary School, the Henninger High School, the Syracuse Latin School,
41 the Lincoln Middle School, the Nottingham High School, the Roberts
42 PreK-8 School, the Seymour Dual Language Academy and the Webster Elemen-
43 tary School, up to a total cost of three hundred million dollars, shall
44 be authorized and undertaken pursuant to this act, unless otherwise
45 authorized by law.

46 § 3. Sections 6 and 7 of part A-4 of chapter 58 of the laws of 2006
47 enacting the "city of Syracuse and the board of education of the city
48 school district of the city of Syracuse cooperative school recon-
49 struction act", as amended by chapter 459 of the laws of 2013, are
50 amended to read as follows:

51 § 6. (1) Before formal selection of the projects identified in subdi-
52 vision (a) of section five of this act occurs, the JSC board shall
53 develop a comprehensive plan recommending and outlining the projects it
54 proposes to be potentially undertaken pursuant to this act. Such plan
55 shall include: (a) an estimate of total costs to be financed, proposed

1 financing plan, proposed method of financing, terms and conditions of
2 the financing, estimated financing costs, and, if city general obli-
3 gation bonds or notes are not proposed as the method of financing, a
4 comparison of financing costs between such bonds or notes and the
5 proposed method of financing. The plan should also address what specific
6 options would be used to ensure that sufficient resources exist to cover
7 the local share of any such project cost on an annual basis; (b) infor-
8 mation concerning the potential persons to be involved in the financing
9 and such person's role and responsibilities; (c) estimates on the
10 design, reconstruction and rehabilitation costs by project, any adminis-
11 trative costs for potential projects, and an outline of the time-frame
12 expected for completion of each potential project; (d) a detailed
13 description of the request for proposals process and an outline of the
14 criteria to be used for selection of the program manager and all
15 contractors; (e) any proposed amendments to the city school district's
16 five year capital facilities plan submitted in accordance with subdivi-
17 sion 6 of section 3602 of the education law and the regulations of the
18 commissioner; and (f) a diversity plan, in compliance with subdivision
19 (b) of section eight of this act, to develop diversity goals, including
20 appropriate community input and public discussion, and develop strate-
21 gies that would create and coordinate any efforts to ensure a more
22 diverse workforce for the projects. The diversity plan should address
23 accountability for attainment of the diversity goals, what forms of
24 monitoring would be used, and how such information would be publicly
25 communicated.

26 Prior to the development of the comprehensive plan, the JSC board
27 shall hold as many public hearings as may be necessary to ensure suffi-
28 cient public input and allow for significant public discussion on the
29 school building needs in such city, with at least one hearing to be held
30 in each neighborhood potentially impacted by a proposed project.

31 The JSC board shall submit the components of such comprehensive plan
32 outlined in paragraph (a) of subdivision one of this section to the
33 comptroller, along with any other information requested by the comp-
34 troller, for his or her review and approval.

35 (2) Before formal selection of the projects pursuant to subdivision
36 (b) and (c) of section five of this act occurs, the city school district
37 shall provide to the JSC board a comprehensive draft plan recommending
38 and outlining the projects it proposes to be potentially undertaken
39 pursuant to this act. Such plan will be subject to the review and
40 approval of the JSC board and shall include: (a) an estimate of total
41 costs to be financed, proposed financing plan, proposed method of
42 financing, terms and conditions of the financing, estimated financing
43 costs, and, if city general obligation bonds or notes are not proposed
44 as the method of financing, a comparison of financing costs between such
45 bonds or notes and the proposed method of financing. The plan should
46 also address what specific options would be used to ensure that suffi-
47 cient resources exist to cover the local share of any such project cost
48 on an annual basis; (b) information concerning the potential persons to
49 be involved in the financing and such person's role and responsibil-
50 ities; (c) estimates on the design, reconstruction and rehabilitation
51 costs by project, any administrative costs for potential projects, and
52 an outline of the time-frame expected for completion of each potential
53 project; (d) a detailed description of the request for proposals process
54 and an outline of the criteria to be used for selection of the program
55 manager and all contractors; (e) any proposed amendments to the city
56 school district's five year capital facilities plan submitted in accord-

1 ance with subdivision 6 of section 3602 of the education law and the
2 regulations of the commissioner; and (f) a diversity plan, in compliance
3 with subdivision (b) of section eight of this act, to develop diversity
4 goals, including appropriate community input and public discussion, and
5 develop strategies that would create and coordinate any efforts to
6 ensure a more diverse workforce for the projects. The diversity plan
7 should address accountability for attainment of the diversity goals,
8 what forms of monitoring would be used, and how such information would
9 be publicly communicated.

