

FY 2024 NEW YORK STATE EXECUTIVE BUDGET

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

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Legislative Bill Drafting Commission
12572-01-3

S. -----
Senate

IN SENATE--Introduced by Sen

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

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

BUDGBI

(Enacts into law major components of
legislation necessary to implement
the state education, labor, housing
and family assistance budget for the
2023-2024 state fiscal year)

BUDGBI. ELFA (Governor)

AN ACT

to amend the education law, in
relation to contracts for excel-
lence; in relation to the high-im-
pact tutoring set-aside; to amend
the education law, in relation to
foundation aid; to amend the educa-
tion law, in relation to the number
of charters issued; to amend the
education law, in relation to actual
valuation; to amend the education
law, in relation to average daily

IN SENATE

Senate introducer's signature

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

s15 Addabbo	s34 Fernandez	s28 Krueger	s01 Palumbo	s42 Skoufis
s43 Ashby	s60 Gallivan	s24 Lanza	s21 Parker	s11 Stavisky
s36 Bailey	s12 Gianaris	s16 Liu	s19 Persaud	s45 Stec
s57 Borrello	s59 Gonzalez	s50 Mannion	s13 Ramos	s35 Stewart-
s46 Breslin	s26 Gounardes	s04 Martinez	s05 Rhoads	Cousins
s25 Brisport	s53 Griffo	s07 Martins	s33 Rivera	s44 Tedisco
s55 Brouk	s40 Harckham	s02 Mattera	s39 Rolison	s06 Thomas
s09 Canzoneri-	s54 Helming	s48 May	s61 Ryan	s49 Walczyk
Fitzpatrick	s41 Hinchey	s37 Mayer	s18 Salazar	s52 Webb
s17 Chu	s47 Hoylman-	s03 Murray	s10 Sanders	s38 Weber
s30 Cleare	Sigal	s20 Myrie	s23 Scarcella-	s08 Weik
s14 Comrie	s31 Jackson	s51 Oberacker	Spanton	
s56 Cooney	s27 Kavanagh	s58 O'Mara	s32 Sepulveda	
s22 Felder	s63 Kennedy	s62 Ortt	s29 Serrano	

IN ASSEMBLY

Assembly introducer's signature

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

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

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

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

attendance; to amend the education law, in relation to supplemental public excess cost aid; to amend the education law, in relation to building aid for metal detectors, and safety devices for electrically operated partitions, room dividers and doors; to amend the education law, in relation to academic enhancement aid; to amend the education law, in relation to high tax aid; to amend the education law, in relation to prospective prekindergarten enrollment reporting; to amend the education law, in relation to transitional guidelines and rules; to amend the education law, in relation to universal prekindergarten expansions; to amend the education law, in relation to extending provisions of the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to state aid adjustments; to amend the education law, in relation to certain moneys apportioned; to amend the education law, in relation to zero emission bus progress reporting; 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 2023-2024 school year, withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend part CCC of chapter 59 of the laws of 2018 amending the education law relating to a statement of the total funding allocation, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001 amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend part C of chapter 56 of the laws of 2020 directing the commissioner of education to appoint a monitor for the Rochester city school district, establishing the powers and duties of such monitor and certain other

officers and relating to the apportionment of aid to such school district, in relation to the effectiveness thereof; part C of chapter 57 of the laws of 2004 relating to the support of education, in relation to the effectiveness thereof; directing the education department to conduct a comprehensive study of alternative tuition rate-setting methodologies for approved providers operating school-age and preschool programs receiving funding; 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; providing for special apportionment for salary expenses; providing for special apportionment for public pension accruals; providing for set-asides from the state funds which certain districts are receiving from the total foundation aid; providing for support of public libraries; to amend chapter 94 of the laws of 2002 relating to the financial stability of the Rochester city school district, in relation to the effectiveness thereof; and providing for the repeal of certain provisions upon expiration thereof (Part A); to amend the education law, in relation to tuition authorization at the state university of New York and the city university of New York (Part B); to amend the education law, in relation to providing access to medication abortion prescription drugs at the state university of New York and the city university of New York (Part C); to amend the education law, in relation to removing the maximum award caps for the liberty partnerships program (Part D); to amend the

business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part E); to amend the general municipal law and the public housing law, in relation to enacting the new homes targets and fast-track approval act (Part F); to amend the general city law, the town law and the village law, in relation to requiring certain densities of residential dwellings near transit stations (Part G); to amend the public housing law, in relation to requiring certain housing production information to be reported to the division of housing and community renewal (Part H); to amend the real property actions and proceedings law, in relation to determining when a dwelling is abandoned (Part I); to amend the multiple dwelling law, in relation to modernizing regulations for office building conversions; and providing for the repeal of certain provisions of such law relating thereto (Part J); to amend the multiple dwelling law and the private housing finance law, in relation to establishing a program to address the legalization of specified basement dwelling units and the conversion of other specified basement dwelling units in a city with a population of one million or more (Part K); to amend the multiple dwelling law, in relation to authorizing a city of one million or more to remove the cap on the floor area ratio of certain dwellings (Part L); to amend the real property tax law, in relation to authorizing a tax abatement for alterations and improvements to multiple dwellings for purposes of preserving habitability in affordable housing (Part M); to amend the real property tax law, in relation to authorizing a city, town or village other than a city with a population of one million or more to provide by local law for a tax exemption for new construction of eligible rental multiple dwellings (Part N); to amend the real property tax law, in

relation to providing a tax exemption on the increase in value of property resulting from the addition of an accessory dwelling unit (Part O); to amend the labor law and the real property tax law, in relation to the exemption from real property taxation of certain multiple dwellings in a city having a population of one million or more (Part P); to utilize reserves in the mortgage insurance fund for various housing purposes (Part Q); to amend the real property tax law, in relation to eligible multiple dwellings (Part R); to amend the labor law and the public health law, in relation to indexing the minimum wage to inflation (Part S); to amend the New York city charter, the education law, the general municipal law, the labor law, the public authorities law, chapter 1016 of the laws of 1969 constituting the New York city health and hospitals corporation act, and chapter 749 of the laws of 2019 constituting the New York city public works investment act, in relation to providing for employment opportunities for economically disadvantaged candidates and economically disadvantaged region candidates and apprenticeship utilization on public transactions; and providing for the repeal of such provisions upon expiration thereof (Part T); to amend the social services law, in relation to eligibility for child care assistance; and to repeal certain provisions of such law relating thereto (Part U); to amend part N of chapter 56 of the laws of 2020, amending the social services law relating to restructuring financing for residential school placements, in relation to the effectiveness thereof (Part V); to amend subpart A of chapter 57 of the laws of 2012 amending the social services law and the family court act relating to establishing a juvenile justice services close to home initiative, and to amend subpart B of part G of chapter 57 of the laws of 2012 amending the social services law, the family court act and the

executive law relating to juvenile delinquents, in relation to making such provisions permanent (Part W); to amend the social services law, in relation to eliminating the requirement for combined education and other work/activity assignments, directing approval of certain education and vocational training activities up to two-year post-secondary degree programs and providing for a disregard of earned income received by a recipient of public assistance derived from participating in a qualified work activity or training program, and further providing for a one-time disregard of earned income following job entry for up to six consecutive months under certain circumstances (Part X); to amend the social services law, in relation to the replacement of stolen public assistance (Part Y); and 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 Z)

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 2023-2024 state fiscal year. Each component is
4 wholly contained within a Part identified as Parts A through Z. The
5 effective date for each particular provision contained within such Part
6 is set forth in the last section of such Part. Any provision in any
7 section contained within a Part, including the effective date of the
8 Part, which makes a reference to a section "of this act", when used in
9 connection with that particular component, shall be deemed to mean and
10 refer to the corresponding section of the Part in which it is found.
11 Section three of this act sets forth the general effective date of this
12 act.

13 PART A

14 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
15 tion law, as amended by chapter 556 of the laws of 2022, is amended to
16 read as follows:

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

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

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

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

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

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

1 to support new or expanded allowable programs and activities in the
2 current year.

3 § 2. Subdivision 4 of section 3602 of the education law is amended by
4 adding a new paragraph k to read as follows:

5 k. Foundation aid payable in the two thousand twenty-three--two thou-
6 sand twenty-four school year. Notwithstanding any provision of law to
7 the contrary, foundation aid payable in the two thousand twenty-three--
8 two thousand twenty-four school year shall be equal to the sum of the
9 total foundation aid base computed pursuant to paragraph j of subdivi-
10 sion one of this section plus the greater of (a) the positive differ-
11 ence, if any, of (i) total foundation aid computed pursuant to paragraph
12 a of this subdivision less (ii) the total foundation aid base computed
13 pursuant to paragraph j of subdivision one of this section, or (b) the
14 product of three hundredths (0.03) multiplied by the total foundation
15 aid base computed pursuant to paragraph j of subdivision one of this
16 section.

17 § 3. Subdivision 4 of section 3602 of education law is amended by
18 adding a new paragraph e-1 to read as follows:

19 e-1. High-impact tutoring set-aside. For the two thousand twenty-
20 three--two thousand twenty-four school year, each school district shall
21 set aside from its total foundation aid the amount set forth for each
22 school district as "HIGH-IMPACT TUTORING SET-ASIDE" under the heading
23 "2023-24 ESTIMATED AIDS" in the school aid computer listing produced by
24 the commissioner in support of the executive budget request for the two
25 thousand twenty-three--two thousand twenty-four school year and entitled
26 "BT232-4", as computed pursuant to this paragraph. Each school district
27 shall use such high-impact tutoring set-aside amount to deliver small
28 group or individual tutoring sessions in reading and mathematics to

1 students in grades three through eight designated by each school
2 district as at risk of falling below state standards. Such services and
3 sessions may be provided during the school day, before or after school,
4 or on the weekend and must occur no less than twice per week for no less
5 than thirty minutes until the student is no longer designated as at
6 risk. The funds set aside under this section shall only be used to
7 supplement current federal, state and local funding and in no case shall
8 supplant current district expenditures of federal, state or local funds
9 on high-impact tutoring.

10 (1) For the two thousand twenty-three--two thousand twenty-four school
11 year, for districts subject to a high-impact tutoring set-aside, this
12 set-aside shall equal the greater of: (i) one hundred thousand dollars
13 or (ii) the product of (A) one thousand one hundred seventy-seven ten-
14 thousandths (0.1177) multiplied by (B) the foundation aid increase base.

15 (2) A district shall be subject to the high-impact tutoring set-aside
16 for the two thousand twenty-three--two thousand twenty-four school year
17 if (i) the quotient arrived at when dividing the foundation aid increase
18 by the foundation aid base is greater than three hundredths (0.03) and
19 (ii) the foundation aid increase base is greater than one hundred thou-
20 sand dollars (\$100,000).

21 (3) For purposes of this paragraph, "foundation aid increase" shall
22 equal the positive difference of the amounts set forth for each school
23 district as "FOUNDATION AID" under the heading "2023-24 ESTIMATED AIDS"
24 in the school aid computer listing produced by the commissioner in
25 support of the executive budget request for the two thousand twenty-
26 three--two thousand twenty-four school year and entitled "BT232-4" less
27 the amounts set forth for each school district as "FOUNDATION AID" under
28 the heading "2022-23 BASE YEAR AIDS" in such computer listing.

1 (4) For purposes of this paragraph, "foundation aid increase base"
2 shall equal the positive difference of the foundation aid increase less
3 the product of three hundredths (0.03) multiplied by the total founda-
4 tion aid base.

5 § 4. Subdivision 9 of section 2852 of the education law, as amended
6 by section 2 of subpart A of part B of chapter 20 of the laws of 2015,
7 is amended to read as follows:

8 9. The total number of charters issued pursuant to this article state-
9 wide shall not exceed four hundred sixty. (a) All charters issued on or
10 after July first, two thousand fifteen and counted toward the numerical
11 limits established by this subdivision shall be issued by the board of
12 regents upon application directly to the board of regents or on the
13 recommendation of the board of trustees of the state university of New
14 York pursuant to a competitive process in accordance with subdivision
15 nine-a of this section. [Fifty of such charters issued on or after July
16 first, two thousand fifteen, and no more, shall be granted to a charter
17 for a school to be located in a city having a population of one million
18 or more.] The failure of any body to issue the regulations authorized
19 pursuant to this article shall not affect the authority of a charter
20 entity to propose a charter to the board of regents or the board of
21 regents' authority to grant such charter. A conversion of an existing
22 public school to a charter school, or the renewal or extension of a
23 charter approved by any charter entity, or the reissuance of a surren-
24 dered, revoked or terminated charter pursuant to paragraph (b) or (b-1)
25 of this subdivision shall not be counted toward the numerical limits
26 established by this subdivision.

27 (b) A charter that has been surrendered, revoked or terminated on or
28 before July first, two thousand fifteen, including a charter that has

1 not been renewed by action of its charter entity, may be reissued pursu-
2 ant to paragraph (a) of this subdivision by the board of regents either
3 upon application directly to the board of regents or on the recommenda-
4 tion of the board of trustees of the state university of New York pursu-
5 ant to a competitive process in accordance with subdivision nine-a of
6 this section. Provided that such reissuance shall not be counted toward
7 the statewide numerical limit established by this subdivision, and
8 provided further that no more than twenty-two charters may be reissued
9 pursuant to this paragraph.

10 (b-1) Notwithstanding any provision of law to the contrary, a charter
11 that has been surrendered, revoked or terminated after July first, two
12 thousand fifteen, including a charter that has not been renewed by
13 action of its charter entity, may be reissued pursuant to paragraph (a)
14 of this subdivision by the board of regents either upon application
15 directly to the board of regents or on the recommendation of the board
16 of trustees of the state university of New York pursuant to a compet-
17 itive process in accordance with subdivision nine-a of this section.
18 Provided that such reissuance shall not be counted toward the statewide
19 numerical limit established by this subdivision.

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

23 (d) Notwithstanding any provision of this article to the contrary, any
24 charter authorized to be issued by chapter fifty-seven of the laws of
25 two thousand seven effective July first, two thousand seven, and that
26 remains unissued as of July first, two thousand fifteen, may be issued
27 pursuant to the provisions of law applicable to a charter authorized to
28 be issued by such chapter in effect as of June fifteenth, two thousand

1 fifteen[; provided however that nothing in this paragraph shall be
2 construed to increase the numerical limit applicable to a city having a
3 population of one million or more as provided in paragraph (a) of this
4 subdivision, as amended by a chapter of the laws of two thousand fifteen
5 which added this paragraph].

6 § 5. Paragraph c of subdivision 1 of section 3602 of the education
7 law, as amended by section 11 of part B of chapter 57 of the laws of
8 2007, is amended to read as follows:

9 c. "Actual valuation" shall mean the valuation of taxable real proper-
10 ty in a school district obtained by taking the assessed valuation of
11 taxable real property within such district as it appears upon the
12 assessment roll of the town, city, village, or county in which such
13 property is located, for the calendar year two years prior to the calen-
14 dar year in which the base year commenced, after revision as provided by
15 law, plus any assessed valuation that was exempted from taxation pursu-
16 ant to the class one reassessment exemption authorized by section four
17 hundred eighty-five-u of the real property tax law or the residential
18 revaluation exemption authorized by section four hundred eighty-five-v
19 of such law as added by chapter five hundred sixty of the laws of two
20 thousand twenty-one, and dividing it by the state equalization rate as
21 determined by the [state board of equalization and assessment] commis-
22 sioner of taxation and finance, for the assessment roll of such town,
23 city, village, or county completed during such preceding calendar year.
24 The actual valuation of a central high school district shall be the sum
25 of such valuations of its component districts. Such actual valuation
26 shall include any actual valuation equivalent of payments in lieu of
27 taxes determined pursuant to section four hundred eighty-five of the
28 real property tax law. "Selected actual valuation" shall mean the lesser

1 of actual valuation calculated for aid payable in the current year or
2 the two-year average of the actual valuation calculated for aid payable
3 in the current year and the actual valuation calculated for aid payable
4 in the base year.

5 § 6. Paragraph d of subdivision 1 of section 3602 of the education
6 law, as amended by section 11 of part B of chapter 57 of the laws of
7 2007, is amended to read as follows:

8 d. "Average daily attendance" shall mean the total number of attend-
9 ance days of pupils in a public school of a school district in kinder-
10 garten through grade twelve, or equivalent ungraded programs, plus the
11 total number of instruction days for such pupils receiving homebound
12 instruction including pupils receiving [instruction through a two-way
13 telephone communication system] remote instruction as defined in the
14 regulations of the commissioner, divided by the number of days the
15 district school was in session as provided in this section. The attend-
16 ance of pupils with disabilities attending under the provisions of para-
17 graph c of subdivision two of section forty-four hundred one of this
18 chapter shall be added to average daily attendance.

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

22 1. "Average daily membership" shall mean the possible aggregate
23 attendance of all pupils in attendance in a public school of the school
24 district in kindergarten through grade twelve, or equivalent ungraded
25 programs, including possible aggregate attendance for such pupils
26 receiving homebound instruction, including pupils receiving [instruction
27 through a two-way telephone communication system] remote instruction as
28 defined in the regulations of the commissioner, with the possible aggre-

1 gate attendance of such pupils in one-half day kindergartens multiplied
2 by one-half, divided by the number of days the district school was in
3 session as provided in this section. The full time equivalent enrollment
4 of pupils with disabilities attending under the provisions of paragraph
5 c of subdivision two of section forty-four hundred one of this chapter
6 shall be added to average daily membership. Average daily membership
7 shall include the equivalent attendance of the school district, as
8 computed pursuant to paragraph d of this subdivision. In any instance
9 where a pupil is a resident of another state or an Indian pupil is a
10 resident of any portion of a reservation located wholly or partly within
11 the borders of the state pursuant to subdivision four of section forty-
12 one hundred one of this chapter or a pupil is living on federally owned
13 land or property, such pupil's possible aggregate attendance shall be
14 counted as part of the possible aggregate attendance of the school
15 district in which such pupil is enrolled.

16 § 8. The closing paragraph of subdivision 5-a of section 3602 of the
17 education law, as amended by section 14 of part A of chapter 56 of the
18 laws of 2022, is amended to read as follows:

19 For the two thousand eight--two thousand nine school year, each school
20 district shall be entitled to an apportionment equal to the product of
21 fifteen percent and the additional apportionment computed pursuant to
22 this subdivision for the two thousand seven--two thousand eight school
23 year. For the two thousand nine--two thousand ten [through two thousand
24 twenty-two--two thousand twenty-three] school [years] year and thereaft-
25 er each school district shall be entitled to an apportionment equal to
26 the amount set forth for such school district as "SUPPLEMENTAL PUB
27 EXCESS COST" under the heading "2008-09 BASE YEAR AIDS" in the school
28 aid computer listing produced by the commissioner in support of the

1 budget for the two thousand nine--two thousand ten school year and enti-
2 tled "SA0910".

3 § 9. Paragraph b of subdivision 6-c of section 3602 of the education
4 law, as amended by section 11 of part CCC of chapter 59 of the laws of
5 2018, is amended to read as follows:

6 b. For projects approved by the commissioner authorized to receive
7 additional building aid pursuant to this subdivision for the purchase of
8 stationary metal detectors, security cameras or other security devices
9 approved by the commissioner that increase the safety of students and
10 school personnel, provided that for purposes of this paragraph such
11 other security devices shall be limited to electronic security systems
12 and hardened doors, and provided that for projects approved by the
13 commissioner on or after the first day of July two thousand thirteen
14 [and before the first day of July two thousand twenty-three] such addi-
15 tional aid shall equal the product of (i) the building aid ratio
16 computed for use in the current year pursuant to paragraph c of subdivi-
17 sion six of this section plus ten percentage points, except that in no
18 case shall this amount exceed one hundred percent, and (ii) the actual
19 approved expenditures incurred in the base year pursuant to this subdivi-
20 sion, provided that the limitations on cost allowances prescribed by
21 paragraph a of subdivision six of this section shall not apply, and
22 provided further that any projects aided under this paragraph must be
23 included in a district's school safety plan. The commissioner shall
24 annually prescribe a special cost allowance for metal detectors, and
25 security cameras, and the approved expenditures shall not exceed such
26 cost allowance.

1 § 10. Paragraph i of subdivision 12 of section 3602 of the education
2 law, as amended by section 15 of part A of chapter 56 of the laws of
3 2022, is amended to read as follows:

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

15 § 11. The opening paragraph of subdivision 16 of section 3602 of the
16 education law, as amended by section 16 of part A of chapter 56 of the
17 laws of 2022, is amended to read as follows:

18 Each school district shall be eligible to receive a high tax aid
19 apportionment in the two thousand eight--two thousand nine school year,
20 which shall equal the greater of (i) the sum of the tier 1 high tax aid
21 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
22 tax aid apportionment or (ii) the product of the apportionment received
23 by the school district pursuant to this subdivision in the two thousand
24 seven--two thousand eight school year, multiplied by the due-minimum
25 factor, which shall equal, for districts with an alternate pupil wealth
26 ratio computed pursuant to paragraph b of subdivision three of this
27 section that is less than two, seventy percent (0.70), and for all other
28 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-two] twenty-three--two thousand [twenty-three] twenty-
10 four school years equal to the greater of (1) the amount set forth for
11 such school district as "HIGH TAX AID" under the heading "2008-09 BASE
12 YEAR AIDS" in the school aid computer listing produced by the commis-
13 sioner in support of the budget for the two thousand nine--two thousand
14 ten school year and entitled "SA0910" or (2) the amount set forth for
15 such school district as "HIGH TAX AID" under the heading "2013-14 ESTI-
16 MATED AIDS" in the school aid computer listing produced by the commis-
17 sioner in support of the executive budget for the 2013-14 fiscal year
18 and entitled "BT131-4".

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

21 3. Prospective prekindergarten enrollment reporting. a. Beginning in
22 the two thousand twenty-three--two thousand twenty-four school year, all
23 school districts eligible to receive an apportionment under this section
24 or section thirty-six hundred two-ee of this part shall annually report
25 to the commissioner: (i) the number of four-year-old prekindergarten
26 students the district intends to serve in full-day and half-day slots in
27 district-operated programs in the current year; (ii) the number of four-
28 year-old prekindergarten students the district intends to serve in full-

1 day and half-day slots in programs operated by community-based organiza-
2 tions in the current year; (iii) the number of four-year-old
3 prekindergarten students whose parent or guardian has applied for a seat
4 for them in the current year, but to whom the district lacks capacity to
5 offer a seat; (iv) the total number of four-year-old children residing
6 in the district who are eligible to be served under this section and
7 section thirty-six hundred two-ee of this part, including students whose
8 parent or guardian did not apply, where such information can be reason-
9 ably ascertained; (v) the total number of students who are eligible to
10 enroll in four-year-old prekindergarten but are served in private
11 settings or whose parent or guardian has not chosen to enroll the
12 student in a prekindergarten program where such information can be
13 reasonably ascertained; and (vi) any other information available to
14 districts and necessary to accurately estimate the unmet demand for
15 four-year-old prekindergarten services within the district. This report
16 shall be due no later than September first of each year and shall be
17 collected as part of the application specified pursuant to subdivision
18 five of this section. Beginning November first, two thousand twenty-
19 three, the commissioner shall annually submit a report to the chair-
20 person of the assembly ways and means committee, the chairperson of the
21 senate finance committee and the director of the budget which shall
22 include but not be limited to the information reported by districts
23 under this subdivision.

24 § 13. Subdivision 20 of section 3602-e of the education law is amended
25 by adding a new paragraph b to read as follows:

26 b. Two thousand twenty-three--two thousand twenty-four school year.

27 (i) The universal prekindergarten expansion for the two thousand twen-
28 ty-three--two thousand twenty-four school year shall be equal to twice

1 the product of (1) expansion slots multiplied by (2) selected aid per
2 prekindergarten pupil calculated pursuant to subparagraph (i) of para-
3 graph b of subdivision ten of this section for the two thousand twenty-
4 three--two thousand twenty-four school year.

5 (ii) For purposes of this paragraph, "expansion slots" shall be slots
6 for new full-day four-year-old prekindergarten pupils for purposes of
7 subparagraph (ii) of paragraph b of subdivision ten of this section.
8 Expansion slots shall be equal to the positive difference, if any, of
9 (1) the product of eight hundred ninety-seven thousandths (0.897) multi-
10 plied by unserved four-year-old prekindergarten pupils as defined in
11 subparagraph (iv) of paragraph b of subdivision ten of this section less
12 (2) the sum of four-year-old students served plus the underserved count.
13 If such expansion slots are greater than or equal to ten but less than
14 twenty, the expansion slots shall be twenty; if such expansion slots are
15 less than ten, the expansion slots shall be zero; and for a city school
16 district in a city having a population of one million or more, the
17 expansion slots shall be zero.

18 (iii) For purposes of this paragraph, "four-year-old students served"
19 shall be equal to the sum of (1) the number of four-year-old students
20 served in full-day and half-day settings in a state funded program which
21 must meet the requirements of this section as reported to the department
22 for the two thousand twenty-one--two thousand twenty-two school year,
23 plus (2) the number of four-year-old students served in full-day
24 settings in a state funded program which must meet the requirements of
25 section thirty-six hundred two-ee of this part and for which grants were
26 awarded prior to the two thousand twenty--two thousand twenty-one school
27 year, plus (3) the number of expansion slots allocated pursuant to para-
28 graph b of subdivision nineteen of this section, plus (4) the number of

1 expansion slots allocated pursuant to paragraph a of this subdivision,
2 plus (5) the maximum number of students that may be served in full-day
3 prekindergarten programs funded by grants which must meet the require-
4 ments of section thirty-six hundred two-ee of this part for grants
5 awarded in the two thousand twenty-one--two thousand twenty-two or two
6 thousand twenty-two--two thousand twenty-three school year.

7 (iv) For purposes of this paragraph, the underserved count shall be
8 equal to the positive difference, if any, of (1) the sum of (a) eligible
9 full-day four-year-old prekindergarten pupils as defined in subparagraph
10 (ii) of paragraph b of subdivision ten of this section for the two thou-
11 sand twenty-one--two thousand twenty-two school year, plus (b) the prod-
12 uct of five-tenths (0.5) and the eligible half-day four-year-old prekin-
13 dergarten pupils as defined in subparagraph (iii) of paragraph b of
14 subdivision ten of this section for the two thousand twenty-one--two
15 thousand twenty-two school year, less (2) the positive difference of (a)
16 the number of four-year-old students served in full-day and half-day
17 settings in a state-funded program which must meet the requirements of
18 this section as reported to the department for the two thousand twenty-
19 one--two thousand twenty-two school year, with students served in half-
20 day settings multiplied by five-tenths (0.5), less (b) the number of
21 pupils served in a conversion slot pursuant to section thirty-six
22 hundred two-ee of this part in the two thousand twenty-one--two thousand
23 twenty-two school year multiplied by five-tenths (0.5).

24 § 14. Paragraph d of subdivision 12 of section 3602-e of the education
25 law, as amended by section 17-b of part A of chapter 56 of the laws of
26 2022, is amended to read as follows:

27 d. transitional guidelines and rules which allow a program to meet the
28 required staff qualifications and any other requirements set forth

1 pursuant to this section and regulations adopted by the board of regents
2 and the commissioner; provided that such guidelines include an annual
3 process by which a district may apply to the commissioner by [August]
4 September first of the current school year for a waiver that would allow
5 personnel employed by an eligible agency that is collaborating with a
6 school district to provide prekindergarten services and licensed by an
7 agency other than the department, to meet the staff qualifications
8 prescribed by the licensing or registering agency. Provided, further,
9 that the commissioner shall annually submit a report by [September]
10 November first to the chairperson of the assembly ways and means commit-
11 tee, the chairperson of the senate finance committee and the director of
12 the budget which shall include but not be limited to the following: (a)
13 a listing of the school districts receiving a waiver pursuant to this
14 paragraph from the commissioner for the current school year; (b) the
15 number and proportion of students within each district receiving a waiv-
16 er pursuant to this paragraph for the current school year that are
17 receiving instruction from personnel employed by an eligible agency that
18 is collaborating with a school district to provide prekindergarten
19 services and licensed by an agency other than the department; and (c)
20 the number and proportion of total prekindergarten personnel for each
21 school district that are providing instructional services pursuant to
22 this paragraph that are employed by an eligible agency that is collab-
23 orating with a school district to provide prekindergarten services and
24 licensed by an agency other than the department, to meet the staff qual-
25 ifications prescribed by the licensing or registering agency.

26 § 15. Paragraph c of subdivision 8 of section 3602-ee of the education
27 law, as amended by section 17-a of part A of chapter 56 of the laws of
28 2022, is amended to read as follows:

1 (c) for eligible agencies as defined in paragraph b of subdivision one
2 of section thirty-six hundred two-e of this part that are not schools, a
3 bachelor's degree in early childhood education. Provided however, begin-
4 ning with the two thousand twenty-two--two thousand twenty-three school
5 year, a school district may annually apply to the commissioner by
6 [August] September first of the current school year for a waiver that
7 would allow personnel employed by an eligible agency that is collaborat-
8 ing with a school district to provide prekindergarten services and
9 licensed by an agency other than the department, to meet the staff qual-
10 ifications prescribed by the licensing or registering agency. Provided
11 further that the commissioner shall annually submit a report by [Septem-
12 ber] November first to the chairperson of the assembly ways and means
13 committee, the chairperson of the senate finance committee and the
14 director of the budget which shall include but not be limited to the
15 following: (a) a listing of the school districts receiving a waiver
16 pursuant to this paragraph from the commissioner for the current school
17 year; (b) the number and proportion of students within each district
18 receiving a waiver pursuant to this paragraph for the current school
19 year that are receiving instruction from personnel employed by an eligi-
20 ble agency that is collaborating with a school district to provide prek-
21 indergarten services and licensed by an agency other than the depart-
22 ment; and (c) the number and proportion of total prekindergarten
23 personnel for each school district that are providing instructional
24 services pursuant to this paragraph that are employed by an eligible
25 agency that is collaborating with a school district to provide prekin-
26 dergarten services and licensed by an agency other than the department,
27 to meet the staff qualifications prescribed by the licensing or regis-
28 tering agency.

1 § 16. Subdivision 16 of section 3602-ee of the education law, as
2 amended by section 17 of part A of chapter 56 of the laws of 2022, is
3 amended to read as follows:

4 16. The authority of the department to administer the universal full-
5 day pre-kindergarten program shall expire June thirtieth, two thousand
6 [twenty-three] twenty-four; provided that the program shall continue and
7 remain in full effect.

8 § 17. Paragraph a of subdivision 5 of section 3604 of the education
9 law, as amended by chapter 161 of the laws of 2005, is amended to read
10 as follows:

11 a. State aid adjustments. All errors or omissions in the apportionment
12 shall be corrected by the commissioner. Whenever a school district has
13 been apportioned less money than that to which it is entitled, the
14 commissioner may allot to such district the balance to which it is enti-
15 tled. Whenever a school district has been apportioned more money than
16 that to which it is entitled, the commissioner may, by an order, direct
17 such moneys to be paid back to the state to be credited to the general
18 fund local assistance account for state aid to the schools, or may
19 deduct such amount from the next apportionment to be made to said
20 district, provided, however, that, upon notification of excess payments
21 of aid for which a recovery must be made by the state through deduction
22 of future aid payments, a school district may request that such excess
23 payments be recovered by deducting such excess payments from the
24 payments due to such school district and payable in the month of June in
25 (i) the school year in which such notification was received and (ii) the
26 two succeeding school years, provided further that there shall be no
27 interest penalty assessed against such district or collected by the
28 state. Such request shall be made to the commissioner in such form as

1 the commissioner shall prescribe, and shall be based on documentation
2 that the total amount to be recovered is in excess of one percent of the
3 district's total general fund expenditures for the preceding school
4 year. The amount to be deducted in the first year shall be the greater
5 of (i) the sum of the amount of such excess payments that is recognized
6 as a liability due to other governments by the district for the preced-
7 ing school year and the positive remainder of the district's unreserved
8 fund balance at the close of the preceding school year less the product
9 of the district's total general fund expenditures for the preceding
10 school year multiplied by five percent, or (ii) one-third of such excess
11 payments. The amount to be recovered in the second year shall equal the
12 lesser of the remaining amount of such excess payments to be recovered
13 or one-third of such excess payments, and the remaining amount of such
14 excess payments shall be recovered in the third year. Provided further
15 that, notwithstanding any other provisions of this subdivision, any
16 pending payment of moneys due to such district as a prior year adjust-
17 ment payable pursuant to paragraph c of this subdivision for aid claims
18 that had been previously paid as current year aid payments in excess of
19 the amount to which the district is entitled and for which recovery of
20 excess payments is to be made pursuant to this paragraph, shall be
21 reduced at the time of actual payment by any remaining unrecovered
22 balance of such excess payments, and the remaining scheduled deductions
23 of such excess payments pursuant to this paragraph shall be reduced by
24 the commissioner to reflect the amount so recovered. [The commissioner
25 shall certify no payment to a school district based on a claim submitted
26 later than three years after the close of the school year in which such
27 payment was first to be made. For claims for which payment is first to
28 be made in the nineteen hundred ninety-six--ninety-seven school year,

1 the commissioner shall certify no payment to a school district based on
2 a claim submitted later than two years after the close of such school
3 year.] For claims for which payment is first to be made [in the nineteen
4 hundred ninety-seven--ninety-eight school year and thereafter] prior to
5 the two thousand twenty-two--two thousand twenty-three school year, the
6 commissioner shall certify no payment to a school district based on a
7 claim submitted later than one year after the close of such school year.
8 For claims for which payment is first to be made in the two thousand
9 twenty-two--two thousand twenty-three school year and thereafter, the
10 commissioner shall certify no payment to a school district based on a
11 claim submitted later than the first of November of such school year.
12 Provided, however, no payments shall be barred or reduced where such
13 payment is required as a result of a final audit of the state. [It is
14 further provided that, until June thirtieth, nineteen hundred ninety-
15 six, the commissioner may grant a waiver from the provisions of this
16 section for any school district if it is in the best educational inter-
17 ests of the district pursuant to guidelines developed by the commission-
18 er and approved by the director of the budget.] It is further provided
19 that, for any apportionments provided pursuant to sections seven hundred
20 one, seven hundred eleven, seven hundred fifty-one, seven hundred
21 fifty-three, nineteen hundred fifty, thirty-six hundred two, thirty-six
22 hundred two-b, thirty-six hundred two-c, thirty-six hundred two-e and
23 forty-four hundred five of this chapter for the two thousand twenty-two-
24 -two thousand twenty-three and two thousand twenty-three--two thousand
25 twenty-four school years, the commissioner shall certify no payment to a
26 school district, other than payments pursuant to subdivisions four,
27 six-a, eleven, thirteen and fifteen of section thirty-six hundred two of
28 this part, in excess of the payment computed based on an electronic data

1 file used to produce the school aid computer listing produced by the
2 commissioner in support of the executive budget request submitted for
3 the two thousand twenty-three--two thousand twenty-four state fiscal
4 year and entitled "BT232-4", and further provided that for any appor-
5 tionments provided pursuant to sections seven hundred one, seven hundred
6 eleven, seven hundred fifty-one, seven hundred fifty-three, nineteen
7 hundred fifty, thirty-six hundred two, thirty-six hundred two-b, thir-
8 ty-six hundred two-c, thirty-six hundred two-e and forty-four hundred
9 five of this chapter for the two thousand twenty-four--two thousand
10 twenty-five school year and thereafter, the commissioner shall certify
11 no payment to a school district, other than payments pursuant to subdi-
12 visions four, six-a, eleven, thirteen and fifteen of section thirty-six
13 hundred two of this part, in excess of the payment computed based on an
14 electronic data file used to produce the school aid computer listing
15 produced by the commissioner in support of the executive budget request
16 submitted for the state fiscal year in which the school year commences.

17 § 18. The opening paragraph of section 3609-a of the education law, as
18 amended by section 19 of part A of chapter 56 of the laws of 2022, is
19 amended to read as follows:

20 For aid payable in the two thousand seven--two thousand eight school
21 year through the two thousand twenty-two--two thousand twenty-three
22 school year, "moneys apportioned" shall mean the lesser of (i) the sum
23 of one hundred percent of the respective amount set forth for each
24 school district as payable pursuant to this section in the school aid
25 computer listing for the current year produced by the commissioner in
26 support of the budget which includes the appropriation for the general
27 support for public schools for the prescribed payments and individual-
28 ized payments due prior to April first for the current year plus the

1 apportionment payable during the current school year pursuant to subdi-
2 vision six-a and subdivision fifteen of section thirty-six hundred two
3 of this part minus any reductions to current year aids pursuant to
4 subdivision seven of section thirty-six hundred four of this part or any
5 deduction from apportionment payable pursuant to this chapter for
6 collection of a school district basic contribution as defined in subdi-
7 vision eight of section forty-four hundred one of this chapter, less any
8 grants provided pursuant to subparagraph two-a of paragraph b of subdi-
9 vision four of section ninety-two-c of the state finance law, less any
10 grants provided pursuant to subdivision five of section ninety-seven-
11 nnnn of the state finance law, less any grants provided pursuant to
12 subdivision twelve of section thirty-six hundred forty-one of this arti-
13 cle, or (ii) the apportionment calculated by the commissioner based on
14 data on file at the time the payment is processed; provided however,
15 that for the purposes of any payments made pursuant to this section
16 prior to the first business day of June of the current year, moneys
17 apportioned shall not include any aids payable pursuant to subdivisions
18 six and fourteen, if applicable, of section thirty-six hundred two of
19 this part as current year aid for debt service on bond anticipation
20 notes and/or bonds first issued in the current year or any aids payable
21 for full-day kindergarten for the current year pursuant to subdivision
22 nine of section thirty-six hundred two of this part. The definitions of
23 "base year" and "current year" as set forth in subdivision one of
24 section thirty-six hundred two of this part shall apply to this section.
25 [For aid payable in the two thousand twenty-two--two thousand twenty-
26 three school year, reference to such "school aid computer listing for
27 the current year" shall mean the printouts entitled "SA222-3".] For aid
28 payable in the two thousand twenty-three--two thousand twenty-four

1 school year and thereafter, "moneys apportioned" shall mean the sum of
2 apportionments provided pursuant to subdivision four of section thirty-
3 six hundred two of this article plus the lesser of: (i) the sum of one
4 hundred percent of the respective amount set forth for each school
5 district as payable pursuant to this section in the school aid computer
6 listing for the current year produced by the commissioner in support of
7 the executive budget request which includes the appropriation for the
8 general support for public schools for the prescribed payments and indi-
9 vidualized payments due prior to April first for the current year plus
10 the apportionment payable during the current school year pursuant to
11 subdivisions six-a and fifteen of section thirty-six hundred two of this
12 part minus any reductions to current year aids pursuant to subdivision
13 seven of section thirty-six hundred four of this part or any deduction
14 from apportionment payable pursuant to this chapter for collection of a
15 school district basic contribution as defined in subdivision eight of
16 section forty-four hundred one of this chapter, less any grants provided
17 pursuant to subparagraph two-a of paragraph b of subdivision four of
18 section ninety-two-c of the state finance law, less any grants provided
19 pursuant to subdivision six of section ninety-seven-nnnn of the state
20 finance law, less any grants provided pursuant to subdivision twelve of
21 section thirty-six hundred forty-one of this article, less apportion-
22 ments provided pursuant to subdivision four of section thirty-six
23 hundred two of this article, or (ii) the apportionment calculated by the
24 commissioner based on data on file at the time the payment is processed,
25 excluding apportionments provided pursuant to subdivision four of
26 section thirty-six hundred two of this article; provided however, that
27 for the purposes of any payments made pursuant to this section prior to
28 the first business day of June of the current year, moneys apportioned

1 shall not include any aids payable pursuant to subdivisions six and
2 fourteen, if applicable, of section thirty-six hundred two of this part
3 as current year aid for debt service on bond anticipation notes and/or
4 bonds first issued in the current year or any aids payable for full-day
5 kindergarten for the current year pursuant to subdivision nine of
6 section thirty-six hundred two of this part. For aid payable in the two
7 thousand twenty-three--two thousand twenty-four school year, reference
8 to such "school aid computer listing for the current year" shall mean
9 the printouts entitled "BT232-4".

10 § 19. Section 3638 of the education law is amended by adding a new
11 subdivision 7 to read as follows:

12 7. Zero-emission bus progress reporting. a. Beginning in the two thou-
13 sand twenty-three--two thousand twenty-four school year, all school
14 districts eligible to receive an apportionment under subdivision seven
15 of section thirty-six hundred two of this article shall annually submit
16 to the commissioner a progress report on the implementation of zero-em-
17 ission buses as required under this section in a format prescribed by
18 the commissioner and approved by the director of the budget. The report
19 shall include, but not be limited to, (i) sufficiency of the electric
20 grid to support anticipated electrical needs, (ii) the availability and
21 installation of charging stations and other components required to
22 support the anticipated full needs for zero-emission school buses, (iii)
23 progress of the training and workforce development needed to support,
24 maintain, and service zero-emission buses, (iv) the number and propor-
25 tion of zero-emission buses purchased, leased, or utilized by districts
26 providing transportation services currently in use and the total antic-
27 ipated number for the next two years, and (v) the number and proportion
28 of zero-emission buses purchased, leased, or utilized by contractors

1 providing transportation services currently in use and the total antic-
2 ipated number for the next two years. These reports shall be due no
3 later than August first of each year. Beginning October first, two
4 thousand twenty-three, the commissioner shall annually submit a report
5 to the chairperson of the assembly ways and means committee, the chair-
6 person of the senate finance committee and the director of the budget
7 which shall include but not be limited to the information reported by
8 districts under this subdivision.

9 § 20. Subdivision b of section 2 of chapter 756 of the laws of 1992,
10 relating to funding a program for work force education conducted by the
11 consortium for worker education in New York city, as amended by section
12 20 of part A of chapter 56 of the laws of 2022, is amended to read as
13 follows:

14 b. Reimbursement for programs approved in accordance with subdivision
15 a of this section for the reimbursement for the 2018--2019 school year
16 shall not exceed 59.4 percent of the lesser of such approvable costs per
17 contact hour or fourteen dollars and ninety-five cents per contact hour,
18 reimbursement for the 2019--2020 school year shall not exceed 57.7
19 percent of the lesser of such approvable costs per contact hour or
20 fifteen dollars sixty cents per contact hour, reimbursement for the
21 2020--2021 school year shall not exceed 56.9 percent of the lesser of
22 such approvable costs per contact hour or sixteen dollars and twenty-
23 five cents per contact hour, reimbursement for the 2021--2022 school
24 year shall not exceed 56.0 percent of the lesser of such approvable
25 costs per contact hour or sixteen dollars and forty cents per contact
26 hour, [and] reimbursement for the 2022--2023 school year shall not
27 exceed 55.7 percent of the lesser of such approvable costs per contact
28 hour or sixteen dollars and sixty cents per contact hour, and reimburse-

1 ment for the 2023--2024 school year shall not exceed 54.7 percent of the
2 lesser of such approvable costs per contact hour or eighteen dollars per
3 contact hour, and where a contact hour represents sixty minutes of
4 instruction services provided to an eligible adult. Notwithstanding any
5 other provision of law to the contrary, for the 2018--2019 school year
6 such contact hours shall not exceed one million four hundred sixty-three
7 thousand nine hundred sixty-three (1,463,963); for the 2019--2020 school
8 year such contact hours shall not exceed one million four hundred
9 forty-four thousand four hundred forty-four (1,444,444); for the
10 2020--2021 school year such contact hours shall not exceed one million
11 four hundred six thousand nine hundred twenty-six (1,406,926); for the
12 2021--2022 school year such contact hours shall not exceed one million
13 four hundred sixteen thousand one hundred twenty-two (1,416,122); [and]
14 for the 2022--2023 school year such contact hours shall not exceed one
15 million four hundred six thousand nine hundred twenty-six (1,406,926);
16 and for the 2023--2024 school year such contact hours shall not exceed
17 one million one hundred sixty-eight thousand six hundred ninety-nine
18 (1,168,699). Notwithstanding any other provision of law to the contrary,
19 the apportionment calculated for the city school district of the city of
20 New York pursuant to subdivision 11 of section 3602 of the education law
21 shall be computed as if such contact hours provided by the consortium
22 for worker education, not to exceed the contact hours set forth herein,
23 were eligible for aid in accordance with the provisions of such subdivi-
24 sion 11 of section 3602 of the education law.

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

1 bb. The provisions of this subdivision shall not apply after the
2 completion of payments for the 2023--24 school year. Notwithstanding any
3 inconsistent provisions of law, the commissioner of education shall
4 withhold a portion of employment preparation education aid due to the
5 city school district of the city of New York to support a portion of the
6 costs of the work force education program. Such moneys shall be credited
7 to the elementary and secondary education fund-local assistance account
8 and shall not exceed eleven million five hundred thousand dollars
9 (\$11,500,000).

10 § 22. Section 6 of chapter 756 of the laws of 1992, relating to fund-
11 ing a program for work force education conducted by the consortium for
12 worker education in New York city, as amended by section 22 of part A of
13 chapter 56 of the laws of 2022, is amended to read as follows:

14 § 6. This act shall take effect July 1, 1992, and shall be deemed
15 repealed [on] June 30, [2023] 2024.

16 § 23. Subdivision 2 of section 44 of part CCC of chapter 59 of the
17 laws of 2018 amending the education law, relating to a statement of the
18 total funding allocation, is amended to read as follows:

19 2. Sections four and four-a of this act shall expire and be deemed
20 repealed June 30, [2023] 2028; and

21 § 24. Section 12 of chapter 147 of the laws of 2001 amending the
22 education law relating to conditional appointment of school district,
23 charter school or BOCES employees, as amended by section 24 of part A of
24 chapter 56 of the laws of 2022, is amended to read as follows:

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

1 § 25. Section 12 of part C of chapter 56 of the laws of 2020 direct-
2 ing the commissioner of education to appoint a monitor for the
3 Rochester city school district, establishing the powers and duties
4 of such monitor and certain other officers and relating to the appor-
5 tionment of aid to such school district, is amended to read as
6 follows:

7 § 12. This act shall take effect immediately, provided, however, that
8 sections two, three, four, five, six, seven, eight, nine and ten of this
9 act shall expire and be deemed repealed June 30, [2023] 2025; and
10 provided further, however that sections one and eleven of this act shall
11 expire and be deemed repealed June 30, 2049.

12 § 26. Subdivision 11 of section 94 of part C of chapter 57 of the laws
13 of 2004 relating to the support of education, as amended by section 37
14 of part A of chapter 56 of the laws of 2020, is amended to read as
15 follows:

16 11. section seventy-one of this act shall expire and be deemed
17 repealed June 30, [2023] 2028;

18 § 27. 1. The education department shall conduct a comprehensive study
19 of alternative tuition rate-setting methodologies for approved providers
20 operating school-age programs receiving funding under article 81 and
21 article 89 of the education law and providers operating approved
22 preschool special education programs under section 4410 of the education
23 law. The department shall ensure that such study consider stakeholder
24 feedback and include, but not be limited to, a comparative analysis of
25 rate-setting methodologies utilized by other agencies of the state of
26 New York, including the rate-setting methodology utilized by the office
27 of children and family services for private residential school programs;
28 options and recommendations for an alternative rate-setting methodology

1 or methodologies; cost estimates for such alternative methodologies; and
2 an analysis of current provider tuition rates compared to tuition rates
3 that would be established under such alternative methodologies.

4 2. At a minimum, any recommended alternative rate-setting methodology
5 or methodologies proposed for such preschool and school-age providers
6 shall: (a) in total, be cost neutral to the state, school districts and
7 counties; (b) substantially restrict or eliminate tuition rate appeals;
8 (c) establish tuition rates that are calculated based on standardized
9 parameters and criteria, including, but not limited to, defined program
10 and staffing models, regional costs, and minimum required enrollment
11 levels as a percentage of program operating capacities; (d) include a
12 schedule to phase in new tuition rates in accordance with the recom-
13 mended methodology or methodologies; and (e) ensure tuition rates for
14 all programs can be calculated no later than the beginning of each
15 school year.

16 3. The education department shall present its recommendations and
17 analysis to the division of the budget no later than July 1, 2025,
18 provided, however, that the department shall regularly consult with the
19 division of the budget throughout completion of its study. Adoption of
20 any alternative rate-setting methodologies shall be subject to the
21 approval of the director of the division of the budget.

22 § 28. Section 3 of chapter 507 of the laws of 1974, relating to
23 providing for the apportionment of state monies to certain nonpublic
24 schools, to reimburse them for their expenses in complying with certain
25 state requirements for the administration of state testing and evalu-
26 ation programs and for participation in state programs for the reporting
27 of basic educational data, as amended by section 38 of part A of chapter
28 56 of the laws of 2021, is amended to read as follows:

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

1 amount equal to the percentage that each such claimant represents to the
2 total of all claims submitted.