10 As part of the development of the comprehensive plan, the school
11 district shall hold as many public hearings as may be necessary to
12 ensure sufficient public input and allow for significant public
13 discussion on the school building needs in such city, with at least one
14 hearing to be held in each neighborhood potentially impacted by a
15 proposed project.

16 The JSC board shall submit the components of such comprehensive plan
17 outlined in paragraph (a) of subdivision two of this section to the
18 comptroller, along with any other information requested by the comp-
19 troller, for his or her review and approval.

20 § 7. (a) Notwithstanding any general, special or local law to the
21 contrary and upon approval by the comptroller pursuant to section six of
22 this act, the city school district may select projects, pursuant to
23 subdivision (a) of section five of this act to be undertaken pursuant to
24 this act, as provided for in such approved comprehensive plan. After the
25 city school district has selected a new project and plans and specifica-
26 tions for such project have been prepared and approved by the city
27 school district, which are consistent with the approved comprehensive
28 plan, the city school district shall deliver such plans and specifica-
29 tions to the city, for approval by such city, acting through the common
30 council, and after the common council has approved such plans and spec-
31 ifications, the city shall deliver them to the commissioner for his or
32 her approval. After approval by the commissioner, the plans and spec-
33 ifications shall be returned to the city school district and such
34 district shall then deliver them to the JSC board. All such specifica-
35 tions shall detail the number of students the completed project is
36 intended to serve, the site description, the types of subjects to be
37 taught, the types of activities for school, recreational, social, safe-
38 ty, or other purposes intended to be incorporated in the school building
39 or on its site and such other information as the city school district,
40 the city, the common council, and the commissioner shall deem necessary
41 or advisable.

42 (b) Notwithstanding any general, special or local law to the contrary
43 and upon approval by the comptroller pursuant to section six of this
44 act, the city school district may select projects, pursuant to subdivi-
45 sion (b) and (c) of section five of this act to be undertaken pursuant
46 to this act, as provided for in such approved comprehensive plan. After
47 the city school district has selected a new project and plans and spec-
48 ifications for such project have been prepared and approved by the city
49 school district in consultation with the city engineer, which are
50 consistent with the approved comprehensive plan, the city school
51 district shall deliver such plans and specifications to the commissioner
52 for his or her approval. After approval by the commissioner, the plans
53 and specifications shall be delivered to the JSC board. All such spec-
54 ifications shall detail the number of students the completed project is
55 intended to serve, the site description, the types of subjects to be
56 taught, the types of activities for school, recreational, social, safe-



1 ty, or other purposes intended to be incorporated in the school building
2 or on its site and such other information as the city school district,
3 the city engineer, and the commissioner shall deem necessary or advis-
4 able.

5 (c) Notwithstanding any other provision of law to the contrary, if the
6 total project cost associated with the projects authorized pursuant to
7 subdivision (b) and (c) of section five of this act exceeds the esti-
8 mated total project cost of 300 million dollars, then the JSC board
9 shall report such information, along with explanatory documentation
10 regarding the increase in cost, to the governor, the New York state
11 comptroller, the commissioner, the temporary president of the senate and
12 the speaker of the assembly.

13 (d) Notwithstanding any other provision of law to the contrary, the
14 JSC board shall submit estimated project costs for the projects author-
15 ized pursuant to subdivision (b) and (c) of section five of this act
16 after the completion of schematic plans and specifications for review by
17 the commissioner. If the total project costs associated with such
18 projects exceed the sum of the estimated individual approved cost allow-
19 ance of each building project by more than the lesser of 30 million
20 dollars or ten percent of the approved costs, and the city school
21 district has not otherwise demonstrated to the satisfaction of the New
22 York state education department the availability of additional local
23 shares for such excess costs, then the JSC board shall not proceed with
24 the preparation of final plans and specifications for such projects
25 until the projects have been redesigned or value-engineered to reduce
26 estimated project costs so as not to exceed the above cost limits.

27 (e) Notwithstanding any other provision of law to the contrary, the
28 JSC board shall submit estimated project costs for the projects author-
29 ized pursuant to subdivision (b) and (c) of section five of this act
30 after the completion of fifty percent of the final plans and specifica-
31 tions for review by the commissioner. If the total project costs associ-
32 ated with such projects exceed the sum of the estimated individual
33 approved cost allowance of each building project by more than the lesser
34 of 30 million dollars or ten percent of the approved costs, and the city
35 school district has not otherwise demonstrated to the satisfaction of
36 the New York state education department the availability of additional
37 local share for such excess costs, then the JSC board shall not proceed
38 with the completion of the remaining fifty percent of the plans and
39 specifications for such projects until the projects have been redesigned
40 or value-engineered to reduce estimated project costs so as not to
41 exceed the above cost limits.