3 b. Such nonpublic schools shall be eligible to receive aid based on
4 the number of days or portion of days attendance is taken and either a
5 5.0/5.5 hour standard instructional day, or another work day as certi-
6 fied by the nonpublic school officials, in accordance with the methodol-
7 ogy for computing salary and benefits applied by the department in
8 paying aid for the two thousand twelve--two thousand thirteen and prior
9 school years.

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

17 § 29. Special apportionment for salary expenses. 1. Notwithstanding
18 any other provision of law, upon application to the commissioner of
19 education, not sooner than the first day of the second full business
20 week of June 2024 and not later than the last day of the third full
21 business week of June 2024, a school district eligible for an apportion-
22 ment pursuant to section 3602 of the education law shall be eligible to
23 receive an apportionment pursuant to this section, for the school year
24 ending June 30, 2024, for salary expenses incurred between April 1 and
25 June 30, 2023 and such apportionment shall not exceed the sum of (a) the
26 deficit reduction assessment of 1990--1991 as determined by the commis-
27 sioner of education, pursuant to paragraph f of subdivision 1 of section
28 3602 of the education law, as in effect through June 30, 1993, plus (b)

1 186 percent of such amount for a city school district in a city with a
2 population in excess of 1,000,000 inhabitants, plus (c) 209 percent of
3 such amount for a city school district in a city with a population of
4 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
5 ing to the latest federal census, plus (d) the net gap elimination
6 adjustment for 2010--2011, as determined by the commissioner of educa-
7 tion pursuant to chapter 53 of the laws of 2010, plus (e) the gap elimi-
8 nation adjustment for 2011-- 2012 as determined by the commissioner of
9 education pursuant to subdivision 17 of section 3602 of the education
10 law, and provided further that such apportionment shall not exceed such
11 salary expenses. Such application shall be made by a school district,
12 after the board of education or trustees have adopted a resolution to do
13 so and in the case of a city school district in a city with a population
14 in excess of 125,000 inhabitants, with the approval of the mayor of such
15 city.

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

1 district pursuant to subparagraph 2 of paragraph a of subdivision 1 of
2 section 3609-a of the education law in the school year following the
3 year in which application was made.

4 3. Notwithstanding the provisions of section 3609-a of the education
5 law, an amount equal to the amount paid to a school district pursuant to
6 subdivisions 1 and 2 of this section shall first be deducted from the
7 following payments due the school district during the school year
8 following the year in which application was made pursuant to subpara-
9 graphs 1, 2, 3, 4 and 5 of paragraph a of subdivision 1 of section
10 3609-a of the education law in the following order: the lottery appor-
11 tionment payable pursuant to subparagraph 2 of such paragraph followed
12 by the fixed fall payments payable pursuant to subparagraph 4 of such
13 paragraph and then followed by the district's payments to the teachers'
14 retirement system pursuant to subparagraph 1 of such paragraph, and any
15 remainder to be deducted from the individualized payments due the
16 district pursuant to paragraph b of such subdivision shall be deducted
17 on a chronological basis starting with the earliest payment due the
18 district.

19 § 30. Special apportionment for public pension accruals. 1. Notwith-
20 standing any other provision of law, upon application to the commission-
21 er of education, not later than June 30, 2024, a school district eligi-
22 ble for an apportionment pursuant to section 3602 of the education law
23 shall be eligible to receive an apportionment pursuant to this section,
24 for the school year ending June 30, 2024 and such apportionment shall
25 not exceed the additional accruals required to be made by school
26 districts in the 2004--2005 and 2005--2006 school years associated with
27 changes for such public pension liabilities. The amount of such addi-
28 tional accrual shall be certified to the commissioner of education by

1 the president of the board of education or the trustees or, in the case
2 of a city school district in a city with a population in excess of
3 125,000 inhabitants, the mayor of such city. Such application shall be
4 made by a school district, after the board of education or trustees have
5 adopted a resolution to do so and in the case of a city school district
6 in a city with a population in excess of 125,000 inhabitants, with the
7 approval of the mayor of such city.

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

24 3. Notwithstanding the provisions of section 3609-a of the education
25 law, an amount equal to the amount paid to a school district pursuant to
26 subdivisions 1 and 2 of this section shall first be deducted from the
27 following payments due the school district during the school year
28 following the year in which application was made pursuant to subpara-

1 graphs 1, 2, 3, 4 and 5 of paragraph a of subdivision 1 of section
2 3609-a of the education law in the following order: the lottery appor-
3 tionment payable pursuant to subparagraph 2 of such paragraph followed
4 by the fixed fall payments payable pursuant to subparagraph 4 of such
5 paragraph and then followed by the district's payments to the teachers'
6 retirement system pursuant to subparagraph 1 of such paragraph, and any
7 remainder to be deducted from the individualized payments due the
8 district pursuant to paragraph b of such subdivision shall be deducted
9 on a chronological basis starting with the earliest payment due the
10 district.

11 § 31. The amounts specified in this section shall be a set-aside from
12 the state funds which each such district is receiving from the total
13 foundation aid:

14 1. for the development, maintenance or expansion of magnet schools or
15 magnet school programs for the 2023--2024 school year. For the city
16 school district of the city of New York there shall be a set-aside of
17 foundation aid equal to forty-eight million one hundred seventy-five
18 thousand dollars (\$48,175,000) including five hundred thousand dollars
19 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
20 school district, twenty-one million twenty-five thousand dollars
21 (\$21,025,000); for the Rochester city school district, fifteen million
22 dollars (\$15,000,000); for the Syracuse city school district, thirteen
23 million dollars (\$13,000,000); for the Yonkers city school district,
24 forty-nine million five hundred thousand dollars (\$49,500,000); for the
25 Newburgh city school district, four million six hundred forty-five thou-
26 sand dollars (\$4,645,000); for the Poughkeepsie city school district,
27 two million four hundred seventy-five thousand dollars (\$2,475,000); for
28 the Mount Vernon city school district, two million dollars (\$2,000,000);

1 for the New Rochelle city school district, one million four hundred ten
2 thousand dollars (\$1,410,000); for the Schenectady city school district,
3 one million eight hundred thousand dollars (\$1,800,000); for the Port
4 Chester city school district, one million one hundred fifty thousand
5 dollars (\$1,150,000); for the White Plains city school district, nine
6 hundred thousand dollars (\$900,000); for the Niagara Falls city school
7 district, six hundred thousand dollars (\$600,000); for the Albany city
8 school district, three million five hundred fifty thousand dollars
9 (\$3,550,000); for the Utica city school district, two million dollars
10 (\$2,000,000); for the Beacon city school district, five hundred sixty-
11 six thousand dollars (\$566,000); for the Middletown city school
12 district, four hundred thousand dollars (\$400,000); for the Freeport
13 union free school district, four hundred thousand dollars (\$400,000);
14 for the Greenburgh central school district, three hundred thousand
15 dollars (\$300,000); for the Amsterdam city school district, eight
16 hundred thousand dollars (\$800,000); for the Peekskill city school
17 district, two hundred thousand dollars (\$200,000); and for the Hudson
18 city school district, four hundred thousand dollars (\$400,000).

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

1 3. The commissioner of education shall not be authorized to withhold
2 foundation aid from a school district that used such funds in accordance
3 with this subdivision, notwithstanding any inconsistency with a request
4 for proposals issued by such commissioner for the purpose of attendance
5 improvement and dropout prevention for the 2023--2024 school year, and
6 for any city school district in a city having a population of more than
7 one million, the set-aside for attendance improvement and dropout
8 prevention shall equal the amount set aside in the base year. For the
9 2023--2024 school year, it is further provided that any city school
10 district in a city having a population of more than one million shall
11 allocate at least one-third of any increase from base year levels in
12 funds set aside pursuant to the requirements of this section to communi-
13 ty-based organizations. Any increase required pursuant to this section
14 to community-based organizations must be in addition to allocations
15 provided to community-based organizations in the base year.

16 4. For the purpose of teacher support for the 2023--2024 school year:
17 for the city school district of the city of New York, sixty-two million
18 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city
19 school district, one million seven hundred forty-one thousand dollars
20 (\$1,741,000); for the Rochester city school district, one million seven-
21 ty-six thousand dollars (\$1,076,000); for the Yonkers city school
22 district, one million one hundred forty-seven thousand dollars
23 (\$1,147,000); and for the Syracuse city school district, eight hundred
24 nine thousand dollars (\$809,000). All funds made available to a school
25 district pursuant to this section shall be distributed among teachers
26 including prekindergarten teachers and teachers of adult vocational and
27 academic subjects in accordance with this section and shall be in addi-
28 tion to salaries heretofore or hereafter negotiated or made available;

1 provided, however, that all funds distributed pursuant to this section
2 for the current year shall be deemed to incorporate all funds distrib-
3 uted pursuant to former subdivision 27 of section 3602 of the education
4 law for prior years. In school districts where the teachers are repres-
5 ented by certified or recognized employee organizations, all salary
6 increases funded pursuant to this section shall be determined by sepa-
7 rate collective negotiations conducted pursuant to the provisions and
8 procedures of article 14 of the civil service law, notwithstanding the
9 existence of a negotiated agreement between a school district and a
10 certified or recognized employee organization.

11 § 32. Support of public libraries. The moneys appropriated for the
12 support of public libraries by a chapter of the laws of 2023 enacting
13 the aid to localities budget shall be apportioned for the 2023-2024
14 state fiscal year in accordance with the provisions of sections 271,
15 272, 273, 282, 284, and 285 of the education law as amended by the
16 provisions of such chapter and the provisions of this section, provided
17 that library construction aid pursuant to section 273-a of the education
18 law shall not be payable from the appropriations for the support of
19 public libraries and provided further that no library, library system or
20 program, as defined by the commissioner of education, shall receive less
21 total system or program aid than it received for the year 2001-2002
22 except as a result of a reduction adjustment necessary to conform to the
23 appropriations for support of public libraries.

24 Notwithstanding any other provision of law to the contrary the moneys
25 appropriated for the support of public libraries for the year 2023-2024
26 by a chapter of the laws of 2023 enacting the aid to localities budget
27 shall fulfill the state's obligation to provide such aid and, pursuant
28 to a plan developed by the commissioner of education and approved by the

1 director of the budget, the aid payable to libraries and library systems
2 pursuant to such appropriations shall be reduced proportionately to
3 ensure that the total amount of aid payable does not exceed the total
4 appropriations for such purpose.

5 § 33. Subparagraph 2 of paragraph a of section 1 of chapter 94 of the
6 laws of 2002 relating to the financial stability of the Rochester city
7 school district, is amended to read as follows:

8 (2) Notwithstanding any other provisions of law, for aid payable in
9 the 2002-03 through [2022-23] 2027-28 school years, an amount equal to
10 twenty million dollars (\$20,000,000) of general support for public
11 schools otherwise due and payable to the Rochester city school district
12 on or before September first of the applicable school year shall be for
13 an entitlement period ending the immediately preceding June thirtieth.

14 § 34. Severability. The provisions of this act shall be severable, and
15 if the application of any clause, sentence, paragraph, subdivision,
16 section or part of this act to any person or circumstance shall be
17 adjudged by any court of competent jurisdiction to be invalid, such
18 judgment shall not necessarily affect, impair or invalidate the applica-
19 tion of any such clause, sentence, paragraph, subdivision, section, part
20 of this act or remainder thereof, as the case may be, to any other
21 person or circumstance, but shall be confined in its operation to the
22 clause, sentence, paragraph, subdivision, section or part thereof
23 directly involved in the controversy in which such judgment shall have
24 been rendered.

25 § 35. This act shall take effect immediately, and shall be deemed to
26 have been in full force and effect on and after April 1, 2023, provided,
27 however, that:

1 1. Sections one, two, three, five, eight, nine, ten, eleven, fourteen,
2 fifteen, sixteen, eighteen, twenty-two, thirty-one, and thirty-three of
3 this act shall take effect July 1, 2023;

4 2. Section three of this act shall expire and be deemed repealed June
5 30, 2024;

6 3. Section nineteen of this act shall expire and be deemed repealed
7 June 30, 2036; and

8 4. The amendments to chapter 756 of the laws of 1992 relating to fund-
9 ing a program for work force education conducted by a consortium for
10 worker education in New York city made by sections twenty and twenty-one
11 of this act shall not affect the repeal of such chapter and shall be
12 deemed repealed therewith.

13 PART B

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

18 The trustees shall not impose a differential tuition charge based upon
19 need or income. Except as hereinafter provided, all students enrolled in
20 programs leading to like degrees at state-operated institutions of the
21 state university shall be charged a uniform rate of tuition except for
22 differential tuition rates based on state residency. Provided, however,
23 that the trustees may authorize the presidents of the colleges of tech-
24 nology and the colleges of agriculture and technology to set differing
25 rates of tuition for each of the colleges for students enrolled in
26 degree-granting programs leading to an associate degree and non-degree

1 granting programs so long as such tuition rate does not exceed the
2 tuition rate charged to students who are enrolled in like degree
3 programs or degree-granting undergraduate programs leading to a bacca-
4 laurate degree at other state-operated institutions of the state
5 university of New York. Provided further, that the trustees may estab-
6 lish a differential tuition charge for students attending the university
7 centers at Albany, Binghamton, Buffalo, and Stony Brook pursuant to
8 subdivision four-c of this section. Notwithstanding any other provision
9 of this subparagraph, the trustees may authorize the setting of a sepa-
10 rate category of tuition rate, that shall be greater than the tuition
11 rate for resident students and less than the tuition rate for non-resi-
12 dent students, only for students enrolled in distance learning courses
13 who are not residents of the state. Except as otherwise authorized in
14 this subparagraph, the trustees shall not adopt changes affecting
15 tuition charges prior to the enactment of the annual budget, provided
16 however that:

17 § 2. Subparagraph 4 of paragraph h of subdivision 2 of section 355 of
18 the education law, as amended by section 2 of chapter 437 of the laws of
19 2015, is amended to read as follows:

20 (4) The trustees shall not impose a differential tuition charge based
21 upon need or income. All students enrolled in programs leading to like
22 degrees at state-operated institutions of the state university shall be
23 charged a uniform rate of tuition except for differential tuition rates
24 based on state residency. Provided, however, that the trustees may
25 authorize the presidents of the colleges of technology and the colleges
26 of agriculture and technology to set differing rates of tuition for each
27 of the colleges for students enrolled in degree-granting programs lead-
28 ing to an associate degree and non-degree granting programs so long as

1 such tuition rate does not exceed the tuition rate charged to students
2 who are enrolled in like degree programs or degree-granting undergradu-
3 ate programs leading to a baccalaureate degree at other state-operated
4 institutions of the state university of New York. Provided further,
5 that the trustees may establish a differential tuition charge for
6 students attending the university centers at Albany, Binghamton,
7 Buffalo, and Stony Brook pursuant to subdivision four-c of this section.
8 Notwithstanding any other provision of this subparagraph, the trustees
9 may authorize the setting of a separate category of tuition rate, that
10 shall be greater than the tuition rate for resident students and less
11 than the tuition rate for non-resident students, only for students
12 enrolled in distance learning courses who are not residents of the
13 state. The trustees shall not adopt changes affecting tuition charges
14 prior to the enactment of the annual budget.

15 § 3. Paragraph h of subdivision 2 of section 355 of the education law
16 is amended by adding two new subparagraphs 4-a-1 and 4-c to read as
17 follows:

18 (4-a-1) Commencing in the two thousand twenty-three--two thousand
19 twenty-four academic year through the two thousand twenty-seven--two
20 thousand twenty-eight academic year, following the review and approval
21 of the chancellor of the state university or his or her designee the
22 board of trustees may annually raise non-resident undergraduate rates of
23 tuition for the four university centers at Albany, Binghamton, Buffalo,
24 and Stony Brook if the board shall determine that such rate increase is
25 competitive with the rates of tuition charged by peer institutions,
26 provided however that in no year shall such rate of tuition exceed one
27 hundred and ten percent of the tuition rate for the university centers
28 in the prior academic year.

1 (4-c) Commencing with the two thousand twenty-three--two thousand
2 twenty-four academic year and thereafter, the board of trustees may
3 raise resident undergraduate rates of tuition in excess of the tuition
4 rates of the prior academic year by as much as the lower of (i) the
5 general higher education price index (HEPI) released annually by the
6 Commonfund Asset Management Company, Inc. founded in 1971, or other
7 alternative entity that may be responsible for this index into the
8 future, released most recently prior to the start of each academic year,
9 or (ii) three percent. Notwithstanding the preceding, and upon the
10 approval of the state university of New York board of trustees, the
11 following institutions may have additional increases to the resident
12 rates of undergraduate tuition that are in addition to any impact from
13 the preceding; for the university center at Albany, the university
14 center at Binghamton, the university center at Buffalo, and the univer-
15 sity center at Stony Brook such annual increase may include up to an
16 additional six percentage points. Notwithstanding the preceding, no
17 such additional annual increase shall result in a rate in excess of
18 thirty percent higher than the rate charged in such year for state-oper-
19 ated institutions other than the university center at Albany, the
20 university center at Binghamton, the university center at Buffalo, and
21 the university center at Stony Brook. Monies generated by these prospec-
22 tive increases shall be used directly to support student access, student
23 services, research and discovery, and the success of the university
24 system.

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

27 (vi) Commencing with the two thousand twenty-three--two thousand twen-
28 ty-four academic year and thereafter, the city university of New York

1 board of trustees may raise resident undergraduate rates of tuition in
2 excess of the tuition rates of the prior academic year by as much as the
3 lower of (A) the general higher education price index (HEPI) released
4 annually by the Commonfund Asset Management Company, Inc. founded in
5 1971, or other alternative entity that may be responsible for this index
6 into the future, released most recently prior to the start of each
7 academic year, or (B) three percent. Monies generated by these prospec-
8 tive increases shall be used directly to support student access, student
9 services, research and discovery, and the success of the university
10 system.

11 § 5. Paragraph (a) of subdivision 7 of section 6206 of the education
12 law, as amended by chapter 669 of the laws of 2022, is amended to read
13 as follows:

14 (a) (i) The board of trustees shall establish positions, departments,
15 divisions and faculties; appoint and in accordance with the provisions
16 of law fix salaries of instructional and non-instructional employees
17 therein; establish and conduct courses and curricula; prescribe condi-
18 tions of student admission, attendance and discharge; and shall have the
19 power to determine in its discretion whether tuition shall be charged
20 and to regulate tuition charges, and other instructional and non-in-
21 structional fees and other fees and charges at the educational units of
22 the city university. The trustees shall review any proposed community
23 college tuition increase and the justification for such increase. The
24 justification provided by the community college for such increase shall
25 include a detailed analysis of ongoing operating costs, capital, debt
26 service expenditures, and all revenues. The trustees shall not impose a
27 differential tuition charge based upon need or income. All students
28 enrolled in programs leading to like degrees at the senior colleges

1 shall be charged a uniform rate of tuition, except for differential
2 tuition rates based on state residency. Notwithstanding any other
3 provision of this paragraph, the trustees may authorize the setting of a
4 separate category of tuition rate, that shall be greater than the
5 tuition rate for resident students and less than the tuition rate for
6 non-resident students, only for students enrolled in distance learning
7 courses who are not residents of the state. The trustees shall further
8 provide that the payment of tuition and fees by any student who is not a
9 resident of New York state, other than a non-immigrant noncitizen within
10 the meaning of paragraph (15) of subsection (a) of section 1101 of title
11 8 of the United States Code, shall be paid at a rate or charge no great-
12 er than that imposed for students who are residents of the state if such
13 student:

14 [(i)] (1) attended an approved New York high school for two or more
15 years, graduated from an approved New York high school and applied for
16 attendance at an institution or educational unit of the city university
17 within five years of receiving a New York state high school diploma; or

18 [(ii)] (2) attended an approved New York state program for general
19 equivalency diploma exam preparation, received a general equivalency
20 diploma issued within New York state and applied for attendance at an
21 institution or educational unit of the city university within five years
22 of receiving a general equivalency diploma issued within New York state;
23 or

24 [(iii)] (3) was enrolled in an institution or educational unit of the
25 city university in the fall semester or quarter of the two thousand
26 one--two thousand two academic year and was authorized by such institu-
27 tion or educational unit to pay tuition at the rate or charge imposed
28 for students who are residents of the state.

1 A student without lawful immigration status shall also be required to
2 file an affidavit with such institution or educational unit stating that
3 the student has filed an application to legalize his or her immigration
4 status, or will file such an application as soon as he or she is eligi-
5 ble to do so. The trustees shall not adopt changes in tuition charges
6 prior to the enactment of the annual budget. The board of trustees may
7 accept as partial reimbursement for the education of veterans of the
8 armed forces of the United States who are otherwise qualified such sums
9 as may be authorized by federal legislation to be paid for such educa-
10 tion. The board of trustees may conduct on a fee basis extension courses
11 and courses for adult education appropriate to the field of higher
12 education. In all courses and courses of study it may, in its
13 discretion, require students to pay library, laboratory, locker, break-
14 age and other instructional and non-instructional fees and meet the cost
15 of books and consumable supplies. In addition to the foregoing fees and
16 charges, the board of trustees may impose and collect fees and charges
17 for student government and other student activities and receive and
18 expend them as agent or trustee.

19 (ii) Commencing with the two thousand twenty-three--two thousand twen-
20 ty-four academic year and thereafter, the city university of New York
21 board of trustees may raise resident undergraduate rates of tuition in
22 excess of the tuition rates of the prior academic year by as much as the
23 lower of (1) the general higher education price index (HEPI) released
24 annually by the Commonfund Asset Management Company, Inc. founded in
25 1971, or other alternative entity that may be responsible for this index
26 into the future, released most recently prior to the start of each
27 academic year, or (2) three percent. Monies generated by these prospec-
28 tive increases shall be used directly to support student access, student

1 services, research and discovery, and the success of the university
2 system.

3 § 6. This act shall take effect immediately; provided however:

4 a. the amendments to subparagraph 4 of paragraph h of subdivision 2 of
5 section 355 of the education law made by section one of this act shall
6 be subject to the expiration and reversion of such subparagraph pursuant
7 to section 16 of chapter 260 of the laws of 2011 as amended, when upon
8 such date the provisions of section two of this act shall take effect;
9 and

10 b. the amendments to paragraph (a) of subdivision 7 of section 6206 of
11 the education law made by section four of this act shall be subject to
12 the expiration and reversion of such paragraph pursuant to section 16 of
13 chapter 260 of the laws of 2011 as amended, when upon such date the
14 provisions of section five of this act shall take effect.

15 PART C

16 Section 1. The education law is amended by adding a new section 6438-b
17 to read as follows:

18 § 6438-b. Access to medication abortion prescription drugs. 1. Every
19 campus of the state university of New York and every campus of the city
20 university of New York, which shall include the community college
21 campuses of such institutions, shall provide access to medication
22 abortion prescription drugs for all students enrolled at such insti-
23 tutions.

24 2. For purposes of this section, "access to medication abortion
25 prescription drugs" means either:

1 (a) the prescribing and dispensing of medication abortion prescription
2 drugs directly to a student, performed by individuals legally certified
3 to prescribe and dispense such medication employed by or working on
4 behalf of the campus; or

5 (b) referral to a healthcare provider or pharmacy in the community
6 certified to dispense such medication.

7 3. The trustees of the state university of New York and the trustees
8 of the city university of New York shall adopt uniform polices for each
9 university ensuring effective access to medication abortion prescription
10 drugs pursuant to this section.

11 § 2. This act shall take effect August 1, 2023. Effective immediately,
12 the addition, amendment and/or repeal of any rule or regulation neces-
13 sary for the implementation of this act on its effective date are
14 authorized to be made and completed on or before such effective date.

15 PART D

16 Section 1. Paragraphs b and c of subdivision 4 of section 612 of the
17 education law, as added by chapter 425 of the laws of 1988, are amended
18 to read as follows:

19 [b. A grant to a recipient of an award under this section shall not
20 exceed the amount of three hundred thousand dollars for any grant year,
21 provided that a recipient may receive a grant in excess of such amount
22 at the rate of twelve hundred fifty dollars for each student, in excess
23 of two hundred forty students, who is provided compensatory and support
24 services by the recipient during such grant year.

25 c.] b. The grant recipients shall provide students at public and
26 nonpublic schools the opportunity to receive compensatory and support

1 services in an equitable manner consistent with the number and need of
2 the children in such schools.

3 § 2. This act shall take effect immediately.