42 § 4. Subdivision (a) of section 10 of part A-4 of chapter 58 of the
43 laws of 2006 enacting the "city of Syracuse and the board of education
44 of the city school district of the city of Syracuse cooperative school
45 reconstruction act", as amended by chapter 459 of the laws of 2013, are
46 amended to read as follows:

47 (a) The JSC board may require a contractor awarded a public contract,
48 subcontract or other agreement for a project to enter into a project
49 labor agreement during and for the work involved with such project when
50 such requirement is part of the JSC board's specifications for the
51 project and when the JSC board determines that the record supporting the
52 decision to enter into such an agreement establishes that it is justi-
53 fied by the interests underlying the competitive bidding laws. In addi-
54 tion, the JSC board may choose to extend the project labor agreement
55 entered into for the first or second phase of the JSC construction



1 projects to the projects authorized herein, contingent upon the
2 completion of a supplemental project labor agreement benefits analysis.

3 § 5. Section 11 of part A-4 of chapter 58 of the laws of 2006 enacting
4 the "city of Syracuse and the board of education of the city school
5 district of the city of Syracuse cooperative school reconstruction
6 act", as amended by chapter 459 of the laws of 2013, is amended to read
7 as follows:

8 § 11. (a) All contracts entered into by the JSC board for projects
9 pursuant to subdivision (a) of section five of this act shall be managed
10 by an independent program manager. Selection of the program manager
11 shall be pursuant to the competitive process established in section
12 seven of this act. The program manager shall have experience in plan-
13 ning, designing, and constructing new and/or reconstructing existing
14 school buildings, public facilities, commercial facilities, and/or
15 infrastructure facilities, and in the negotiation and management of
16 labor contracts and agreements, training programs, educational programs,
17 and physical technological requirements for educational programs. The
18 program manager shall manage all projects undertaken pursuant to subdivi-
19 sion (a) of section five of this act, review project schedules, review
20 payment schedules, prepare cost estimates and assess the safety programs
21 of contractors and all training programs, if required. The program
22 manager shall implement procedures for verification by it that all work
23 for which payment has been requested has been satisfactorily completed.

24 (b) All construction and design contracts entered into by the JSC
25 board for projects pursuant to subdivision (b) of section five of this
26 act shall be managed by the city engineer in agreement with the school
27 district or, at the discretion of the JSC board, an independent program
28 manager or construction managers selected for one or more projects.
29 Selection of the program manager and/or the construction manager or
30 managers shall be pursuant to a competitive process established in
31 accordance with the city's standard request for proposals process using
32 the JSC board as the approving governing body instead of the common
33 council for such contract awards. The program manager shall have experi-
34 ence in planning, designing, and constructing new and/or reconstructing
35 existing school buildings in New York state, public facilities, commer-
36 cial facilities, and/or infrastructure facilities, and in the negoti-
37 ation and management of labor contracts and agreements, training
38 programs, educational programs, and physical technological requirements
39 for educational programs. The program manager shall manage all projects
40 assigned by the JSC board to the program manager and undertaken pursuant
41 to subdivision (b) of section five of this act, review project sched-
42 ules, review payment schedules, prepare cost estimates and assess the
43 safety programs of contractors and all training programs, if required.
44 The program manager shall implement procedures for verification by it
45 that all work for which payment has been requested has been satisfac-
46 torily completed. Provided, however, that the JSC board may choose to
47 utilize the services of an independent construction manager at one or
48 more of the projects to be authorized herein with said construction
49 manager managing the project within the management plan set forth by the
50 independent program manager and the JSC board.

51 (c) All construction and design contracts entered into by the JSC
52 board for projects pursuant to subdivision (c) of section five of this
53 act shall be managed by the city engineer in agreement with the school
54 district or, at the discretion of the JSC board, an independent program
55 manager or construction managers selected for one or more projects.
56 Selection of the program manager and/or the construction manager or



1 managers shall be pursuant to a competitive process established in
2 accordance with the city's standard request for proposals process using
3 the JSC board as the approving governing body instead of the common
4 council for such contract awards. The program manager shall have experi-
5 ence in planning, designing, and constructing new and/or reconstructing
6 existing school buildings in New York state, public facilities, commer-
7 cial facilities, and/or infrastructure facilities, and in the negoti-
8 ation and management of labor contracts and agreements, training
9 programs, educational programs, physical technological requirements for
10 educational programs and knowledge of state education department facili-
11 ties planning and building aid requirements. The program manager shall
12 manage all projects assigned by the JSC board to the program manager and
13 undertaken pursuant to subdivision (c) of section five of this act,
14 review project schedules, review payment schedules, prepare cost
15 estimates and assess the safety programs of contractors and all training
16 programs, if required. The program manager shall implement procedures
17 for verification by it that all work for which payment has been
18 requested has been satisfactorily completed. Provided, however, that
19 the JSC board may choose to utilize the services of an independent
20 construction manager at one or more of the projects to be authorized
21 herein with said construction manager managing the project within the
22 management plan set forth by the independent program manager and the JSC
23 board.