4 PART E

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

7 (h) Any firm established for the business purpose of incorporating as
8 a professional service corporation formed to lawfully engage in the
9 practice of public accountancy, as such practice is defined under arti-
10 cle 149 of the education law shall be required to show (i) that a simple
11 majority of the ownership of the firm, in terms of financial interests
12 and voting rights held by the firm's owners, belongs to individuals
13 licensed to practice public accountancy in some state, and (ii) that all
14 shareholders of a professional service corporation whose principal place
15 of business is in this state, and who are engaged in the practice of
16 public accountancy in this state, hold a valid license issued under
17 section 7404 of the education law. For purposes of this paragraph,
18 "financial interest" means capital stock, capital accounts, capital
19 contributions, capital interest, or interest in undistributed earnings
20 of a business entity. Although firms registered with the education
21 department may include non-licensee owners, a registered firm and its
22 owners must comply with rules promulgated by the state board of regents.
23 Notwithstanding the foregoing, a firm incorporated under this section
24 may not have non-licensee owners if the firm's name includes the words
25 "certified public accountant," or "certified public accountants," or the
26 abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that

1 is incorporated under this section shall be a natural person who active-
2 ly participates in the business of the firm or its affiliated entities.
3 For purposes of this subdivision, "actively participate" means to
4 provide services to clients or to otherwise individually take part in
5 the day-to-day business or management of the firm or an affiliated enti-
6 ty. Such a firm shall have attached to its certificate of incorporation
7 a certificate or certificates demonstrating the firm's compliance with
8 this paragraph, in lieu of the certificate or certificates required by
9 subparagraph (ii) of paragraph (b) of this section.

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

12 (c) Any firm established for the business purpose of incorporating as
13 a professional service corporation pursuant to paragraph (h) of section
14 1503 of this article may issue shares to individuals who are authorized
15 by law to practice in this state the profession which such corporation
16 is authorized to practice or who will engage in the practice of such
17 profession in such corporation within thirty days of the date such
18 shares are issued and may also issue shares to employees of the corpo-
19 ration not licensed as certified public accountants, provided that:

20 (i) at least a simple majority of the outstanding shares of stock of
21 the corporation are owned by certified public accountants,

22 (ii) at least a simple majority of the directors are certified public
23 accountants, and

24 (iii) at least a simple majority of the officers are certified public
25 accountants, and

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

28 No shareholder of a professional service corporation established pursu-

1 ant to paragraph (h) of section 1503 of this article shall enter into a
2 voting trust agreement, proxy or any other type of agreement vesting in
3 another person, the authority to exercise voting power of any or all of
4 his or her shares. All agreements made or proxies granted in violation
5 of this section shall be void.

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

8 (c) The directors and officers of any firm established for the busi-
9 ness purpose of incorporating as a professional service corporation
10 pursuant to paragraph (h) of section 1503 of this article may include
11 individuals who are not licensed to practice public accountancy in any
12 state, provided however that at least a simple majority of the direc-
13 tors, at least a simple majority of the officers and the president, the
14 chairperson of the board of directors and the chief executive officer or
15 officers are authorized by law to practice in any state the profession
16 which such corporation is authorized to practice, and are either share-
17 holders of such corporation or engaged in the practice of their
18 professions in such corporation.

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

21 § 1509. Disqualification of shareholders, directors, officers and
22 employees.

23 If any shareholder, director, officer or employee of a professional
24 service corporation, including a design professional service corpo-
25 ration, who has been rendering professional service to the public
26 becomes legally disqualified to practice his or her profession within
27 this state, he or she shall sever all employment with, and financial
28 interests (other than interests as a creditor) in, such corporation

1 forthwith or as otherwise provided in section 1510 of this article. All
2 provisions of law regulating the rendering of professional services by a
3 person elected or appointed to a public office shall be applicable to a
4 shareholder, director, officer and employee of such corporation in the
5 same manner and to the same extent as if fully set forth herein. Such
6 legal disqualification to practice his or her profession within this
7 state shall be deemed to constitute an irrevocable offer by the disqual-
8 ified shareholder to sell his or her shares to the corporation, pursuant
9 to the provisions of section 1510 of this article or of the certificate
10 of incorporation, by-laws or agreement among the corporation and all
11 shareholders, whichever is applicable. Compliance with the terms of such
12 offer shall be specifically enforceable in the courts of this state. A
13 professional service corporation's failure to enforce compliance with
14 this provision shall constitute a ground for forfeiture of its certifi-
15 cate of incorporation and its dissolution.

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

19 (a) No shareholder of a professional service corporation [or], includ-
20 ing a design professional service corporation, may sell or transfer his
21 or her shares in such corporation except to another individual who is
22 eligible to have shares issued to him or her by such corporation or
23 except in trust to another individual who would be eligible to receive
24 shares if he or she were employed by the corporation. Nothing herein
25 contained shall be construed to prohibit the transfer of shares by oper-
26 ation of law or by court decree. No transferee of shares by operation
27 of law or court decree may vote the shares for any purpose whatsoever
28 except with respect to corporate action under sections 909 and 1001 of

1 this chapter. The restriction in the preceding sentence shall not apply,
2 however, where such transferee would be eligible to have shares issued
3 to him or her if he or she were an employee of the corporation and, if
4 there are other shareholders, a majority of such other shareholders
5 shall fail to redeem the shares so transferred, pursuant to section 1510
6 of this article, within sixty days of receiving written notice of such
7 transfer. Any sale or transfer, except by operation of law or court
8 decree or except for a corporation having only one shareholder, may be
9 made only after the same shall have been approved by the board of direc-
10 tors, or at a shareholders' meeting specially called for such purpose by
11 such proportion, not less than a majority, of the outstanding shares as
12 may be provided in the certificate of incorporation or in the by-laws of
13 such professional service corporation. At such shareholders' meeting the
14 shares held by the shareholder proposing to sell or transfer his or her
15 shares may not be voted or counted for any purpose, unless all share-
16 holders consent that such shares be voted or counted. The certificate of
17 incorporation or the by-laws of the professional service corporation, or
18 the professional service corporation and the shareholders by private
19 agreement, may provide, in lieu of or in addition to the foregoing
20 provisions, for the alienation of shares and may require the redemption
21 or purchase of such shares by such corporation at prices and in a manner
22 specifically set forth therein. The existence of the restrictions on the
23 sale or transfer of shares, as contained in this article and, if appli-
24 cable, in the certificate of incorporation, by-laws, stock purchase or
25 stock redemption agreement, shall be noted conspicuously on the face or
26 back of every certificate for shares issued by a professional service
27 corporation. Any sale or transfer in violation of such restrictions
28 shall be void.

1 (c) A firm established for the business purpose of incorporating as a
2 professional service corporation pursuant to paragraph (h) of section
3 1503 of this article, shall purchase or redeem the shares of a non-li-
4 censed professional shareholder in the case of his or her termination of
5 employment within thirty days after such termination. A firm estab-
6 lished for the business purpose of incorporating as a professional
7 service corporation pursuant to paragraph (h) of section 1503 of this
8 article, shall not be required to purchase or redeem the shares of a
9 terminated non-licensed professional share-holder if such shares, within
10 thirty days after such termination, are sold or transferred to another
11 employee of the corporation pursuant to this article.

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

14 (c) Each firm established for the business purpose of incorporating as
15 a professional service corporation pursuant to paragraph (h) of section
16 1503 of this article shall, at least once every three years on or before
17 the date prescribed by the licensing authority, furnish a statement to
18 the licensing authority listing the names and residence addresses of
19 each shareholder, director and officer of such corporation and certify
20 as the date of certification and at all times over the entire three year
21 period that:

22 (i) at least a simple majority of the outstanding shares of stock of
23 the corporation are and were owned by certified public accountants,

24 (ii) at least a simple majority of the directors are and were certi-
25 fied public accountants,

26 (iii) at least a simple majority of the officers are and were certi-
27 fied public accountants, and

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

4 The statement shall be signed by the president or any certified public
5 accountant vice-president and attested to by the secretary or any
6 assistant secretary of the corporation.

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

9 (d) "Foreign professional service corporation" means a professional
10 service corporation, whether or not denominated as such, organized under
11 the laws of a jurisdiction other than this state, all of the sharehold-
12 ers, directors and officers of which are authorized and licensed to
13 practice the profession for which such corporation is licensed to do
14 business; except that all shareholders, directors and officers of a
15 foreign professional service corporation which provides health services
16 in this state shall be licensed in this state. A foreign professional
17 service corporation formed to lawfully engage in the practice of public
18 accountancy as a firm, as such practice is defined under article 149 of
19 the education law, or equivalent state law, shall be required to show
20 (i) that a simple majority of the ownership of the firm, in terms of
21 financial interests and voting rights held by the firm's owners, belongs
22 to individuals licensed to practice public accountancy in some state,
23 and (ii) that all shareholders of a foreign professional service corpo-
24 ration whose principal place of business is in this state, and who are
25 engaged in the practice of public accountancy in this state, hold a
26 valid license issued under section 7404 of the education law. For
27 purposes of this paragraph, "financial interest" means capital stock,
28 capital accounts, capital contributions, capital interest, or interest

1 in undistributed earnings of a business entity. Although firms regis-
2 tered with the education department may include non-licensee owners, a
3 registered firm and its owners must comply with rules promulgated by the
4 state board of regents. Notwithstanding the foregoing, a firm registered
5 with the education department may not have non-licensee owners if the
6 firm's name includes the words "certified public accountant," or "certi-
7 fied public accountants," or the abbreviations "CPA" or "CPAs". Each
8 non-licensee owner of a firm that is operating under this section shall
9 be a natural person who actively participates in the business of the
10 firm or its affiliated entities, provided each beneficial owner of an
11 equity interest in such entity is a natural person who actively partic-
12 ipates in the business conducted by the firm or its affiliated entities.
13 For purposes of this paragraph, "actively participate" means to provide
14 services to clients or to otherwise individually take part in the day-
15 to-day business or management of the firm or an affiliated entity.

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

19 (q) Each partner of a registered limited liability partnership formed
20 to provide medical services in this state must be licensed pursuant to
21 article 131 of the education law to practice medicine in this state and
22 each partner of a registered limited liability partnership formed to
23 provide dental services in this state must be licensed pursuant to arti-
24 cle 133 of the education law to practice dentistry in this state. Each
25 partner of a registered limited liability partnership formed to provide
26 veterinary services in this state must be licensed pursuant to article
27 135 of the education law to practice veterinary medicine in this state.
28 Each partner of a registered limited liability partnership formed to

1 provide public accountancy services as a firm, whose principal place of
2 business is in this state and who provides public accountancy services,
3 must be licensed pursuant to article 149 of the education law to prac-
4 tice public accountancy in this state. Each partner of a registered
5 limited liability partnership formed to provide professional engineer-
6 ing, land surveying, geological services, architectural and/or landscape
7 architectural services in this state must be licensed pursuant to arti-
8 cle 145, article 147 and/or article 148 of the education law to practice
9 one or more of such professions in this state. Each partner of a regis-
10 tered limited liability partnership formed to provide licensed clinical
11 social work services in this state must be licensed pursuant to article
12 154 of the education law to practice clinical social work in this state.
13 Each partner of a registered limited liability partnership formed to
14 provide creative arts therapy services in this state must be licensed
15 pursuant to article 163 of the education law to practice creative arts
16 therapy in this state. Each partner of a registered limited liability
17 partnership formed to provide marriage and family therapy services in
18 this state must be licensed pursuant to article 163 of the education law
19 to practice marriage and family therapy in this state. Each partner of a
20 registered limited liability partnership formed to provide mental health
21 counseling services in this state must be licensed pursuant to article
22 163 of the education law to practice mental health counseling in this
23 state. Each partner of a registered limited liability partnership formed
24 to provide psychoanalysis services in this state must be licensed pursu-
25 ant to article 163 of the education law to practice psychoanalysis in
26 this state. Each partner of a registered limited liability partnership
27 formed to provide applied behavior analysis service in this state must
28 be licensed or certified pursuant to article 167 of the education law to

1 practice applied behavior analysis in this state. A registered limited
2 liability partnership formed to lawfully engage in the practice of
3 public accountancy as a firm, as such practice is defined under article
4 149 of the education law, shall be required to show (i) that a simple
5 majority of the ownership of the firm, in terms of financial interests
6 and voting rights held by the firm's owners, belongs to individuals
7 licensed to practice public accountancy in some state, and (ii) that all
8 partners of a limited liability partnership whose principal place of
9 business is in this state, and who are engaged in the practice of public
10 accountancy in this state, hold a valid license issued under section
11 7404 of the education law. For purposes of this subdivision, "financial
12 interest" means capital stock, capital accounts, capital contributions,
13 capital interest, or interest in undistributed earnings of a business
14 entity. Although firms registered with the education department may
15 include non-licensee owners, a registered firm and its owners must
16 comply with rules promulgated by the state board of regents. Notwith-
17 standing the foregoing, a firm registered with the education department
18 may not have non-licensee owners if the firm's name includes the words
19 "certified public accountant," or "certified public accountants," or the
20 abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is
21 formed under this section shall be (i) a natural person who actively
22 participates in the business of the firm or its affiliated entities, or
23 (ii) an entity, including, but not limited to, a partnership or profes-
24 sional corporation, provided each beneficial owner of an equity interest
25 in such entity is a natural person who actively participates in the
26 business conducted by the firm or its affiliated entities. For purposes
27 of this subdivision, "actively participate" means to provide services to

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

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

6 (q) Each partner of a foreign limited liability partnership which
7 provides medical services in this state must be licensed pursuant to
8 article 131 of the education law to practice medicine in the state and
9 each partner of a foreign limited liability partnership which provides
10 dental services in the state must be licensed pursuant to article 133 of
11 the education law to practice dentistry in this state. Each partner of a
12 foreign limited liability partnership which provides veterinary service
13 in the state shall be licensed pursuant to article 135 of the education
14 law to practice veterinary medicine in this state. Each partner of a
15 foreign limited liability partnership which provides professional engi-
16 neering, land surveying, geological services, architectural and/or land-
17 scape architectural services in this state must be licensed pursuant to
18 article 145, article 147 and/or article 148 of the education law to
19 practice one or more of such professions. Each partner of a foreign
20 limited liability partnership formed to provide public accountancy
21 services as a firm, whose principal place of business is in this state
22 and who provides public accountancy services, must be licensed pursuant
23 to article 149 of the education law to practice public accountancy in
24 this state. Each partner of a foreign limited liability partnership
25 which provides licensed clinical social work services in this state must
26 be licensed pursuant to article 154 of the education law to practice
27 licensed clinical social work in this state. Each partner of a foreign
28 limited liability partnership which provides creative arts therapy

1 services in this state must be licensed pursuant to article 163 of the
2 education law to practice creative arts therapy in this state. Each
3 partner of a foreign limited liability partnership which provides
4 marriage and family therapy services in this state must be licensed
5 pursuant to article 163 of the education law to practice marriage and
6 family therapy in this state. Each partner of a foreign limited liabil-
7 ity partnership which provides mental health counseling services in this
8 state must be licensed pursuant to article 163 of the education law to
9 practice mental health counseling in this state. Each partner of a
10 foreign limited liability partnership which provides psychoanalysis
11 services in this state must be licensed pursuant to article 163 of the
12 education law to practice psychoanalysis in this state. Each partner of
13 a foreign limited liability partnership which provides applied behavior
14 analysis services in this state must be licensed or certified pursuant
15 to article 167 of the education law to practice applied behavior analy-
16 sis in this state. A foreign limited liability partnership formed to
17 lawfully engage in the practice of public accountancy as a firm, as such
18 practice is defined under article 149 of the education law, shall be
19 required to show (i) that a simple majority of the ownership of the
20 firm, in terms of financial interests and voting rights held by the
21 firm's owners, belongs to individuals licensed to practice public
22 accountancy in some state, and (ii) that all partners of the foreign
23 limited liability partnership whose principal place of business is in
24 this state, and who are engaged in the practice of public accountancy in
25 this state, hold a valid license issued under section 7404 of the educa-
26 tion law. For purposes of this subdivision, "financial interest" means
27 capital stock, capital accounts, capital contributions, capital inter-
28 est, or interest in undistributed earnings of a business entity.

1 Although firms registered with the education department may include
2 non-licensee owners, a registered firm and its owners must comply with
3 rules promulgated by the state board of regents. Notwithstanding the
4 foregoing, a firm registered with the education department may not have
5 non-licensee owners if the firm's name includes the words "certified
6 public accountant," or "certified public accountants," or the abbrevi-
7 ations "CPA" or "CPAs". Each non-licensee owner of a firm that is
8 formed under this section shall be (i) a natural person who actively
9 participates in the business of the firm or its affiliated entities, or
10 (ii) an entity, including, but not limited to, a partnership or profes-
11 sional corporation, provided that each beneficial owner of an equity
12 interest in such entity is a natural person who actively participates in
13 the business conducted by the firm or its affiliated entities. For
14 purposes of this subdivision, "actively participate" means to provide
15 services to clients or to otherwise individually take part in the day-
16 to-day business or management of the firm or an affiliated entity.

17 § 10. Subdivision (b) of section 1207 of the limited liability company
18 law, as amended by chapter 475 of the laws of 2014, is amended to read
19 as follows:

20 (b) With respect to a professional service limited liability company
21 formed to provide medical services as such services are defined in arti-
22 cle 131 of the education law, each member of such limited liability
23 company must be licensed pursuant to article 131 of the education law to
24 practice medicine in this state. With respect to a professional service
25 limited liability company formed to provide dental services as such
26 services are defined in article 133 of the education law, each member of
27 such limited liability company must be licensed pursuant to article 133
28 of the education law to practice dentistry in this state. With respect

1 to a professional service limited liability company formed to provide
2 veterinary services as such services are defined in article 135 of the
3 education law, each member of such limited liability company must be
4 licensed pursuant to article 135 of the education law to practice veter-
5 inary medicine in this state. With respect to a professional service
6 limited liability company formed to provide professional engineering,
7 land surveying, architectural, landscape architectural and/or geological
8 services as such services are defined in article 145, article 147 and
9 article 148 of the education law, each member of such limited liability
10 company must be licensed pursuant to article 145, article 147 and/or
11 article 148 of the education law to practice one or more of such
12 professions in this state. With respect to a professional service limit-
13 ed liability company formed to provide public accountancy services as
14 such services are defined in article 149 of the education law each
15 member of such limited liability company whose principal place of busi-
16 ness is in this state and who provides public accountancy services, must
17 be licensed pursuant to article 149 of the education law to practice
18 public accountancy in this state. With respect to a professional service
19 limited liability company formed to provide licensed clinical social
20 work services as such services are defined in article 154 of the educa-
21 tion law, each member of such limited liability company shall be
22 licensed pursuant to article 154 of the education law to practice
23 licensed clinical social work in this state. With respect to a profes-
24 sional service limited liability company formed to provide creative arts
25 therapy services as such services are defined in article 163 of the
26 education law, each member of such limited liability company must be
27 licensed pursuant to article 163 of the education law to practice crea-
28 tive arts therapy in this state. With respect to a professional service

1 limited liability company formed to provide marriage and family therapy
2 services as such services are defined in article 163 of the education
3 law, each member of such limited liability company must be licensed
4 pursuant to article 163 of the education law to practice marriage and
5 family therapy in this state. With respect to a professional service
6 limited liability company formed to provide mental health counseling
7 services as such services are defined in article 163 of the education
8 law, each member of such limited liability company must be licensed
9 pursuant to article 163 of the education law to practice mental health
10 counseling in this state. With respect to a professional service limited
11 liability company formed to provide psychoanalysis services as such
12 services are defined in article 163 of the education law, each member of
13 such limited liability company must be licensed pursuant to article 163
14 of the education law to practice psychoanalysis in this state. With
15 respect to a professional service limited liability company formed to
16 provide applied behavior analysis services as such services are defined
17 in article 167 of the education law, each member of such limited liabil-
18 ity company must be licensed or certified pursuant to article 167 of the
19 education law to practice applied behavior analysis in this state. A
20 professional service limited liability company formed to lawfully engage
21 in the practice of public accountancy as a firm, as such practice is
22 defined under article 149 of the education law shall be required to show
23 (i) that a simple majority of the ownership of the firm, in terms of
24 financial interests, and voting rights held by the firm's owners,
25 belongs to individuals licensed to practice public accountancy in some
26 state, and (ii) that all members of a limited professional service
27 limited liability company, whose principal place of business is in this
28 state, and who are engaged in the practice of public accountancy in this

1 state, hold a valid license issued under section 7404 of the education
2 law. For purposes of this subdivision, "financial interest" means capi-
3 tal stock, capital accounts, capital contributions, capital interest, or
4 interest in undistributed earnings of a business entity. Although firms
5 registered with the education department may include non-licensee
6 owners, a registered firm and its owners must comply with rules promul-
7 gated by the state board of regents. Notwithstanding the foregoing, a
8 firm registered with the education department may not have non-licensee
9 owners if the firm's name includes the words "certified public account-
10 ant," or "certified public accountants," or the abbreviations "CPA" or
11 "CPAs". Each non-licensee owner of a firm that is registered under this
12 section shall be (i) a natural person who actively participates in the
13 business of the firm or its affiliated entities, or (ii) an entity,
14 including, but not limited to, a partnership or professional corpo-
15 ration, provided each beneficial owner of an equity interest in such
16 entity is a natural person who actively participates in the business
17 conducted by the firm or its affiliated entities. For purposes of this
18 subdivision, "actively participate" means to provide services to clients
19 or to otherwise individually take part in the day-to-day business or
20 management of the firm or an affiliated entity.

21 § 11. Subdivision (a) of section 1301 of the limited liability company
22 law, as amended by chapter 475 of the laws of 2014, is amended to read
23 as follows:

24 (a) "Foreign professional service limited liability company" means a
25 professional service limited liability company, whether or not denomi-
26 nated as such, organized under the laws of a jurisdiction other than
27 this state, (i) each of whose members and managers, if any, is a profes-
28 sional authorized by law to render a professional service within this

1 state and who is or has been engaged in the practice of such profession
2 in such professional service limited liability company or a predecessor
3 entity, or will engage in the practice of such profession in the profes-
4 sional service limited liability company within thirty days of the date
5 such professional becomes a member, or each of whose members and manag-
6 ers, if any, is a professional at least one of such members is author-
7 ized by law to render a professional service within this state and who
8 is or has been engaged in the practice of such profession in such
9 professional service limited liability company or a predecessor entity,
10 or will engage in the practice of such profession in the professional
11 service limited liability company within thirty days of the date such
12 professional becomes a member, or (ii) authorized by, or holding a
13 license, certificate, registration or permit issued by the licensing
14 authority pursuant to, the education law to render a professional
15 service within this state; except that all members and managers, if any,
16 of a foreign professional service limited liability company that
17 provides health services in this state shall be licensed in this state.
18 With respect to a foreign professional service limited liability company
19 which provides veterinary services as such services are defined in arti-
20 cle 135 of the education law, each member of such foreign professional
21 service limited liability company shall be licensed pursuant to article
22 135 of the education law to practice veterinary medicine. With respect
23 to a foreign professional service limited liability company which
24 provides medical services as such services are defined in article 131 of
25 the education law, each member of such foreign professional service
26 limited liability company must be licensed pursuant to article 131 of
27 the education law to practice medicine in this state. With respect to a
28 foreign professional service limited liability company which provides

1 dental services as such services are defined in article 133 of the
2 education law, each member of such foreign professional service limited
3 liability company must be licensed pursuant to article 133 of the educa-
4 tion law to practice dentistry in this state. With respect to a foreign
5 professional service limited liability company which provides profes-
6 sional engineering, land surveying, geologic, architectural and/or land-
7 scape architectural services as such services are defined in article
8 145, article 147 and article 148 of the education law, each member of
9 such foreign professional service limited liability company must be
10 licensed pursuant to article 145, article 147 and/or article 148 of the
11 education law to practice one or more of such professions in this state.
12 With respect to a foreign professional service limited liability company
13 which provides public accountancy services as such services are defined
14 in article 149 of the education law, each member of such foreign profes-
15 sional service limited liability company whose principal place of busi-
16 ness is in this state and who provides public accountancy services,
17 shall be licensed pursuant to article 149 of the education law to prac-
18 tice public accountancy in this state. With respect to a foreign profes-
19 sional service limited liability company which provides licensed clin-
20 ical social work services as such services are defined in article 154 of
21 the education law, each member of such foreign professional service
22 limited liability company shall be licensed pursuant to article 154 of
23 the education law to practice clinical social work in this state. With
24 respect to a foreign professional service limited liability company
25 which provides creative arts therapy services as such services are
26 defined in article 163 of the education law, each member of such foreign
27 professional service limited liability company must be licensed pursuant
28 to article 163 of the education law to practice creative arts therapy in

1 this state. With respect to a foreign professional service limited
2 liability company which provides marriage and family therapy services as
3 such services are defined in article 163 of the education law, each
4 member of such foreign professional service limited liability company
5 must be licensed pursuant to article 163 of the education law to prac-
6 tice marriage and family therapy in this state. With respect to a
7 foreign professional service limited liability company which provides
8 mental health counseling services as such services are defined in arti-
9 cle 163 of the education law, each member of such foreign professional
10 service limited liability company must be licensed pursuant to article
11 163 of the education law to practice mental health counseling in this
12 state. With respect to a foreign professional service limited liability
13 company which provides psychoanalysis services as such services are
14 defined in article 163 of the education law, each member of such foreign
15 professional service limited liability company must be licensed pursuant
16 to article 163 of the education law to practice psychoanalysis in this
17 state. With respect to a foreign professional service limited liability
18 company which provides applied behavior analysis services as such
19 services are defined in article 167 of the education law, each member of
20 such foreign professional service limited liability company must be
21 licensed or certified pursuant to article 167 of the education law to
22 practice applied behavior analysis in this state. A foreign professional
23 service limited liability company formed to lawfully engage in the prac-
24 tice of public accountancy as a firm, as such practice is defined under
25 article 149 of the education law shall be required to show (i) that a
26 simple majority of the ownership of the firm, in terms of financial
27 interests, and voting rights held by the firm's owners, belongs to indi-
28 viduals licensed to practice public accountancy in some state, and (ii)

1 that all members of a foreign limited professional service limited
2 liability company, whose principal place of business is in this state,
3 and who are engaged in the practice of public accountancy in this state,
4 hold a valid license issued under section 7404 of the education law. For
5 purposes of this subdivision, "financial interest" means capital stock,
6 capital accounts, capital contributions, capital interest, or interest
7 in undistributed earnings of a business entity. Although firms regis-
8 tered with the education department may include non-licensee owners, a
9 registered firm and its owners must comply with rules promulgated by the
10 state board of regents. Notwithstanding the foregoing, a firm regis-
11 tered with the education department may not have non-licensee owners if
12 the firm's name includes the words "certified public accountant," or
13 "certified public accountants," or the abbreviations "CPA" or "CPAs".
14 Each non-licensee owner of a firm that is registered under this section
15 shall be (i) a natural person who actively participates in the business
16 of the firm or its affiliated entities, or (ii) an entity, including,
17 but not limited to, a partnership or professional corporation, provided
18 each beneficial owner of an equity interest in such entity is a natural
19 person who actively participates in the business conducted by the firm
20 or its affiliated entities. For purposes of this subdivision, "actively
21 participate" means to provide services to clients or to otherwise indi-
22 vidually take part in the day-to-day business or management of the firm
23 or an affiliated entity.

24 § 12. Notwithstanding any other provision of law to the contrary, if a
25 firm which is registered with the education department to lawfully
26 engage in the practice of public accountancy has one or more non-licen-
27 see owners, each such non-licensee owner of the firm whose principal

1 place of business is in New York state shall pay a fee of nine hundred
2 dollars to the department of education on a triennial basis.

3 § 13. This act shall take effect immediately.

4 PART F

5 Section 1. Short title. This article shall be known and cited as the
6 "new homes targets and fast-track approval act".

7 § 2. Article 20 of the general municipal law is renumbered to be arti-
8 cle 21, sections 1000 and 1001 are renumbered to be sections 1020 and
9 1021, and a new article 20 is added to read as follows:

10 ARTICLE 20

11 NEW HOMES TARGETS AND FAST TRACK APPROVAL

12 Section 1000. Legislative findings and declarations.

13 1001. Definitions.

14 1002. Applicability.

15 1003. Safe harbor.

16 1004. Local procedures outside of safe harbor/general appeal
17 process.

18 1005. Housing review board.

19 1006. Land use appeals before the supreme court.

20 § 1000. Legislative findings and declarations. The legislature hereby
21 finds, determines, and declares that:

22 1. The lack of housing, especially affordable and supportive housing,
23 is a critical problem that threatens the economic, environmental, and
24 social quality of life throughout New York state and disproportionately

1 burdens various vulnerable populations that disproportionately need more
2 affordable housing options including, but not limited to, low- and
3 moderate-income, racial and ethnic minority, and elderly households.

4 2. Housing in the state of New York is among the most expensive in the
5 nation. The excessive cost of the state's housing supply is partially
6 caused by a lack of new housing production due to the prevalence of
7 local governmental land use policies that limit the opportunities for
8 and place procedural impediments on the approval of housing developments
9 and thereby increase development costs and restrict the housing supply.

10 3. Local governmental limitations on and barriers to housing develop-
11 ment are especially common for multi-family housing development, which
12 constrains the supply of affordable and supportive housing that often
13 require multi-family development to be economically feasible.

14 4. Among the consequences of the prevalence of local restrictions on
15 housing development are the lack of housing to support employment
16 growth; imbalance in number of jobs and housing supply, with the former
17 outstripping the latter; sprawl; excessive commuting; and the potential
18 for discrimination against low-income and minority households who
19 disproportionately require affordable housing opportunities.

20 5. Many local governments do not give adequate attention to the local
21 and broader regional economic, environmental, and social costs of local
22 policies and actions that have the effect of stagnating or reducing the
23 supply of housing, including affordable and supportive housing, or how
24 such policies and actions thereby produce threats to the public health,
25 safety, and general welfare.

26 6. Additionally, many local governments do not give adequate attention
27 to the local and broader regional economic, environmental, and social
28 costs of local policies and actions that result in disapprovals or inhi-

1 bition of proposals for housing development projects that would benefit
2 the public health, safety, and general welfare; a reduction in density
3 of such housing projects; and creation of excessive land use and other
4 barriers for such housing developments to be built.

5 7. Legislation is necessary to forestall restrictive land use prac-
6 tices that inhibit and limit housing development, and to forestall undue
7 local disapprovals of housing development projects, especially afforda-
8 ble and supportive housing, given that such practices and disapprovals
9 produce threats to the public health, safety, and general welfare.

10 8. The state of New York must ensure that local governments give
11 adequate attention to the local and broader regional economic, environ-
12 mental, and social costs of land use zoning and planning policies and
13 actions, as well as the denial of applications to build new housing,
14 which collectively and individually may result in a dearth of appropri-
15 ate housing to meet the needs of all residents in the community or
16 region.

17 9. In furtherance of overall housing production goals and to promote
18 the greatest efficiency and coordinated development efforts of locali-
19 ties within the state, it is both a matter of state concern and the
20 policy of the state that local governments address their land use poli-
21 cies, practices, and decisions that make housing developments, and espe-
22 cially multi-family, affordable, and supportive housing developments,
23 impossible or infeasible.

24 10. To further address the shortage of affordable and supportive hous-
25 ing in New York and encourage reduction of land use restrictions and the
26 production of much needed housing, this article creates an impartial
27 forum and a process for specially designating judges to resolve

1 conflicts arising from local decisions on the development of affordable
2 and supportive housing.

3 11. In order to prevent housing insecurity, hardship, and dislocation,
4 the provisions of this act are necessary and designed to protect the
5 public health, safety, and general welfare of the residents of New York
6 state.

7 § 1001. Definitions. The following definitions apply for the purposes
8 of this article:

9 1. "Accessory dwelling unit" shall mean an attached or a detached
10 residential dwelling unit that provides housing for one or more persons
11 which is located on a lot with a proposed or existing primary residen-
12 tial dwelling unit and shall include permanent provisions for living,
13 sleeping, eating, cooking, and sanitation on the same lot as the primary
14 single-family or multi-family dwelling.

15 2. "Affordable housing" shall mean any income restricted housing,
16 whether intended for rental or homeownership, that is subject to a regu-
17 latory agreement with a local, state or federal governmental entity.

18 3. "Application" shall mean an application for a building permit,
19 variance, waiver, conditional use permit, special permit, zoning text
20 amendment, zoning map amendment, amendment to zoning districts, certif-
21 ication, authorization, site plan approval, subdivision approval, or
22 other discretionary land use determination by a lead agency equivalent.

23 4. "Division" shall mean the division of housing and community
24 renewal.

25 5. "Economically infeasible" shall mean any condition brought about by
26 any single factor or combination of factors to the extent that it makes
27 it substantially unlikely for an owner to proceed in building a residen-
28 tial housing project and still realize a reasonable return in building

1 or operating such housing without substantially changing the rent
2 levels, residential dwelling unit sizes, or residential dwelling unit
3 counts proposed by the owner.

4 6. "Housing review board" shall mean the housing review board estab-
5 lished pursuant to this article.

6 7. "Land use action" shall mean any enactment of or amendment to a
7 provision of a zoning local law, ordinance, resolution, policy, program,
8 procedure, comprehensive plan, site plan, subdivision plan, criteria,
9 rule, regulation, or requirement of a local agency.

10 8. "Land use requirements" shall mean any and all local laws, ordi-
11 nances, resolutions, or regulations, that shall be adopted or enacted
12 under this chapter, the municipal home rule law, or any general, special
13 or other law pertaining to land use, and shall include but not be limit-
14 ed to a locality's:

15 a. written or other comprehensive plan or plans;

16 b. zoning ordinance, local laws, resolutions, or regulations;

17 c. special use permit, special exception permit, or special permit
18 ordinance, local laws, resolutions, or regulations;

19 d. subdivision ordinance, local laws, resolutions, or regulations;

20 e. site plan review ordinance, local laws, resolutions, or regu-
21 lations; and

22 f. policies or procedures, or any planning, zoning, or other regulato-
23 ry tool that controls or establishes standards for the use and occupancy
24 of land, the area and dimensional requirements for the development of
25 land, or the intensity of such development.

26 9. "Lead agency equivalent" shall be defined as any legislative body
27 of a locality, planning board, zoning board of appeals, planning divi-
28 sion, planning commission, board of standards and appeals, board of

1 zoning appeals, or any official or employee, or any other agency,
2 department, board or other entity related to a locality with the author-
3 ity to approve or disapprove of any specific project or amendment to any
4 land use requirements as defined in this article.

5 10. "Locality" shall refer to all cities, towns, or villages that
6 regulate land use pursuant to the general city law, the town law, the
7 village law, or other state law, as applicable. Provided further that in
8 a city with a population of one million or more, "locality" shall refer
9 to a community board district as defined by chapter sixty-nine of the
10 charter of the city of New York. Provided further that "locality" shall
11 refer to any city, town, or village within a county, where such county
12 regulates or otherwise has approval authority over land use require-
13 ments.

14 11. "Metropolitan transportation commuter district" shall refer to the
15 counties of the Bronx, Kings (Brooklyn), New York, Richmond (Staten
16 Island), Queens, Westchester, Orange, Putnam, Dutchess, Rockland,
17 Nassau, and Suffolk.

18 12. "Objective standards" shall be defined as standards that involve
19 no personal or subjective judgment by a public official or employee and
20 are uniformly verifiable by reference to a publicly available and
21 uniform benchmark or criterion available and knowable by both the devel-
22 opment applicant and the public official or employee before submittal of
23 a residential land use application.

24 13. "Previously disturbed land" shall mean a parcel or lot of land
25 that was occupied or formerly occupied by a building or otherwise
26 improved or utilized that is not located in a 100-year floodplain or was
27 not being used for commercial agricultural purposes as of the effective
28 date of this article.

1 14. "Qualifying project" shall refer to an application that is for at
2 least ten dwelling units in localities not located in the metropolitan
3 transportation commuter district or at least twenty dwelling units in
4 localities located in the metropolitan transportation commuter district
5 and at least twenty percent of the dwelling units are affordable housing
6 units restricted to households at or below fifty percent of the area
7 median income or supportive dwelling units, or at least twenty-five
8 percent of the dwelling units are affordable housing units restricted to
9 households at or below eighty percent of the area median income or
10 supportive dwelling units.

11 15. "Residential dwelling unit" shall mean any building or structure
12 or portion thereof which is legally occupied in whole or in part as the
13 home, residence or sleeping place of one or more human beings, however
14 the term does not include any class B multiple dwellings as defined in
15 section four of the multiple dwelling law or housing that is intended to
16 be used on a seasonal basis.

17 16. "Safe harbor" shall mean that a locality's denials of applications
18 are not subject to appeal pursuant to section one thousand four, one
19 thousand five or one thousand six of this article for a three-year cycle
20 as set forth in section one thousand three of this article.

21 17. "Supportive housing" shall mean residential dwelling units with
22 supportive services for tenants.

23 18. "Three-year cycle" shall mean a term of three calendar years with
24 the first cycle beginning on January first, two thousand twenty-four,
25 and each cycle commencing three calendar years thereafter.

26 § 1002. Applicability. This article shall apply to all localities as
27 defined in subdivision ten of section one thousand one of this article.

1 § 1003. Safe harbor. 1. Determinations. a. The division, using the
2 information submitted pursuant to this section, may make and publish a
3 determination as to whether a locality is in safe harbor as a result of
4 such locality achieving its growth targets, as defined in subdivision
5 three of this section. Such determination may only be reviewed by a
6 court or the housing review board as part of an appeal of a denial of a
7 specific qualifying project.

8 b. Safe harbor, as defined in section one thousand one of this arti-
9 cle, shall be granted to localities based upon a three-year cycle with
10 the first cycle beginning on January first, two thousand twenty-four,
11 provided further that all localities shall be deemed in safe harbor for
12 the duration of the first cycle beginning on January first, two thousand
13 twenty-four and terminating after December thirty-first, two thousand
14 twenty-six.

15 (i) A locality shall be deemed to be in safe harbor if such locality
16 satisfactorily enacts at least two preferred actions, as set forth in
17 subdivision four of this section. Except as otherwise set forth in this
18 article, any determination issued by the division that a locality is in
19 safe harbor based on the enactment of preferred actions, as set forth in
20 subdivision four of this section, shall be in effect from the effective
21 date of such determination through the end of the three-year cycle that
22 is current on the date on which such determination is issued, provided
23 further, however, that any determination as to whether safe harbor
24 should apply based on the locality's enactment of such preferred actions
25 shall be based on such preferred actions enacted during the three-year
26 cycle immediately preceding the three-year cycle in which the determi-
27 nation was issued. In the event that a locality rescinds any such
28 preferred action that contributed to a locality being determined to be

1 in safe harbor within ten years of such preferred action's enactment,
2 such locality shall be ineligible for safe harbor for ten years, start-
3 ing on the date such locality was initially deemed to be in safe harbor
4 as a result of such rescinded preferred action.

5 (ii) A locality shall be deemed to be in safe harbor if such locality
6 met or exceeded their growth targets as set forth in subdivision three
7 of this section. Except as otherwise set forth in this article, any
8 determination issued by the division that a locality is in safe harbor
9 based on the locality meeting or exceeding their growth targets set
10 forth in subdivision three of this section shall be in effect from the
11 effective date of such determination through the end of the three-year
12 cycle that was current at the time such determination was issued by the
13 division; provided further, however, that any determination as to wheth-
14 er safe harbor should apply shall be based on the locality meeting or
15 exceeding their growth targets in the three-year cycle immediately
16 preceding the three-year cycle in which the determination was issued.

17 (iii) A locality shall be determined to be in safe harbor for the
18 three-year cycle beginning on January first, two thousand twenty-seven,
19 and ending on December thirty-first, two thousand twenty-nine, if, from
20 a period beginning on January first, two thousand twenty-one, and ending
21 on December thirty-first, two thousand twenty-three, such locality met
22 or exceeded their growth targets as set forth in subdivision three of
23 this section.

24 2. Local reporting requirements. Each locality subject to this article
25 shall submit housing production information to the division. Such infor-
26 mation shall be submitted pursuant to the deadlines set forth by section
27 twenty-a of the public housing law and shall contain the information
28 prescribed in such section. Notwithstanding any other provision of this

1 section, any failure of a locality to provide such information pursuant
2 to this subdivision to the division shall result in the locality being
3 deemed ineligible for safe harbor until such time as the information is
4 properly submitted.

5 3. Growth targets. a. A locality may be determined to be in safe
6 harbor for a three-year cycle, if, in the previous three-year cycle, a
7 locality located outside of the metropolitan transportation commuter
8 district permitted the construction of new eligible residential dwelling
9 units in an amount equal to one percent of the amount of residential
10 housing units existing in the locality as reported in the most recently
11 published United States decennial census.

12 b. A locality may be determined to be in safe harbor for a three-year
13 cycle, if, in the previous three-year cycle, a locality located inside
14 of the metropolitan transportation commuter district permitted the
15 construction of new eligible residential dwelling units in an amount
16 equal to three percent of the amount of residential housing units exist-
17 ing in the locality as reported in the most recently published United
18 States decennial census.

19 c. Subject to paragraph d of this subdivision, the number of eligible
20 residential dwelling units shall be calculated using the following
21 formula:

22 (i) a permitted new residential dwelling unit shall be counted as one
23 eligible residential dwelling unit, provided that a permitted new resi-
24 dential dwelling unit that is income restricted to households earning no
25 more than an amount that is determined pursuant to a regulatory agree-
26 ment with a federal, state, or local governmental entity shall be count-
27 ed as two eligible residential dwelling units; and

1 (ii) every permitted residential dwelling unit that became suitable
2 for occupancy and that previously had been deemed abandoned pursuant to
3 article nineteen-A of the real property actions and proceedings law
4 shall be counted as one and one-half eligible residential dwelling
5 units.

6 For the purposes of this subdivision, a project shall be considered to
7 be permitted if it has received all necessary local authorizations
8 required prior to requesting a building permit.

9 d. The following permitted residential dwelling units shall not be
10 counted as eligible residential dwelling units:

11 (i) any permitted residential dwelling unit where more than twelve
12 months have passed between the authorization granting permission and the
13 commencement of construction; and

14 (ii) any permitted residential dwelling unit where more than twenty-
15 four months have passed between the authorization granting permission
16 and the issuance of a certificate of occupancy or temporary certificate
17 of occupancy.

18 e. In the event a permitted residential dwelling unit is not counted
19 as an eligible residential unit pursuant to paragraph d of this subdivi-
20 sion, such residential dwelling unit may be counted as an eligible resi-
21 dential dwelling unit when the certificate of occupancy or temporary
22 certificate of occupancy is issued for such residential dwelling unit.
23 Provided, further, that in no event shall an eligible residential dwell-
24 ing unit be counted towards a locality's growth target in more than one
25 three-year cycle.

26 4. Preferred actions. a. Accessory dwelling units. It shall be consid-
27 ered to be a preferred action pursuant to this section if a locality
28 enacts by local law the provisions of this paragraph. For any locality

1 within a city with a population of one million or more, it shall be
2 considered to be such a preferred action if such city enacts by local
3 law the provisions of this paragraph throughout such locality. For any
4 locality located within a county wherein such county is empowered to
5 approve or amend some or all of the land use requirements applicable
6 within the locality, to the extent the county is so empowered, it shall
7 be considered such a preferred action if such county enacts by local law
8 the provisions of this paragraph to be in effect throughout such locali-
9 ty.

10 (i) Definitions. For the purposes of this paragraph:

11 A. "Local government" shall mean a county, city, town or village.

12 B. "Nonconforming zoning condition" shall mean a physical improvement
13 on a property that does not conform with current zoning standards.

14 C. "Proposed dwelling" shall mean a dwelling that is the subject of a
15 permit application and that meets the requirements for permitting.

16 (ii) A local government shall, by local law, provide for the creation
17 of accessory dwelling units. Such local law shall:

18 A. designate areas within the jurisdiction of the local government
19 where accessory dwelling units shall be permitted. Designated areas
20 shall include all areas that permit single-family or multi-family resi-
21 dential use, and all lots with an existing residential use;

22 B. authorize the creation of at least one accessory dwelling unit per
23 lot;

24 C. provide reasonable standards for accessory dwelling units that may
25 include, but are not limited to, height, landscape, architectural review
26 and maximum size of a unit. In no case shall such standards unreasonably
27 restrict the creation of accessory dwelling units; and

28 D. require accessory dwelling units to comply with the following:

1 (1) such accessory dwelling unit may be rented separate from the
2 primary residential dwelling unit, but shall not be sold or otherwise
3 conveyed separate from the primary residential dwelling unit;

4 (2) such accessory dwelling unit shall be located on a lot that
5 includes a proposed dwelling or existing residential dwelling unit;

6 (3) such accessory dwelling unit shall not be rented for a term of
7 less than thirty days; and

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

13 (iii) A local government shall not establish by local law any of the
14 following:

15 A. in a local government having a population of one million or more, a
16 minimum square footage requirement for an accessory dwelling unit great-
17 er than two hundred square feet, or in a local government having a popu-
18 lation of less than one million, a minimum square footage requirement
19 for an accessory dwelling unit that is greater than five hundred fifty
20 square feet;

21 B. a maximum square footage requirement for an accessory dwelling unit
22 that is less than fifteen hundred square feet;

23 C. any other minimum or maximum size for or other limits on an acces-
24 sory dwelling unit that does not permit at least an eight hundred square
25 foot accessory dwelling unit with four-foot side and rear yard setbacks
26 to be constructed in compliance with other local standards, including
27 any such minimum or maximum size based upon a percentage of the proposed
28 dwelling or existing primary residential dwelling unit, or any such

1 other limits on lot coverage, floor area ratio, open space, and minimum
2 lot size. Notwithstanding any other provision of this section, a local
3 government may provide, where a lot contains an existing residential
4 dwelling unit, that an accessory dwelling unit located within and/or
5 attached to the primary residential dwelling unit shall not exceed the
6 buildable envelope for the existing residential dwelling unit, and that
7 an accessory dwelling unit that is detached from an existing residential
8 dwelling unit shall be constructed in the same location and to the same
9 dimensions as an existing structure, if such structure exists;

10 D. a ceiling height requirement greater than seven feet, unless the
11 local government can demonstrate that such a requirement is necessary
12 for the preservation of health and safety;

13 E. any requirement that a pathway exist or be constructed in conjunc-
14 tion with the creation of an accessory dwelling unit, unless the local
15 government can demonstrate that such requirement is necessary for the
16 preservation of health and safety;

17 F. any setback for an existing residential dwelling unit or accessory
18 structure or a structure constructed in the same location and to the
19 same dimensions as an existing structure that is converted to an acces-
20 sory dwelling unit or to a portion of an accessory dwelling unit, or any
21 setback of more than four feet from the side and rear lot lines for an
22 accessory dwelling unit that is not converted from an existing structure
23 or a new structure constructed in the same location and to the same
24 dimensions as an existing structure; or

25 G. any health or safety requirements on accessory dwelling units that
26 are not necessary to protect health and safety. Nothing in this
27 provision shall be construed to prevent a local government from requir-
28 ing that accessory dwelling units are, where applicable, supported by

1 septic capacity necessary to meet state health, safety and sanitary
2 standards, that the creation of such accessory dwelling units comports
3 with flood resiliency policies or efforts, and that such accessory
4 dwelling units are consistent with the protection of wetlands and
5 watersheds.

6 (iv) No parking requirement shall be imposed on an accessory dwelling
7 unit; provided, however, that where no adjacent public street permits
8 year-round on-street parking and the accessory dwelling unit is greater
9 than one-half mile from access to public transportation, a local govern-
10 ment may require up to one off-street parking space per accessory unit.

11 (v) A local government shall not require that off-street parking spac-
12 es be replaced if a garage, carport, or covered parking structure is
13 demolished in conjunction with the construction of an accessory dwelling
14 unit or converted to an accessory dwelling unit.

15 (vi) Notwithstanding any local law, ordinance, resolution, or regu-
16 lations, a permit application to create an accessory dwelling unit in
17 conformance with a local law adopted pursuant to this paragraph shall be
18 considered ministerially, without discretionary review or a hearing. If
19 there is an existing single-family or multi-family residential dwelling
20 unit on the lot, the permitting local government shall act on the appli-
21 cation to create an accessory dwelling unit within ninety days from the
22 date the local agency receives a completed application or, in a local
23 government having a population of one million or more, within sixty
24 days. If the permit application to create an accessory dwelling unit is
25 submitted with a permit application to create a new primary residential
26 dwelling unit on the lot, the permitting local government may delay
27 acting on the permit application for the accessory dwelling unit until
28 the permitting local government acts on the permit application to create

1 the new primary residential dwelling unit, but the application to create
2 the accessory dwelling unit shall be considered without discretionary
3 review or hearing. If the applicant requests a delay, the time period
4 for review shall be tolled for the period of the delay. Such review
5 shall include all necessary permits and approvals including, without
6 limitation, those related to health and safety. A local government shall
7 not require an additional or amended certificate of occupancy in
8 connection with an accessory dwelling unit. A local government may
9 charge a fee not to exceed one thousand dollars per application for the
10 reimbursement of the actual costs such local agency incurs pursuant to
11 the local law enacted pursuant to this paragraph.