24 (d) The program manager, and its affiliates or subsidiaries, if any,
25 shall be prohibited from awarding contracts or being awarded contracts
26 for or performing any work on projects undertaken pursuant to this act.

27 § 6. Section 19 of part A-4 of chapter 58 of the laws of 2006 enacting
28 the "city of Syracuse and the board of education of the city school
29 district of the city of Syracuse cooperative school reconstruction act",
30 as amended by chapter 459 of the laws of 2013, is amended to read as
31 follows:

32 § 19. (a) On January 15, 2007 and annually thereafter, until
33 completion of the projects authorized pursuant to this act, the JSC
34 board shall issue a report to the governor, the comptroller, the commis-
35 sioner, the temporary president of the senate, the speaker of the assem-
36 bly, the city, the common council and the city school district on the
37 progress and status of the projects undertaken by the JSC board.
38 Provided further, that if any such entities request information on the
39 progress and status of the projects prior to such report, it shall be
40 provided to such entities by the JSC board.

41 (b) On or before June 30, 2014 or upon the completion of the projects
42 authorized pursuant to subdivision (a) of section five of this act,
43 whichever shall first occur, the JSC board shall issue a report to the
44 city, the city school district, the governor, the commissioner, the
45 comptroller, the temporary president of the senate, the minority leader
46 of the senate, the speaker of the assembly, the minority leader of the
47 assembly, the state board of regents, and the chairs and ranking minori-
48 ty members of the New York state senate and assembly committees on
49 education, the finance committee of the New York state senate, and the
50 ways and means committee of the New York state assembly. Such report
51 shall identify the fiscal and pedagogical results of the projects under-
52 taken pursuant to this act, along with recommendations for its contin-
53 uance, amendments, or discontinuance.

54 (c) On or before June 30, 2020 or upon the completion of the projects
55 authorized pursuant to subdivision (b) of section five of this act,
56 whichever shall first occur, the JSC board shall issue a report to the

1 city, the city school district, the governor, the commissioner, the
2 comptroller, the temporary president of the senate, the minority leader
3 of the senate, the speaker of the assembly, the minority leader of the
4 assembly, the state board of regents, and the chairs and ranking minori-
5 ty members of the New York state senate and assembly committees on
6 education, the finance committee of the New York state senate, and the
7 ways and means committee of the New York state assembly. Such report
8 shall identify the fiscal and pedagogical results of the projects under-
9 taken pursuant to this act, along with recommendations for its contin-
10 uance, amendments, or discontinuance.

11 (d) On or before June 30, 2027 or upon the completion of the projects
12 authorized pursuant to subdivision (c) of section five of this act,
13 whichever shall first occur, the JSC board shall issue a report to the
14 city, the city school district, the governor, the commissioner, the
15 comptroller, the temporary president of the senate, the minority leader
16 of the senate, the speaker of the assembly, the minority leader of the
17 assembly, the state board of regents, and the chairs and ranking minori-
18 ty members of the New York state senate and assembly committees on
19 education, the finance committee of the New York state senate, and the
20 ways and means committee of the New York state assembly. Such report
21 shall identify the fiscal and pedagogical results of the projects under-
22 taken pursuant to this act, along with recommendations for its contin-
23 uance, amendments, or discontinuance.

24 § 7. Paragraph a of subdivision 6 of section 3602 of the education law
25 is amended by adding a new subparagraph 9 to read as follows:

26 (9) Notwithstanding any other provision of law to the contrary, for
27 the purpose of computation of building aid for reconstruction or modern-
28 izing of no more than three projects pursuant to a chapter of the laws
29 of two thousand twenty-one enacting the third phase of the city of Syra-
30 cuse cooperative school reconstruction act, multi-year cost allowances
31 for each project shall be established and utilized two times in the
32 first five-year period. Subsequent multi-year cost allowances shall be
33 established no sooner than ten years after establishment of the first
34 maximum cost allowance authorized pursuant to this subparagraph.

35 § 8. This act shall take effect immediately.

36 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
37 sion, section or part of this act shall be adjudged by any court of
38 competent jurisdiction to be invalid, such judgment shall not affect,
39 impair, or invalidate the remainder thereof, but shall be confined in
40 its operation to the clause, sentence, paragraph, subdivision, section
41 or part thereof directly involved in the controversy in which such judg-
42 ment shall have been rendered. It is hereby declared to be the intent of
43 the legislature that this act would have been enacted even if such
44 invalid provisions had not been included herein.

45 § 3. This act shall take effect immediately provided, however, that
46 the applicable effective date of Parts A through KK of this act shall be
47 as specifically set forth in the last section of such Parts.