12 (vii) Local governments shall establish an administrative appeal proc-
13 ess to a local agency for applications to create accessory dwelling
14 units. The jurisdiction of the local agency to decide such appeals shall
15 be limited to reviewing any order, requirement, decision, interpreta-
16 tion, or determination issued under the local law adopted pursuant to
17 this paragraph and deciding the matter from which any such appeal was
18 taken. When a permit to create an accessory dwelling unit pursuant to a
19 local law adopted pursuant to this paragraph is denied, the local agency
20 that denied the permit shall issue a notice of denial which shall
21 contain the reason or reasons such permit application was denied and
22 instructions on how the applicant may appeal such denial. Such notice
23 shall be made part of the record of appeals. All appeals shall be
24 submitted to the local agency authorized by the governing body of the
25 local government to decide such appeals, in writing within thirty days
26 of any order, requirement, decision, interpretation, or determination
27 related to the creation of accessory dwelling units.

1 (viii) No other local law, ordinance, policy, or regulation shall be
2 the basis for the denial of a building permit or a use permit under this
3 paragraph except to the extent necessary to protect health and safety
4 and provided such law, policy, or regulation is consistent with the
5 requirements of this paragraph.

6 (ix) A local government shall not require, as a condition for minis-
7 terial approval of a permit application for the creation of an accessory
8 dwelling unit, the correction of nonconforming zoning conditions,
9 noncomplying zoning conditions, or other minor violations of any local
10 law.

11 (x) Where an accessory dwelling unit requires a new or separate utili-
12 ty connection directly between the accessory dwelling unit and the util-
13 ity, the connection may be subject to a connection fee or capacity
14 charge that shall be proportionate to the burden of the proposed acces-
15 sory dwelling unit, based upon either its size or the number of its
16 plumbing fixtures upon the water or sewer system. Such fee or charge
17 shall not exceed the reasonable cost of providing such utility
18 connection. A local government shall not impose any other fee in
19 connection with an accessory dwelling unit.

20 (xi) A property owner who is denied a permit by a local government in
21 violation of this paragraph shall have a private cause of action in a
22 court of competent jurisdiction.

23 (xii) Any amendment undertaken pursuant to this paragraph shall be
24 exempt from any environmental review requirements pursuant to article
25 eight of the environmental conservation law and any rules and regu-
26 lations promulgated pursuant thereto, and any substantially equivalent
27 local law, regulation or rule to article eight of the environmental
28 conservation law, including, but not limited to, in a city with a popu-

1 lation greater than one million people, city environmental quality
2 review.

3 b. Lot splits. It shall be considered to be a preferred action pursu-
4 ant to this section if a locality enacts by local law the provisions of
5 this paragraph. For any locality within a city with a population of one
6 million or more, it shall be a considered to be such a preferred action
7 if such city enacts by local law the provisions of this paragraph
8 throughout such locality. For any locality located within a county wher-
9 ein such county is empowered to approve or amend some or all of the land
10 use requirements applicable within the locality, to the extent the coun-
11 ty is so empowered, it shall be considered such a preferred action if
12 such county enacts by local law the provisions of this paragraph to be
13 in effect throughout such locality.

14 (i) Notwithstanding any other provision of state or local law, rule or
15 regulation, a lead agency equivalent shall ministerially approve, as set
16 forth by the local law adopted to establish a preferred action in
17 accordance with this paragraph, a lot to be split if the lead agency
18 equivalent determines that the lot meets all of the following require-
19 ments:

20 A. the lot to be split creates no more than two new lots of approxi-
21 mately equal lot area, provided that one lot shall not be smaller than
22 forty percent of the lot area of the original lot proposed for the
23 subdivision;

24 B. the lot to be split is located in an area where single-family resi-
25 dential use is permitted;

26 C. the lot was not created from a previous lot split permitted pursu-
27 ant to the local law that was enacted pursuant to this paragraph; and

1 D. the proposed lot split would not require demolition or alteration
2 of any of the following types of housing:

3 (1) housing that is subject to a recorded covenant, ordinance, law or
4 regulatory agreement that restricts rents to levels affordable to
5 persons and families of a set income;

6 (2) housing that is subject to the emergency rent stabilization law or
7 the emergency tenant protection act; or

8 (3) housing that is listed on the state registry of historic places or
9 had an application pending to be listed on such registry as of the
10 effective date of this article.

11 (ii) An application for a lot split shall be approved in accordance
12 with the following requirements:

13 A. A lead agency equivalent shall approve or deny an application for a
14 lot split ministerially without discretionary review.

15 B. A lead agency equivalent shall not require dedications of rights-
16 of-way or the construction of offsite improvements for the lots being
17 created as a condition of approving a lot split pursuant to a local law
18 adopted pursuant to this paragraph.

19 C. A lead agency equivalent shall not impose land use standards,
20 zoning standards, subdivision standards, design review standards, or
21 other development standards that would have the effect of physically
22 precluding the construction of two units, one on each of the resulting
23 lots, or that would result in a unit size of less than eight hundred
24 square feet, provided further that no setback shall be required for an
25 existing structure or a structure constructed in the same location and
26 to the same dimensions as an existing structure.

1 D. Notwithstanding clause C of this subparagraph, a lead agency equiv-
2 alent may require a setback of up to four feet from the side and rear
3 lot lines.

4 (iii) A lead agency equivalent may deny a lot split if the lead agency
5 equivalent makes a written finding, based upon a preponderance of the
6 evidence, that a proposed residential dwelling unit on one of the new
7 lots would have a specific, adverse impact upon public health or safety
8 for which there is no feasible method to satisfactorily mitigate the
9 specific adverse impact.

10 (iv) A lead agency equivalent may require any of the following condi-
11 tions when considering an application to undertake a lot split:

12 A. easements required for the provision of public services and facili-
13 ties;

14 B. a requirement that the lots have access to, provide access to, or
15 adjoin the public right-of-way; and

16 C. off-street parking of up to one space per residential dwelling
17 unit, except that a lead agency equivalent shall not impose parking
18 requirements in either of the following instances:

19 (1) where year-round parking is permitted on an adjacent street; or

20 (2) where the split lot is within one-half mile of access to public
21 transportation.

22 (v) A lead agency equivalent shall not impose owner occupancy require-
23 ments on a lot split authorized pursuant to a local law adopted pursuant
24 to this paragraph.

25 (vi) A lead agency equivalent shall require that a rental of any unit
26 created pursuant to a local law adopted pursuant to this paragraph be
27 for a term longer than thirty days.

1 (vii) A lead agency equivalent shall not require, as a condition for
2 ministerial approval of a lot split pursuant to a local law adopted
3 pursuant to this paragraph, correction of nonconforming or noncomplying
4 zoning conditions.

5 (viii) A request for a lot split pursuant to a local law adopted
6 pursuant to this paragraph shall not be denied solely because it
7 proposed adjacent or connected structures, provided that the structures
8 meet building code safety standards and are sufficient to allow separate
9 conveyance.

10 (ix) Any amendment undertaken pursuant to this paragraph shall be
11 exempt from any environmental review requirements pursuant to article
12 eight of the environmental conservation law and any rules and regu-
13 lations promulgated pursuant thereto, and any substantially equivalent
14 local law, regulation or rule to article eight of the environmental
15 conservation law, including, but not limited to, in a city with a popu-
16 lation of one million or more, city environmental quality review.

17 c. Remove exclusionary measures. It shall be considered to be a
18 preferred action pursuant to this section if a locality enacts by local
19 law the provisions of this paragraph. For any locality within a city
20 with a population of one million or more, it shall be considered to be
21 such a preferred action if such city enacts by local law the provisions
22 of this paragraph throughout such locality. For any locality located
23 within a county wherein such county is empowered to approve or amend
24 some or all of the land use requirements applicable within the locality,
25 to the extent the county is so empowered, it shall be considered such a
26 preferred action if such county enacts by local law the provisions of
27 this paragraph to be in effect throughout such locality.

1 (i) No locality shall, as part of its land use laws, ordinances, rules
2 or regulations, including, but not limited to, zoning laws, ordinances,
3 rules or regulations, site plan review laws, ordinances, rules or regu-
4 lations, subdivision laws, rules or regulations, or comprehensive plan-
5 ning laws, rules or regulations, impose:

6 A. minimum lot size requirements for mixed-use or residential uses;

7 B. height limits that preclude or unduly restrict the ability to build
8 residential accommodations, including multi-family residential build-
9 ings;

10 C. lot coverage restrictions that preclude or unduly restrict the
11 ability to build residential accommodations, including multi-family
12 residential buildings; or

13 D. parking minimums on any site that exceed one parking space per
14 residential dwelling unit, provided, further, that no parking minimums
15 may be imposed for any site that includes residential dwelling units
16 when such site is located within one-half mile from access to public
17 transportation.

18 (ii) Any amendment undertaken pursuant to this paragraph shall be
19 exempt from any environmental review requirements pursuant to article
20 eight of the environmental conservation law and any rules and regu-
21 lations promulgated pursuant thereto, and any substantially equivalent
22 local law, regulation or rule to article eight of the environmental
23 conservation law, including, but not limited to, in a city with a popu-
24 lation of one million or more, city environmental quality review.

25 d. Smart growth rezonings. It shall be considered to be a preferred
26 action pursuant to this section if a locality enacts by local law the
27 provisions of this paragraph. Such preferred action shall be designed
28 and implemented in such a manner that it complies with federal and state

1 fair housing laws, including the requirement to affirmatively further
2 fair housing, which shall include compliance with the requirements set
3 forth in subdivision three of section six hundred of the public housing
4 law. For any locality within a city with a population of one million or
5 more, it shall be considered to be such a preferred action if such city
6 enacts by local law the provisions of this paragraph throughout such
7 locality. For any locality located within a county wherein such county
8 is empowered to approve or amend some or all of the land use require-
9 ments applicable within the locality, to the extent the county is so
10 empowered, it shall be considered such a preferred action if such county
11 enacts by local law the provisions of this paragraph to be in effect
12 throughout such locality.

13 (i) A lead agency equivalent shall undertake a land use action to
14 amend its land use requirements, as applicable, to permit the
15 construction of residential housing with an aggregate density of at
16 least twenty-five residential dwelling units per acre over an area or
17 areas consisting solely of previously disturbed land that, in the aggre-
18 gate, are equal to one-third of the previously disturbed land mass of
19 the locality.

20 (ii) Such land use action shall not include any measure that makes the
21 development of residential housing economically infeasible, including,
22 but not limited to, unduly restrictive height limits, excessive yard or
23 open space requirements, the imposition of minimum or maximum residen-
24 tial dwelling unit size limits, or restrictions on the total number of
25 permitted residential dwelling units within a residential housing
26 project based on lot size or other criteria other than the aggregate
27 density.

1 (iii) Such land use action shall permit commercial uses on a reason-
2 able percentage of the lots impacted by the amendment with the goal of
3 granting residents access to amenities, goods, and services within walk-
4 ing distance of their residences.

5 (iv) Any amendment undertaken pursuant to this paragraph shall be
6 exempt from any environmental review requirements pursuant to article
7 eight of the environmental conservation law and any rules and regu-
8 lations promulgated pursuant thereto, and any substantially equivalent
9 local law, regulation or rule to article eight of the environmental
10 conservation law, including, but not limited to, in a city with a popu-
11 lation greater than one million people, city environmental quality
12 review.

13 (v) Any proposed project that provides residential housing and
14 complies with a locality's land use requirements, after such land use
15 requirements have been amended pursuant to this paragraph, shall be
16 exempt from review requirements pursuant to article eight of the envi-
17 ronmental conservation law and any rules and regulations promulgated
18 thereto, and any substantially equivalent local law, regulation or rule
19 to article eight of the environmental conservation law, including, but
20 not limited to, in a city with a population greater than one million
21 people, city environmental quality review.

22 (vi) Project specific review of any project that provides residential
23 housing and complies with a locality's land use requirements, after such
24 requirements have been amended pursuant to this paragraph, shall:

25 A. be completed with written approval or denial being delivered to the
26 applying party within one hundred twenty days of the application being
27 submitted; and

28 B. be limited to a review of the following:

1 (1) the capacity of local infrastructure to provide adequate drinking
2 water and wastewater services to the proposed project;

3 (2) the capacity of local infrastructure to provide adequate utility
4 services to the proposed project; and

5 (3) the aesthetics of the proposed project, provided that any aesthet-
6 ic review must be based on published objective standards. If no objec-
7 tive standards are published, no project specific review may consider
8 aesthetics. Provided further that no aesthetic requirements may increase
9 the cost of a project to make such project as proposed economically
10 infeasible.

11 C. Unless specifically set forth by this paragraph, nothing set forth
12 in this subparagraph shall be interpreted to override or otherwise waive
13 any permitting required pursuant to state or federal laws or regu-
14 lations.

15 e. Adaptive reuse rezonings. It shall be considered to be a preferred
16 action pursuant to this section if a locality enacts by local law the
17 provisions of this paragraph. Such preferred action shall be designed
18 and implemented in such a manner that it complies with federal and state
19 fair housing laws, including the requirement to affirmatively further
20 fair housing, which shall include compliance with the requirements set
21 forth in subdivision three of section six hundred of the public housing
22 law. For any locality within a city with a population greater than one
23 million people, it shall be considered to be such a preferred action if
24 such city enacts by local law the provisions of this paragraph through-
25 out such locality. For any locality located within a county wherein
26 such county is empowered to approve or amend some or all of the land use
27 requirements applicable within the locality, to the extent the county is
28 so empowered, it shall be considered such a preferred action if such

1 county enacts by local law the provisions of this paragraph to be in
2 effect throughout such locality.

3 (i) A lead agency equivalent shall undertake a land use action to
4 amend its land use requirements to permit the construction and occupancy
5 of residential housing with an aggregate density of at least twenty-five
6 residential dwelling units per acre in an area that, prior to such
7 amendment, permitted only commercial use.

8 A. Such land use action must encompass an area of at least one hundred
9 acres.

10 B. Such land use action shall not include any measure that makes the
11 development of residential housing economically infeasible, including,
12 but not limited to, unduly restrictive height limits, excessive yard or
13 open space requirements, the imposition of minimum or maximum unit size
14 limits, or restrictions on the total number of permitted residential
15 dwelling units within a residential housing project based on lot size or
16 other criteria other than the aggregate density.

17 C. Such land use action shall permit commercial uses on a reasonable
18 percentage of the lots impacted by the amendment with the goal of grant-
19 ing residents access to amenities, goods, and services within walking
20 distance of their residences.

21 (ii) Any amendment undertaken pursuant to this paragraph shall be
22 exempt from any environmental review requirements pursuant to article
23 eight of the environmental conservation law and any rules and regu-
24 lations promulgated pursuant thereto, and any substantially equivalent
25 local law, regulation or rule to article eight of the environmental
26 conservation law, including, but not limited to, in a city with a popu-
27 lation greater than one million people, city environmental quality
28 review.

1 (iii) Any proposed project that provides residential housing and
2 complies with land use requirements, after such land use requirements
3 have been amended pursuant to this paragraph, shall be exempt from
4 review requirements pursuant to article eight of the environmental
5 conservation law and any rules and regulations promulgated pursuant
6 thereto, and any substantially equivalent local law, regulation or rule
7 to article eight of the environmental conservation law, including, but
8 not limited to, in a city with a population greater than one million
9 people, city environmental quality review.

10 (iv) Any project that provides residential housing and complies with
11 applicable land use requirements, after such land use requirements have
12 been amended pursuant to this paragraph, shall be buildable as of right,
13 and any project specific review relating to such project shall:

14 A. be completed with written approval or denial being delivered to the
15 applying party within one hundred twenty days of the application being
16 submitted; and

17 B. be limited to a review of the following:

18 (1) the capacity of local infrastructure to provide adequate drinking
19 water and wastewater services to the proposed project;

20 (2) the capacity of local infrastructure to provide adequate utility
21 services to the proposed project; and

22 (3) the aesthetics of the proposed project, provided that any aesthet-
23 ic review must be based on published objective standards. If no objec-
24 tive standards are published, no project specific review may consider
25 aesthetics. Provided further that no aesthetic requirements may increase
26 the cost of a project to make such project as proposed economically
27 infeasible.

1 C. unless specifically set forth by this paragraph, nothing set forth
2 in this subparagraph shall be interpreted to override or otherwise waive
3 any permitting required pursuant to state or federal laws or regu-
4 lations.

5 § 1004. Local procedures outside of safe harbor/general appeal proc-
6 ess. Effective January first, two thousand twenty-seven, when a locality
7 is not in safe harbor:

8 1. An applicant may propose a qualifying project to a lead agency
9 equivalent, regardless of whether the qualifying project complies with
10 the land use requirements applicable to the site where the qualifying
11 project is proposed. No lead agency equivalent may reject a proposed
12 qualifying project due to such project failing to comply with the land
13 use requirements on the site where the qualifying project is proposed,
14 unless such qualifying project is not located on previously disturbed
15 land.

16 2. The lead agency equivalent must approve or deny the application for
17 the qualifying project within one hundred twenty days if the proposed
18 qualifying project contains at least ten residential dwelling units but
19 less than one hundred residential dwelling units, and within one hundred
20 eighty days if the proposed qualifying project contains one hundred or
21 more residential dwelling units. Failure to approve or deny an applica-
22 tion within the time periods specified in this subdivision shall be
23 deemed to be a constructive denial, provided further that the imposition
24 of conditions on the project by the lead agency equivalent that render
25 the project economically infeasible shall be deemed to be a constructive
26 denial, and subject to appeal pursuant to this section, section one
27 thousand five or section one thousand six of this article.

1 3. Any project specific review related to a proposed qualifying
2 project shall be exempt from review requirements pursuant to article
3 eight of the environmental conservation law and any rules and regu-
4 lations promulgated pursuant thereto, and any substantially equivalent
5 local law, regulation or rule to article eight of the environmental
6 conservation law, including, but not limited to, in a city with a popu-
7 lation of one million or more, city environmental quality review, and
8 shall be limited to a review of the following:

9 a. The capacity of local infrastructure to provide adequate drinking
10 water and wastewater services to the proposed project;

11 b. The capacity of local infrastructure to provide adequate utility
12 services to the proposed project; and

13 c. The aesthetics of the proposed project, provided that any aesthetic
14 review must be based on published objective standards. If no objective
15 standards are published, no project specific review may consider
16 aesthetics. Provided further that no aesthetic requirements may increase
17 the cost of a project to make such project as proposed economically
18 infeasible.

19 Nothing set forth in this subdivision shall be interpreted to override
20 or otherwise waive any permitting required pursuant to state or federal
21 laws or regulations, unless specifically set forth in this article.

22 4. Any denial of an application must be accompanied by the specific
23 reasons for the denial set forth in writing.

24 5. When an applicant is denied permission to proceed with a qualifying
25 project, the applicant may file an appeal of the denial pursuant to
26 section one thousand five or one thousand six of this article within
27 sixty days of the denial. An applicant may only file one such appeal per

1 qualifying project and may only file either pursuant to section one
2 thousand five or one thousand six.

3 § 1005. Housing review board. 1. Structure and powers of the housing
4 review board.

5 a. There is hereby established, within the division, a housing review
6 board, to effectuate the provisions of this article.

7 b. The housing review board shall consist of five members. Three
8 members shall be appointed by the governor, one member shall be
9 appointed by the speaker of the assembly, and one member shall be
10 appointed by the temporary president of the senate. The board members
11 shall serve five year terms, and shall only be relieved for cause. Any
12 vacancies on the board shall be filled within a reasonable time period
13 by the official who appointed the board member whose absence has caused
14 the vacancy.

15 c. The housing review board shall have the power and duties to conduct
16 hearings, take oaths, issue orders, and otherwise perform any function
17 necessary to operate in conformity with the provisions of this article.
18 The powers of the housing review board shall include, but not be limited
19 to, the powers granted to the commissioner of housing by subdivision one
20 of section fourteen of the public housing law, and the statutes, rules,
21 regulations and other documents governing the administration of housing
22 by the division of homes and community renewal.

23 d. The division shall provide any administrative and staff support,
24 including, but not limited to, administrative law judges, to the housing
25 review board necessary for the effective implementation of the
26 provisions of this article.

27 e. If the division determines that a locality does or does not qualify
28 for safe harbor, the housing review board, or any court hearing an

1 appeal related to such locality shall take judicial notice of the divi-
2 sion's determination. If the division has not issued a determination as
3 to whether a locality is in safe harbor based on the three-year cycle
4 that was completed immediately prior to the applicable three-year cycle,
5 and such a determination is necessary to adjudicate an appeal before the
6 housing review board or a court, such housing review board or court may
7 make such a determination that applies only to the application pending
8 before the housing review board or the court, provided further, however,
9 that if the housing review board or a court makes a determination that a
10 locality is in safe harbor as a result of the locality enacting
11 preferred actions pursuant to subdivision four of section one thousand
12 three of this article, such determination shall be applied to future
13 proceedings pursuant to this section and section one thousand six of
14 this article for the remainder of the three-year cycle for which such
15 determination was made. The division, at its discretion, may take notice
16 of such determination and the facts underlying such determination, and
17 issue its own determination as to the application of safe harbor that
18 would be applied to all further appeals relating to such locality for
19 the duration that safe harbor applies.

20 2. Appeals before the housing review board. a. Beginning on January
21 first, two thousand twenty-seven, any applicant whose application relat-
22 ing to a qualifying project is denied by a lead agency equivalent may
23 appeal such denial to the housing review board within sixty days of the
24 issuance of the denial.

25 b. If an appeal is brought before the housing review board and the
26 division has already determined that the locality at issue is in safe
27 harbor for the applicable three-year cycle, then the appeal shall be
28 denied and the determination by the lead agency equivalent shall be

1 maintained. If no determination has been made as to whether the locality
2 is in safe harbor, the housing review board shall determine as a thresh-
3 old issue whether such locality is in safe harbor.

4 c. If a locality is found to not be in safe harbor, the housing review
5 board shall issue a determination as to whether the lead agency equiv-
6 alent properly denied the application at issue in the appeal pursuant to
7 the requirements set forth in section one thousand four of this article.

8 d. In issuing a determination, the housing review board may:

9 (i) remand the proceeding to the lead agency equivalent and direct
10 such lead agency equivalent to issue a comprehensive permit or approval
11 to the applicant;

12 (ii) deny the appeal and uphold the lead agency equivalent's denial of
13 the application; or

14 (iii) remand the proceeding to the lead agency equivalent and direct
15 such lead agency equivalent to consider the application as amended to
16 address any legitimate concerns raised by the lead agency equivalent.
17 The housing review board may require that the lead agency equivalent
18 consider any such amended application on an expedited basis.

19 e. In considering the denial of an application, the housing review
20 board may only consider the reasons for the denial given by the lead
21 agency equivalent at the time the application was denied.

22 f. Once a determination has been issued by the housing review board,
23 such determination may be appealed within sixty days to an administra-
24 tive law judge designated to hear such matters. Any determination issued
25 by an administrative law judge shall be considered to be a final agency
26 determination and may be appealed pursuant to article seventy-eight of
27 the civil practice law and rules.

1 3. Burden of proof before the housing review board. a. (i) During a
2 proceeding before the housing review board, the locality which denied
3 the permit for the qualifying project shall initially carry the burden
4 of proof to demonstrate, based upon clear and convincing evidence, that
5 the permit was properly denied pursuant to one or more of the reasons
6 set forth in subdivision three of section one thousand four of this
7 article, that the locality is in safe harbor, or that the project at
8 issue is not a qualifying project.

9 (ii) Notwithstanding any other provision in this article, a locality
10 that is not in safe harbor may raise as an affirmative defense that the
11 amount of eligible residential dwelling units, as weighted pursuant to
12 subdivision three of section one thousand three of this article,
13 constructed in the three-year cycle during which the appeal was filed,
14 combined with the amount of eligible residential dwelling units
15 constructed in the three-year cycle immediately preceding the cycle in
16 which the appeal was filed, constitute an amount of eligible residential
17 dwelling units to qualify the locality for safe harbor for the three-
18 year cycle in which the appeal was filed. Provided, further that eligi-
19 ble residential dwelling units shall only be credited for one three-year
20 cycle, regardless of when such dwelling units were permitted or built.
21 Such defense must be demonstrated by clear and convincing evidence, and
22 must be substantiated by documentation such as temporary or final
23 certificates of occupancy for the housing. If the locality meets the
24 burden set forth in this paragraph, unless the applicant successfully
25 rebutts the evidence or reasons for rejection provided by the locality
26 pursuant to paragraph b of this subdivision, such locality shall be
27 deemed to be in safe harbor for the remainder of the three-year cycle in

1 effect at the time the appeal was filed, effective the date such deter-
2 mination is made.

3 b. If the locality meets the burden set forth in paragraph a of this
4 subdivision, the applicant shall be given an opportunity to rebut the
5 evidence and reasons for rejection provided by the locality.

6 c. If the division issues a determination as to whether a locality is
7 in safe harbor, the housing review board and administrative law judges
8 shall take notice of such determination. If no such determination has
9 been issued by the division, except as provided in paragraph e of subdi-
10 vision one of this section, the housing review board and administrative
11 law judges may make a determination as to whether a locality is in safe
12 harbor, based on the three-year cycle that was completed immediately
13 prior to the applicable three-year cycle, solely for the purposes of
14 issuing a determination regarding the application that is the subject of
15 the appeal being considered.

16 4. Costs shall not be allowed against the local government and the
17 officer or officers whose failure or refusal gave rise to the special
18 proceeding, unless it shall appear to the court that the local govern-
19 ment and its officers acted with gross negligence or in bad faith or
20 with malice.

21 § 1006. Land use appeals before the supreme court. 1. Judges of the
22 supreme court that are specially designated as land use judges by the
23 chief administrator of the courts shall hear land use appeals. Such
24 judges shall be selected from a list of qualified candidates as created
25 by the land use advisory council. Only such land use judges shall be
26 empowered to adjudicate land use appeals pursuant to this section aris-
27 ing anywhere in the State of New York, regardless of what county the
28 judge serves in over the course of their normal duties.

1 2. There shall be established a land use advisory council. a. The
2 land use advisory council shall be composed of five members. Three
3 members shall be appointed by the governor, one member shall be
4 appointed by the speaker of the assembly, and one member shall be
5 appointed by the temporary president of the senate. The members shall
6 serve five year terms, and shall only be relieved for cause. Any vacan-
7 cies on the council shall be filled within a reasonable time period by
8 the official who appointed the member whose absence has caused the
9 vacancy.

10 b. The land use advisory council shall meet at least four times a
11 year, and on such additional occasions as they may require or as may be
12 required by the administrative judge. Members shall receive no compen-
13 sation.

14 c. The land use advisory council shall publish a list of supreme court
15 judges qualified to hear land use appeals based on training, experience
16 and judicial temperament.

17 3. Appeals before a land use judge. a. Beginning on January first, two
18 thousand twenty-seven, any applicant whose application related to a
19 qualifying project is denied by a lead agency equivalent may appeal such
20 denial before a land use judge designated pursuant to this section in
21 supreme court. The applicant shall choose the forum in which to file the
22 appeal.

23 b. If an appeal is brought before such land use judge and the division
24 has already determined that the locality at issue is in safe harbor for
25 the applicable three-year cycle, then the appeal shall be denied and the
26 determination by the lead agency equivalent shall be maintained. If no
27 determination has been made as to whether the locality is in safe
28 harbor, such land use judge shall determine as a threshold issue whether

1 such locality is in safe harbor based on the three-year cycle that was
2 completed immediately prior to the applicable three-year cycle.

3 c. If a locality is found to not be in safe harbor, such land use
4 judge shall issue a determination as to whether the lead agency equiv-
5 alent properly denied the application at issue in the appeal pursuant to
6 the requirements set forth in section one thousand four of this article.

7 d. In issuing a determination, such land use judge may:

8 (i) remand the proceeding to the lead agency equivalent and direct
9 such lead agency equivalent to issue a comprehensive permit or approval
10 to the applicant;

11 (ii) deny the appeal and uphold the lead agency equivalent's denial of
12 the application; or

13 (iii) remand the proceeding to the lead agency equivalent and direct
14 such lead agency equivalent to consider the application as amended to
15 address any legitimate concerns raised by the lead agency equivalent.
16 Such land use judge may require that the lead agency equivalent consider
17 any such amended application on an expedited basis.

18 e. In considering the denial of an application, such land use judge
19 may only consider the reasons for the denial given by the lead agency
20 equivalent at the time the application was denied.

21 4. Burden of proof before a court. a. (i) During a proceeding before a
22 land use judge designated pursuant to this section, the locality which
23 denied the permit for the qualifying project shall initially carry the
24 burden of proof to demonstrate, based upon clear and convincing
25 evidence, that the permits were properly denied pursuant to one or more
26 of the reasons set forth in subdivision three of section one thousand
27 four of this article, that the locality is in safe harbor, or that the
28 project at issue is not a qualifying project.

1 (ii) Notwithstanding any other provision in this article, a locality
2 that is not in safe harbor may raise as an affirmative defense that the
3 amount of eligible residential dwelling units, as weighted pursuant to
4 subdivision three of section one thousand three of this article,
5 constructed in the three-year cycle during which the appeal was filed,
6 combined with the amount of eligible residential dwelling units
7 constructed in the three-year cycle immediately preceding the cycle in
8 which the appeal was filed, constitute an amount of eligible residential
9 dwelling units needed to qualify the locality for safe harbor for the
10 three-year cycle in which the appeal was filed. Provided, further, that
11 eligible residential dwelling units shall only be credited for one
12 three-year cycle, regardless of when such dwelling units were permitted
13 or built. Such defense must be demonstrated by clear and convincing
14 evidence, and must be substantiated by documentation such as temporary
15 or final certificates of occupancy for the housing. If the locality
16 meets the burden set forth in this paragraph, unless the applicant
17 successfully rebuts the evidence or reasons for rejection provided by
18 the locality pursuant to paragraph b of this subdivision, such locality
19 shall be deemed to be in safe harbor for the remainder of the three-year
20 cycle in effect at the time the appeal was filed, effective the date
21 such determination is made.

22 b. If the locality meets the burden set forth in paragraph a of this
23 subdivision, the applicant shall be given an opportunity to rebut the
24 evidence and reasons for rejection provided by the locality.

25 c. If the division issues a determination as to whether a locality is
26 in safe harbor, such land use judge shall take notice of such determi-
27 nation. If no such determination has been issued by the division, except
28 as provided in paragraph e of subdivision one of section one thousand

1 five of this article, such land use judge may make a determination as to
2 whether a locality is in safe harbor, based on the three-year cycle that
3 was completed immediately prior to the applicable three-year cycle,
4 solely for the purposes of issuing a determination regarding the appli-
5 cation that is the subject of the appeal being considered.

6 5. Any final order issued by a land use judge designated pursuant to
7 this section shall be appealed in a manner consistent with the civil
8 practice law and rules.

9 6. The chief administrator of the court shall promulgate rules and
10 regulations to carry out the mandate of this section.

11 7. Costs shall not be allowed against the local government and the
12 officer or officers whose failure or refusal gave rise to the special
13 proceeding, unless it shall appear to the court that the local govern-
14 ment and its officers acted with gross negligence or in bad faith or
15 with malice.

16 8. Employees and agents of localities may only be sued in their offi-
17 cial capacity for non-compliance with this article.

18 § 3. Section 14 of the public housing law is amended by adding a new
19 subdivision 8 to read as follows:

20 8. The division shall have the authority to promulgate regulations,
21 rules and policies related to land use by cities, towns, and villages as
22 it relates to the development of housing, including, but not limited to,
23 the administration and enforcement of article twenty of the general
24 municipal law, the Transit-Oriented Development Act of 2023, and section
25 twenty-a of the public housing law. Such enforcement authority shall
26 include, but not be limited to, all of the powers granted by subdivision
27 one of this section, in addition to the statutes, rules, regulation and
28 other documents regarding the authority of the division, and, where

1 applicable, the power to issue orders and administer funding and grants
2 to localities to assist with land use planning.

3 § 4. Severability. In the event it is determined by a court of compe-
4 tent jurisdiction that any phrase, clause, part, subdivision, paragraph
5 or subsection, or any of the provisions of this article is unconstitu-
6 tional or otherwise invalid or inoperative, such determination shall not
7 affect the validity or effect of the remaining provisions of this arti-
8 cle.

9 § 5. This act shall take effect immediately.

10 PART G

11 Section 1. Short title. This act shall be known and may be cited as
12 the "transit-oriented development act of 2023".

13 § 2. Legislative findings and statement of purpose. The legislature
14 hereby finds, determines and declares:

15 New York State has a vital interest in reducing harmful greenhouse gas
16 emissions. New York State further recognizes that encouraging and facil-
17 itating use of rail-based mass transit is a valuable method for reducing
18 greenhouse gas emissions. New York State further recognizes that creat-
19 ing walkable living environments with a variety of housing options near
20 rail-based mass transit not only advances the goal of encouraging the
21 use of rail-based mass transit, but also promotes local and regional
22 economic development.

23 Housing in the state of New York is among the most expensive in the
24 nation and housing insecurity remains a problem for many low- and moder-
25 ate-income families. The excessive cost of the state's housing supply is
26 partially caused by a lack of housing near public transit access points.

1 This lack of available housing is especially pronounced in well-re-
2 sourced municipalities and neighborhoods with access to jobs, educa-
3 tional resources, and health infrastructure that engender social and
4 economic mobility.

5 Many local governments do not give adequate attention to or planning
6 for the local and broader regional economic, environmental, and social
7 costs of local policies and actions that have the effect of stagnating
8 or reducing the supply of housing, including affordable and supportive
9 housing, or how such policies and actions thereby produce threats to the
10 public health, safety, and general welfare.

11 Increasing the supply of housing in close proximity to rail stations
12 is a matter of state concern and critical to promoting housing afforda-
13 bility, reducing housing insecurity, driving economic growth, encourag-
14 ing social and economic mobility, and actualizing the goals of the
15 Climate Leadership and Community Protection Act.

16 A public policy purpose would be served and the interests of the
17 people of the state would be advanced by requiring local planning and
18 zoning changes that will facilitate the production of multifamily hous-
19 ing in areas near rail stations.

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

22 § 20-h. Density of residential dwellings near transit stations. 1.
23 Definitions. As used in this section, the following terms shall have the
24 following meanings:

25 (a) "Aggregate density requirement" shall be defined as a required
26 minimum average density of residential dwellings per acre across a tran-
27 sit-oriented development zone, provided that exempt land shall not be

1 included in the calculation to determine the aggregate density require-
2 ment. Provided further that:

3 (i) Within a tier 1 transit-oriented development zone, the required
4 minimum average density shall be fifty residential dwellings per acre;

5 (ii) Within a tier 2 transit-oriented development zone, the required
6 minimum average density shall be thirty residential dwellings per acre;

7 (iii) Within a tier 3 transit-oriented development zone, the required
8 minimum average density shall be twenty residential dwellings per acre;
9 and

10 (iv) Within a tier 4 transit-oriented development zone, the required
11 minimum average density shall be fifteen residential dwellings per acre.

12 (b) "Amendment" shall be defined as any local legislative, executive,
13 or administrative change made to a city's local land use tools pursuant
14 to subdivision two of this section.

15 (c) "Economically infeasible" shall mean any condition brought about
16 by any single factor or combination of factors to the extent that it
17 makes it substantially unlikely for an owner to proceed in building a
18 residential housing project and still realize a reasonable return in
19 building or operating such housing without substantially changing the
20 rent levels, unit sizes, or unit counts proposed by the owner.

21 (d) "Exempt land" shall be defined as non-buildable land, cemeteries,
22 mapped or dedicated parks, registered historic sites, and highways.

23 (e) "Highways" shall be defined as a vehicle road designated and iden-
24 tified pursuant to the New York state or federal interstate highway
25 system.

26 (f) "Lead agency equivalent" shall be defined as any city or common
27 council or other legislative body of the city, planning board, zoning
28 board of appeals, planning division, planning commission, board of stan-

1 dards and appeals, board of zoning appeals, or any official or employee,
2 or any other agency, department, board, body, or other entity in a city
3 with the authority to approve or disapprove of any specific project or
4 amendment to any local land use tools as defined herein.

5 (g) "Local land use tools" shall be adopted or enacted under this
6 chapter, the municipal home rule law, or any general, special or other
7 law pertaining to land use, and shall include but not be limited to a
8 city's:

9 (i) written or other comprehensive plan or plans;

10 (ii) zoning ordinance, local laws, resolutions or regulations;

11 (iii) special use permit, special exception permit, or special permit
12 ordinance, local laws, resolutions or regulations;

13 (iv) subdivision ordinance, local laws, resolutions, or regulations;

14 (v) site plan review ordinance, local laws, resolutions or regu-
15 lations; and/or

16 (vi) policies or procedures, or any planning, zoning, or other land
17 use regulatory tool that controls or establishes standards for the use
18 and occupancy of land, the area and dimensional requirements for the
19 development of land or the intensity of such development.

20 (h) "Mapped or dedicated parks" shall be defined as:

21 (i) any land designated on an official map established as authorized
22 by law or depicted on another map adopted or enacted by the local
23 governing board as a publicly accessible space designated for park or
24 recreational use on or before the effective date of this section; or

25 (ii) any parkland expressly or impliedly dedicated to park or recre-
26 ational use on or before the effective date of this section.

27 (i) "Non-buildable land" shall be defined as any land that cannot be
28 built upon without significant alterations to the natural terrain needed

1 to make such land suitable for construction, including but not limited
2 to rivers and streams, freshwater and tidal wetlands, marshlands, coas-
3 tal erosion hazard areas, one-hundred-year flood plain, and protected
4 forests. No land that has previously had a building or other improve-
5 ment, including but not limited to parking lots, constructed on it shall
6 be considered non-buildable land.

7 (j) "Objective standards" shall be defined as standards that involve
8 no personal or subjective judgment by a public official or employee and
9 are uniformly verifiable by reference to a publicly available and
10 uniform benchmark or criterion available and knowable by both the devel-
11 opment applicant and the public official or employee before submittal of
12 a land use application to locate and develop residential dwellings.

13 (k) "Project specific review" shall be defined as any review or
14 approval process related to a specific site, or to a proposed develop-
15 ment or an application, regardless of the number of sites, including,
16 but not limited to, variance, waiver, special permit, site plan review
17 or subdivision review.

18 (l) "Qualifying project" shall be defined as a proposed project that
19 consists primarily of residential dwellings that is or will be located
20 within a transit-oriented development zone and which will be connected
21 to publicly-owned water and sewage systems.

22 (m) "Registered historic sites" shall be defined as sites, districts,
23 structures, landmarks, or buildings listed on the state register of
24 historic places as of the effective date of this section.

25 (n) "Residential dwellings" shall be defined as any building or struc-
26 ture or portion thereof which is legally occupied in whole or in part as
27 the home, residence or sleeping place of one or more human beings,
28 however the term does not include any class B multiple dwellings as

1 defined in section four of the multiple dwelling law or housing that is
2 intended to be used on a seasonal basis.

3 (o) "Residential zone" shall be defined as any land within a transit-
4 oriented development zone wherein residential dwellings are permitted as
5 of the effective date of this section.

6 (p) "Transit-oriented development review process" is the process by
7 which all project specific reviews in a transit-oriented development
8 zone and all other land use actions undertaken pursuant to this section
9 shall be reviewed, which shall:

10 (i) Be completed with approval or denial delivered to the applying
11 party within one hundred twenty days of the application being submitted;
12 and

13 (ii) Be limited to a review of the following:

14 (A) The capacity of local infrastructure to provide adequate drinking
15 water and wastewater services to the proposed project;

16 (B) The capacity of local infrastructure to provide adequate utility
17 services to the proposed project; and

18 (C) The aesthetics of the proposed project, provided that any aesthet-
19 ic review must be based on published objective standards. If no objec-
20 tive standards are published, no transit-oriented development review
21 process may consider aesthetics, and provided further that no aesthetic
22 requirements shall increase the cost of a qualifying project to make
23 such project as proposed economically infeasible.

24 All proposed actions subject to review pursuant to a transit-oriented
25 development review process shall be exempt from any environmental review
26 requirements pursuant to article eight of the environmental conservation
27 law and any rules and regulations promulgated thereto, and any local
28 equivalent law, regulation or rule, including, but not limited to, in

1 the city of New York, city environmental quality review. Provided
2 further that nothing set forth in this paragraph shall be interpreted to
3 override or otherwise waive any permitting required pursuant to state or
4 federal laws or regulations, unless specifically set forth herein.

5 (q) "Tier 1 qualifying transit station" shall be defined as any rail
6 station, including subway stations, within the state of New York that is
7 not operated on an exclusively seasonal basis and that is owned, oper-
8 ated or otherwise served by metro-north railroad, the Long Island rail-
9 road, the port authority of New York and New Jersey, the New Jersey
10 transit corporation, the New York city transit authority, or the metro-
11 politan transportation authority where any portion of such station is
12 located either within a city with a population of greater than one
13 million people, or no more than fifteen miles from the nearest border of
14 a city with a population of greater than one million people, as measured
15 on a straight line from such city's nearest border to such rail station.

16 (r) "Tier 2 qualifying transit station" shall be defined as any rail
17 station, including subway stations, within the state of New York that is
18 not operated on an exclusively seasonal basis and that is owned, oper-
19 ated or otherwise served by metro-north railroad, the Long Island rail-
20 road, the port authority of New York and New Jersey, the New Jersey
21 transit corporation, the New York city transit authority, or the metro-
22 politan transportation authority where any portion of such station is
23 located more than fifteen and no more than thirty miles from the nearest
24 border of a city with a population of greater than one million people,
25 as measured on a straight line from such city's nearest border to such
26 rail station.

27 (s) "Tier 3 qualifying transit station" shall be defined as any rail
28 station, including subway stations, within the state of New York that is

1 not operated on an exclusively seasonal basis and that is owned, oper-
2 ated or otherwise served by metro-north railroad, the Long Island rail-
3 road, the port authority of New York and New Jersey, the New Jersey
4 transit corporation, the New York city transit authority, or the metro-
5 politan transportation authority where any portion of such station is
6 located more than thirty and no more than fifty miles from the nearest
7 border of a city with a population of greater than one million people,
8 as measured on a straight line from such city's nearest border to such
9 rail station.

10 (t) "Tier 4 qualifying transit station" shall be defined as any rail
11 station, including subway stations, within the state of New York that is
12 not operated on an exclusively seasonal basis and that is owned, oper-
13 ated or otherwise served by metro-north railroad, the Long Island rail-
14 road, the port authority of New York and New Jersey, the New Jersey
15 transit corporation, the New York city transit authority, or the metro-
16 politan transportation authority where the entirety of such station is
17 located more than fifty miles from the nearest border of a city with a
18 population of greater than one million people, as measured on a straight
19 line from such city's nearest border to such rail station.

20 (u) "Tier 1 transit-oriented development zone" shall be defined as any
21 land, other than exempt land, located within a one-half mile radius of
22 any publicly accessible areas of a tier 1 qualifying transit station,
23 provided that such publicly accessible areas include, but are not limit-
24 ed to, platforms, ticketing areas, waiting areas, entrances and exits,
25 and parking lots or parking structures that provide parking for custom-
26 ers of such tier 1 qualifying transit stations, and are appurtenant to
27 such tier 1 qualifying transit stations, regardless of the ownership of
28 such parking structures or facilities, as of the effective date of this

1 section. Provided further that any tier 1 qualifying transit station
2 shall be considered to be part of such tier 1 transit-oriented develop-
3 ment zone.

4 (v) "Tier 2 transit-oriented development zone" shall be defined as any
5 land, other than exempt land, located within a one-half mile radius of
6 any publicly accessible areas of a tier 2 qualifying transit station,
7 provided that such publicly accessible areas include, but are not limit-
8 ed to, platforms, ticketing areas, waiting areas, entrances and exits,
9 and parking lots or parking structures that provide parking for custom-
10 ers of such tier 2 qualifying transit stations, and are appurtenant to
11 such tier 2 qualifying transit stations, regardless of the ownership of
12 such parking structures or facilities, as of the effective date of this
13 section. Provided further that any tier 2 qualifying transit station
14 shall be considered to be part of such tier 2 transit-oriented develop-
15 ment zone.

16 (w) "Tier 3 transit-oriented development zone" shall be defined as any
17 land, other than exempt land, located within a one-half mile radius of
18 any publicly accessible areas of a tier 3 qualifying transit station,
19 provided that such publicly accessible areas include, but are not limit-
20 ed to, platforms, ticketing areas, waiting areas, entrances and exits,
21 and parking lots or parking structures that provide parking for custom-
22 ers of such tier 3 qualifying transit stations, and are appurtenant to
23 such tier 3 qualifying transit stations, regardless of the ownership of
24 such parking structures or facilities, as of the effective date of this
25 section. Provided further that any tier 3 qualifying transit station
26 shall be considered to be part of such tier 3 transit-oriented develop-
27 ment zone.

1 (x) "Tier 4 transit-oriented development zone" shall be defined as any
2 land, other than exempt land, located within a one-half mile radius of
3 any publicly accessible areas of a tier 4 qualifying transit station,
4 provided that such publicly accessible areas include, but are not limit-
5 ed to, platforms, ticketing areas, waiting areas, entrances and exits,
6 and parking lots or parking structures that provide parking for custom-
7 ers of such tier 4 qualifying transit stations, and are appurtenant to
8 such tier 4 qualifying transit stations, regardless of the ownership of
9 such parking structures or facilities, as of the effective date of this
10 section. Provided further that any tier 4 qualifying transit station
11 shall be considered to be part of such tier 4 transit-oriented develop-
12 ment zone.

13 (y) "Transit-oriented development zone" shall refer to a tier 1 trans-
14 it oriented development zone, a tier 2 transit-oriented development
15 zone, a tier 3 transit-oriented development zone, or a tier 4 transit-
16 oriented development zone, as applicable.

17 2. Amendment to local land use tools. (a) A city's local land use
18 tools shall be amended to meet or exceed the aggregate density require-
19 ment on or before the date that is three years subsequent to the effec-
20 tive date of this section unless such aggregate density requirement is
21 permitted pursuant to a city's local land use tools without requiring
22 any amendment.

23 (b) Any amendment undertaken pursuant to paragraph (a) of this subdi-
24 vision shall be exempt from any review required pursuant to article
25 eight of the environmental conservation law and any rules and regu-
26 lations promulgated thereto, and any local equivalent law, regulation,
27 or rule, including, but not limited to, in the city of New York, city
28 environmental quality review, provided further that any amendment to the

1 permissible use of non-buildable land shall be subject to such review,
2 as applicable.

3 (c) No amendment undertaken pursuant to paragraph (a) of this subdivi-
4 sion shall create or otherwise impose any unreasonable laws, rules,
5 regulations, guidelines or restrictions that effectively prevent the
6 construction or occupation of qualifying projects, including, but not
7 limited to, any such laws, rules, regulations, guidelines or
8 restrictions governing lot coverage, open space, height, setbacks, floor
9 area ratios, or parking requirements.

10 (d) Prior to the finalization of the amendment undertaken pursuant to
11 paragraph (a) of this subdivision, the lead agency equivalent shall set
12 forth in writing and publish:

13 (i) a description of the land that is part of the applicable transit-
14 oriented development zone;

15 (ii) a description of the land that is exempt from the aggregate
16 density requirement;

17 (iii) a description of any exempt land that would otherwise be
18 included in the transit-oriented development zone;

19 (iv) a specific description of the permissible land uses within the
20 applicable transit-oriented development zone prior to the amendment;

21 (v) a specific description of the proposed permissible land uses with-
22 in the applicable transit-oriented development zone following the amend-
23 ment;

24 (vi) the allowable aggregate density, meaning the average allowable
25 density within the applicable transit-oriented development zone, of
26 residential dwellings prior to the amendment;

1 (vii) the allowable aggregate density, meaning the average allowable
2 density within the applicable transit-oriented development zone, of
3 residential dwellings subsequent to the amendment;

4 (viii) the capacity of the drinking water supply and wastewater treat-
5 ment services, as applicable, to support the proposed increased residen-
6 tial dwellings density contemplated by the amendment;

7 (ix) the capacity of local infrastructure to provide adequate utility
8 services to support the proposed increased residential dwellings density
9 contemplated by the amendment;

10 (x) the existence of sites containing or contaminated by hazardous
11 waste within the area contemplated by the amendment;

12 (xi) any required stormwater runoff strategies or requirements contem-
13 plated by the amendment; and

14 (xii) a specific description of any land within the applicable tran-
15 sit-oriented development zone located within the one-hundred-year flood
16 plain or where the depth to the water table is less than three feet.

17 (e) In the event that a city fails to finalize the amendment pursuant
18 to and within the required time set forth in paragraph (a) of this
19 subdivision, and until such time as a city comprehensively updates its
20 local land use tools in compliance with paragraph (a) of this subdivi-
21 sion, and notwithstanding the provisions of any general, special, local,
22 or other law, including the common law, to the contrary:

23 (i) All cities shall permit the construction and occupation of resi-
24 dential dwellings with a density up to and including the applicable
25 aggregate density requirement in any residential zone;

26 (ii) No city shall impose restrictions that effectively prevent the
27 construction or occupancy of such residential dwellings, including, but

1 not limited to, any such restrictions related to lot coverage, open
2 space, height, setbacks, floor area ratios, or parking requirements; and
3 (iii) A project for residential dwellings, which would otherwise be
4 classified as a qualifying project if a city timely adopted an amendment
5 pursuant to paragraph (a) of this subdivision and which is approved by a
6 city or lead agency equivalent pursuant to a transit-oriented develop-
7 ment review process prior to the date of the amendment, shall be vested
8 upon the issuance of a building permit in the event a subsequently
9 enacted amendment or any updates to the land use tools are contrary to
10 the rights granted for such project. Such vested rights shall exist
11 without the need for the permit holder to demonstrate substantial
12 expenditure and substantial construction in accordance with the permit
13 prior to the effective date of the amendment or any updates to the land
14 use tools.

15 3. Transit-oriented development review process. (a) In the event that
16 a city fails to finalize the amendment pursuant to and within the
17 required time set forth in paragraph (a) of subdivision two of this
18 section, and until such time as a city comprehensively updates its local
19 land use tools in compliance with paragraph (a) of subdivision two of
20 this section, any project specific review related to a proposed qualify-
21 ing project shall be reviewed pursuant to the transit-oriented develop-
22 ment review process.

23 (b) After the finalization of the amendment undertaken pursuant to
24 paragraph (a) of subdivision two of this section, any project specific
25 review related to a proposed qualifying project shall be reviewed pursu-
26 ant to the transit-oriented development review process.

27 4. Enforcement. (a) (i) The attorney general of the state of New York
28 may commence an action in a court of appropriate jurisdiction to compel

1 a city to amend its local land use tools in compliance with the require-
2 ments set forth in subdivision two of this section if the city fails to
3 do so within the required timeframe set forth therein.

4 (ii) A party may pursue a cause of action pursuant to paragraph (b) of
5 this subdivision if such party is improperly denied permission by a lead
6 agency equivalent to build a qualifying project pursuant to paragraph
7 (b) of subdivision three of this section.

8 (b) (i) Upon a failure of a city to comply with the deadlines set
9 forth in subdivision two of this section, or a lead agency equivalent's
10 denial of any application submitted in relation to a qualifying project
11 in violation of paragraph (a) of subdivision three of this section, any
12 party aggrieved by any such failure or denial may commence a special
13 proceeding against the subject city or lead agency equivalent and the
14 officers of such city and lead agency equivalent in the supreme court
15 within the judicial district in which the city or the greater portion of
16 the territory of such city is located to compel compliance with the
17 provisions of this section.

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

27 (iii) The city or lead agency equivalent must set forth the reasons
28 for the denial of the application and must demonstrate by clear and

1 convincing evidence that the city or lead agency equivalent denied the
2 application due to bona fide health and safety concerns, or pursuant to
3 the transit-oriented development review process that complies with the
4 requirements of this section. If the city or lead agency equivalent
5 meets such burden, the applicant shall be given the opportunity to
6 demonstrate that the concerns raised by the city or lead agency equiv-
7 alent are pretextual or that such concerns can be addressed or mitigated
8 by changes to the qualifying project.

9 (iv) The court may reverse or affirm, wholly or partly, or may modify
10 the decision brought up for review. The court may also remand to the
11 city or lead agency equivalent to process or further consider an appli-
12 cation consistent with the terms of any order of the court, including on
13 an expedited basis.

14 (v) Costs shall not be allowed against the city, lead agency equiv-
15 alent, and the officer whose failure or refusal gave rise to the special
16 proceeding, unless it shall appear to the court that the city, lead
17 agency equivalent, and its officers or employees acted with gross negli-
18 gence, in bad faith, or with malice.

19 § 4. The town law is amended by adding a new section 261-d to read as
20 follows:

21 § 261-d. Density of residential dwellings near transit stations. 1.
22 Definitions. As used in this section, the following terms shall have the
23 following meanings:

24 (a) "Aggregate density requirement" shall be defined as a required
25 minimum average density of residential dwellings per acre across a tran-
26 sit-oriented development zone, provided that exempt land shall not be
27 included in the calculation to determine the aggregate density require-
28 ment. Provided further that:

1 (i) Within a tier 1 transit-oriented development zone, the required
2 minimum average density shall be fifty residential dwellings per acre;

3 (ii) Within a tier 2 transit-oriented development zone, the required
4 minimum average density shall be thirty residential dwellings per acre;

5 (iii) Within a tier 3 transit-oriented development zone, the required
6 minimum average density shall be twenty residential dwellings per acre;
7 and

8 (iv) Within a tier 4 transit-oriented development zone, the required
9 minimum average density shall be fifteen residential dwellings per acre.

10 (b) "Amendment" shall be defined as any local legislative, executive,
11 or administrative change made to a town's local land use tools pursuant
12 to subdivision two of this section.

13 (c) "Economically infeasible" shall mean any condition brought about
14 by any single factor or combination of factors to the extent that it
15 makes it substantially unlikely for an owner to proceed in building a
16 residential housing project and still realize a reasonable return in
17 building or operating such housing without substantially changing the
18 rent levels, unit sizes, or unit counts proposed by the owner.

19 (d) "Exempt land" shall be defined as non-buildable land, cemeteries,
20 mapped or dedicated parks, registered historic sites, and highways.

21 (e) "Highways" shall be defined as a vehicle road designated and iden-
22 tified pursuant to the New York state or federal interstate highway
23 system.

24 (f) "Lead agency equivalent" shall be defined as any town or common
25 council or other legislative body of the town, planning board, zoning
26 board of appeals, planning division, planning commission, board of stan-
27 dards and appeals, board of zoning appeals, or any official or employee,
28 or any other agency, department, board, body, or other entity in a town

1 with the authority to approve or disapprove of any specific project or
2 amendment to any local land use tools as defined herein.

3 (g) "Local land use tools" shall be adopted or enacted under this
4 chapter, the municipal home rule law, or any general, special or other
5 law pertaining to land use, and shall include but not be limited to a
6 town's:

7 (i) written or other comprehensive plan or plans;

8 (ii) zoning ordinance, local laws, resolutions or regulations;

9 (iii) special use permit, special exception permit, or special permit
10 ordinance, local laws, resolutions or regulations;

11 (iv) subdivision ordinance, local laws, resolutions or regulations;

12 (v) site plan review ordinance, local laws, resolutions or regu-
13 lations; and/or

14 (vi) policies or procedures, or any planning, zoning, or other land
15 use regulatory tool that controls or establishes standards for the use
16 and occupancy of land, the area and dimensional requirements for the
17 development of land or the intensity of such development.

18 (h) "Mapped or dedicated parks" shall be defined as:

19 (i) any land designated on an official map established as authorized
20 by law or depicted on another map adopted or enacted by the local
21 governing board as a publicly accessible space designated for park or
22 recreational use on or before the effective date of this section; or

23 (ii) any parkland expressly or impliedly dedicated to park or recre-
24 ational use on or before the effective date of this section.

25 (i) "Non-buildable land" shall be defined as any land that cannot be
26 built upon without significant alterations to the natural terrain needed
27 to make such land suitable for construction, including but not limited
28 to rivers and streams, freshwater and tidal wetlands, marshlands, coas-

1 tal erosion hazard areas, one-hundred-year flood plain, and protected
2 forests. No land that has previously had a building or other improve-
3 ment, including but not limited to parking lots, constructed on it shall
4 be considered non-buildable land.

5 (j) "Objective standards" shall be defined as standards that involve
6 no personal or subjective judgment by a public official or employee and
7 are uniformly verifiable by reference to a publicly available and
8 uniform benchmark or criterion available and knowable by both the devel-
9 opment applicant and the public official or employee before submittal of
10 a land use application to locate and develop residential dwellings.

11 (k) "Project specific review" shall be defined as any review or
12 approval process related to a specific site, or to a proposed develop-
13 ment or an application, regardless of the number of sites, including,
14 but not limited to, variance, waiver, special permit, site plan review
15 or subdivision review.

16 (l) "Qualifying project" shall be defined as a proposed project that
17 consists primarily of residential dwellings that is or will be located
18 within a transit-oriented development zone and which will be connected
19 to publicly-owned water and sewage systems.

20 (m) "Registered historic sites" shall be defined as sites, districts,
21 structures, landmarks, or buildings listed on the state register of
22 historic places as of the effective date of this section.

23 (n) "Residential dwellings" shall be defined as any building or struc-
24 ture or portion thereof which is legally occupied in whole or in part as
25 the home, residence or sleeping place of one or more human beings,
26 however the term does not include any class B multiple dwellings as
27 defined in section four of the multiple dwelling law or housing that is
28 intended to be used on a seasonal basis.

1 (o) "Residential zone" shall be defined as any land within a transit-
2 oriented development zone wherein residential dwellings are permitted as
3 of the effective date of this section.

4 (p) "Transit-oriented development review process" is the process by
5 which all project specific reviews in a transit-oriented development
6 zone and all other land use actions undertaken pursuant to this section
7 shall be reviewed, which shall:

8 (i) Be completed with approval or denial delivered to the applying
9 party within one hundred twenty days of the application being submitted;
10 and

11 (ii) Be limited to a review of the following:

12 (A) The capacity of local infrastructure to provide adequate drinking
13 water and wastewater services to the proposed project;

14 (B) The capacity of local infrastructure to provide adequate utility
15 services to the proposed project; and

16 (C) The aesthetics of the proposed project, provided that any aesthet-
17 ic review must be based on published objective standards. If no objec-
18 tive standards are published, no transit-oriented development review
19 process may consider aesthetics, and provided further that no aesthetic
20 requirements shall increase the cost of a qualifying project to make
21 such project as proposed economically infeasible.

22 All proposed actions subject to review pursuant to a transit-oriented
23 development review process shall be exempt from any environmental review
24 requirements pursuant to article eight of the environmental conservation
25 law and any rules and regulations promulgated thereto, and any local
26 equivalent law, regulation or rule. Provided further that nothing set
27 forth in this paragraph shall be interpreted to override or otherwise

1 waive any permitting required pursuant to state or federal laws or regu-
2 lations, unless specifically set forth herein.

3 (q) "Tier 1 qualifying transit station" shall be defined as any rail
4 station, including subway stations, within the state of New York that is
5 not operated on an exclusively seasonal basis and that is owned, oper-
6 ated or otherwise served by metro-north railroad, the Long Island rail-
7 road, the port authority of New York and New Jersey, the New Jersey
8 transit corporation, the New York city transit authority, or the metro-
9 politan transportation authority where any portion of such station is
10 located either within a town with a population of greater than one
11 million people, or no more than fifteen miles from the nearest border of
12 a city with a population of greater than one million people, as measured
13 on a straight line from such city's nearest border to such rail station.

14 (r) "Tier 2 qualifying transit station" shall be defined as any rail
15 station, including subway stations, within the state of New York that is
16 not operated on an exclusively seasonal basis and that is owned, oper-
17 ated or otherwise served by metro-north railroad, the Long Island rail-
18 road, the port authority of New York and New Jersey, the New Jersey
19 transit corporation, the New York city transit authority, or the metro-
20 politan transportation authority where any portion of such station is
21 located more than fifteen and no more than thirty miles from the nearest
22 border of a city with a population of greater than one million people,
23 as measured on a straight line from such city's nearest border to such
24 rail station.

25 (s) "Tier 3 qualifying transit station" shall be defined as any rail
26 station, including subway stations, within the state of New York that is
27 not operated on an exclusively seasonal basis and that is owned, oper-
28 ated or otherwise served by metro-north railroad, the Long Island rail-

1 road, the port authority of New York and New Jersey, the New Jersey
2 transit corporation, the New York city transit authority, or the metro-
3 politan transportation authority where any portion of such station is
4 located more than thirty and no more than fifty miles from the nearest
5 border of a city with a population of greater than one million people,
6 as measured on a straight line from such city's nearest border to such
7 rail station.

8 (t) "Tier 4 qualifying transit station" shall be defined as any rail
9 station, including subway stations, within the state of New York that is
10 not operated on an exclusively seasonal basis and that is owned, oper-
11 ated or otherwise served by metro-north railroad, the Long Island rail-
12 road, the port authority of New York and New Jersey, the New Jersey
13 transit corporation, the New York city transit authority, or the metro-
14 politan transportation authority where the entirety of such station is
15 located more than fifty miles from the nearest border of a city with a
16 population of greater than one million people, as measured on a straight
17 line from such city's nearest border to such rail station.

18 (u) "Tier 1 transit-oriented development zone" shall be defined as any
19 land, other than exempt land, located within a one-half mile radius of
20 any publicly accessible areas of a tier 1 qualifying transit station,
21 provided that such publicly accessible areas include, but are not limit-
22 ed to, platforms, ticketing areas, waiting areas, entrances and exits,
23 and parking lots or parking structures that provide parking for custom-
24 ers of such tier 1 qualifying transit stations, and are appurtenant to
25 such tier 1 qualifying transit stations, regardless of the ownership of
26 such parking structures or facilities, as of the effective date of this
27 section. Provided further that any tier 1 qualifying transit station

1 shall be considered to be part of such tier 1 transit-oriented develop-
2 ment zone.

3 (v) "Tier 2 transit-oriented development zone" shall be defined as any
4 land, other than exempt land, located within a one-half mile radius of
5 any publicly accessible areas of a tier 2 qualifying transit station,
6 provided that such publicly accessible areas include, but are not limit-
7 ed to, platforms, ticketing areas, waiting areas, entrances and exits,
8 and parking lots or parking structures that provide parking for custom-
9 ers of such tier 2 qualifying transit stations, and are appurtenant to
10 such tier 2 qualifying transit stations, regardless of the ownership of
11 such parking structures or facilities, as of the effective date of this
12 section. Provided further that any tier 2 qualifying transit station
13 shall be considered to be part of such tier 2 transit-oriented develop-
14 ment zone.

15 (w) "Tier 3 transit-oriented development zone" shall be defined as any
16 land, other than exempt land, located within a one-half mile radius of
17 any publicly accessible areas of a tier 3 qualifying transit station,
18 provided that such publicly accessible areas include, but are not limit-
19 ed to, platforms, ticketing areas, waiting areas, entrances and exits,
20 and parking lots or parking structures that provide parking for custom-
21 ers of such tier 3 qualifying transit stations, and are appurtenant to
22 such tier 3 qualifying transit stations, regardless of the ownership of
23 such parking structures or facilities, as of the effective date of this
24 section. Provided further that any tier 3 qualifying transit station
25 shall be considered to be part of such tier 3 transit-oriented develop-
26 ment zone.

27 (x) "Tier 4 transit-oriented development zone" shall be defined as any
28 land, other than exempt land, located within a one-half mile radius of

1 any publicly accessible areas of a tier 4 qualifying transit station,
2 provided that such publicly accessible areas include, but are not limit-
3 ed to, platforms, ticketing areas, waiting areas, entrances and exits,
4 and parking lots or parking structures that provide parking for custom-
5 ers of such tier 4 qualifying transit stations, and are appurtenant to
6 such tier 4 qualifying transit stations, regardless of the ownership of
7 such parking structures or facilities, as of the effective date of this
8 section. Provided further that any tier 4 qualifying transit station
9 shall be considered to be part of such tier 4 transit-oriented develop-
10 ment zone.

11 (y) "Transit-oriented development zone" shall refer to a tier 1 tran-
12 sit-oriented development zone, a tier 2 transit-oriented development
13 zone, a tier 3 transit-oriented development zone, or a tier 4 transit-
14 oriented development zone, as applicable.

15 2. Amendment to local land use tools. (a) A town's local land use
16 tools shall be amended to meet or exceed the aggregate density require-
17 ment on or before the date that is three years subsequent to the effec-
18 tive date of this section unless such aggregate density requirement is
19 permitted pursuant to a town's local land use tools without requiring
20 any amendment.

21 (b) Any amendment undertaken pursuant to paragraph (a) of this subdi-
22 vision shall be exempt from any review required pursuant to article
23 eight of the environmental conservation law and any rules and regu-
24 lations promulgated thereto, and any local equivalent law, regulation,
25 or rule, provided further that any amendment to the permissible use of
26 non-buildable land shall be subject to such review, as applicable.

27 (c) No amendment undertaken pursuant to paragraph (a) of this subdivi-
28 sion shall create or otherwise impose any unreasonable laws, rules,

1 regulations, guidelines or restrictions that effectively prevent the
2 construction or occupation of qualifying projects, including, but not
3 limited to, any such laws, rules, regulations, guidelines or
4 restrictions governing lot coverage, open space, height, setbacks, floor
5 area ratios, or parking requirements.

6 (d) Prior to the finalization of the amendment undertaken pursuant to
7 paragraph (a) of this subdivision, the lead agency equivalent shall set
8 forth in writing and publish:

9 (i) a description of the land that is part of the applicable transit-
10 oriented development zone;

11 (ii) a description of the land that is exempt from the aggregate
12 density requirement;

13 (iii) a description of any exempt land that would otherwise be
14 included in the transit-oriented development zone;

15 (iv) a specific description of the permissible land uses within the
16 applicable transit-oriented development zone prior to the amendment;

17 (v) a specific description of the proposed permissible land uses with-
18 in the applicable transit-oriented development zone following the amend-
19 ment;

20 (vi) the allowable aggregate density, meaning the average allowable
21 density within the applicable transit-oriented development zone, of
22 residential dwellings prior to the amendment;

23 (vii) the allowable aggregate density, meaning the average allowable
24 density within the applicable transit-oriented development zone, of
25 residential dwellings subsequent to the amendment;

26 (viii) the capacity of the drinking water supply and wastewater treat-
27 ment services, as applicable, to support the proposed increased residen-
28 tial dwellings density contemplated by the amendment;

1 (ix) the capacity of local infrastructure to provide adequate utility
2 services to support the proposed increased residential dwellings density
3 contemplated by the amendment;

4 (x) the existence of sites containing or contaminated by hazardous
5 waste within the area contemplated by the amendment;

6 (xi) any required stormwater runoff strategies or requirements contem-
7 plated by the amendment; and

8 (xii) a specific description of any land within the applicable tran-
9 sit-oriented development zone located within the one-hundred-year flood
10 plain or where the depth to the water table is less than three feet.

11 (e) In the event that a town fails to finalize the amendment pursuant
12 to and within the required time set forth in paragraph (a) of this
13 subdivision, and until such time as a town comprehensively updates its
14 local land use tools in compliance with paragraph (a) of this subdivi-
15 sion, and notwithstanding the provisions of any general, special, local,
16 or other law, including the common law, to the contrary:

17 (i) All towns shall permit the construction and occupation of residen-
18 tial dwellings with a density up to and including the applicable aggre-
19 gate density requirement in any residential zone;

20 (ii) No town shall impose restrictions that effectively prevent the
21 construction or occupancy of such residential dwellings, including, but
22 not limited to, any such restrictions related to lot coverage, open
23 space, height, setbacks, floor area ratios, or parking requirements; and

24 (iii) A project for residential dwellings, which would otherwise be
25 classified as a qualifying project if a town timely adopted an amendment
26 pursuant to paragraph (a) of this subdivision and which is approved by a
27 town or lead agency equivalent pursuant to a transit-oriented develop-
28 ment review process prior to the date of the amendment, shall be vested

1 upon the issuance of a building permit in the event a subsequently
2 enacted amendment or any updates to the land use tools are contrary to
3 the rights granted for such project. Such vested rights shall exist
4 without the need for the permit holder to demonstrate substantial
5 expenditure and substantial construction in accordance with the permit
6 prior to the effective date of the amendment or any updates to the land
7 use tools.

8 3. Transit-oriented development review process. (a) In the event that
9 a town fails to finalize the amendment pursuant to and within the
10 required time set forth in paragraph (a) of subdivision two of this
11 section, and until such time as a town comprehensively updates its local
12 land use tools in compliance with paragraph (a) of subdivision two of
13 this section, any project specific review related to a proposed qualify-
14 ing project shall be reviewed pursuant to the transit-oriented develop-
15 ment review process.

16 (b) After the finalization of the amendment undertaken pursuant to
17 paragraph (a) of subdivision two, any project specific review related to
18 a proposed qualifying project shall be reviewed pursuant to the tran-
19 sit-oriented development review process.

20 4. Enforcement. (a)(i) The attorney general of the state of New York
21 may commence an action in a court of appropriate jurisdiction to compel
22 a town to amend its local land use tools in compliance with the require-
23 ments set forth in subdivision two of this section if the town fails to
24 do so within the required timeframe set forth therein.

25 (ii) A party may pursue a cause of action pursuant to paragraph (b) of
26 this subdivision if such party is improperly denied permission by a lead
27 agency equivalent to build a qualifying project pursuant to paragraph
28 (b) of subdivision three of this section.

1 (b) (i) Upon a failure of a town to comply with the deadlines set
2 forth in subdivision two of this section, or a lead agency equivalent's
3 denial of any application submitted in relation to a qualifying project
4 in violation of paragraph (a) of subdivision three of this section, any
5 party aggrieved by any such failure or denial may commence a special
6 proceeding against the subject town or lead agency equivalent and the
7 officers of such town and lead agency equivalent in the supreme court
8 within the judicial district in which the town or the greater portion of
9 the territory of such town is located to compel compliance with the
10 provisions of this section.

11 (ii) If, upon commencement of such proceeding, it shall appear to the
12 court that testimony is necessary for the proper disposition of the
13 matter, the court may take evidence and determine the matter. Alterna-
14 tively, the court may appoint a hearing officer pursuant to article
15 forty-three of the civil practice law and rules to take such evidence as
16 it may direct and report the same to the court with the hearing offi-
17 cer's findings of fact and conclusions of law, which shall constitute a
18 part of the proceedings upon which the determination of the court shall
19 be made.

20 (iii) The town or lead agency equivalent must set forth the reasons
21 for the denial of the application and must demonstrate by clear and
22 convincing evidence that the town or lead agency equivalent denied the
23 application due to bona fide health and safety concerns, or pursuant to
24 the transit-oriented development review process that complies with the
25 requirements of this section. If the town or lead agency equivalent
26 meets such burden, the applicant shall be given the opportunity to
27 demonstrate that the concerns raised by the town or lead agency equiv-

1 alent are pretextual or that such concerns can be addressed or mitigated
2 by changes to the qualifying project.

3 (iv) The court may reverse or affirm, wholly or partly, or may modify
4 the decision brought up for review. The court may also remand to the
5 town or lead agency equivalent to process or further consider an appli-
6 cation consistent with the terms of any order of the court, including on
7 an expedited basis.

8 (v) Costs shall not be allowed against the town, lead agency equiv-
9 alent, and the officers whose failure or refusal gave rise to the
10 special proceeding, unless it shall appear to the court that the town,
11 lead agency equivalent, and its officers or employees acted with gross
12 negligence, in bad faith, or with malice.

13 § 5. The village law is amended by adding a new section 7-700-a to
14 read as follows:

15 § 7-700-a Density of residential dwellings near transit stations. 1.
16 Definitions. As used in this section, the following terms shall have the
17 following meanings:

18 (a) "Aggregate density requirement" shall be defined as a required
19 minimum average density of residential dwellings per acre across a tran-
20 sit-oriented development zone, provided that exempt land shall not be
21 included in the calculation to determine the aggregate density require-
22 ment. Provided further that:

23 (i) Within a tier 1 transit-oriented development zone, the required
24 minimum average density shall be fifty residential dwellings per acre;

25 (ii) Within a tier 2 transit-oriented development zone, the required
26 minimum average density shall be thirty residential dwellings per acre;

1 (iii) Within a tier 3 transit-oriented development zone, the required
2 minimum average density shall be twenty residential dwellings per acre;
3 and

4 (iv) Within a tier 4 transit-oriented development zone, the required
5 minimum average density shall be fifteen residential dwellings per acre.

6 (b) "Amendment" shall be defined as any local legislative, executive,
7 or administrative change made to a village's local land use tools pursu-
8 ant to subdivision two of this section.

9 (c) "Economically infeasible" shall mean any condition brought about
10 by any single factor or combination of factors to the extent that it
11 makes it substantially unlikely for an owner to proceed in building a
12 residential housing project and still realize a reasonable return in
13 building or operating such housing without substantially changing the
14 rent levels, unit sizes, or unit counts proposed by the owner.

15 (d) "Exempt land" shall be defined as non-buildable land, cemeteries,
16 mapped or dedicated parks, registered historic sites, and highways.

17 (e) "Highways" shall be defined as a vehicle road designated and iden-
18 tified pursuant to the New York state or federal interstate highway
19 system.

20 (f) "Lead agency equivalent" shall be defined as any village or common
21 council or other legislative body of the village, planning board, zoning
22 board of appeals, planning division, planning commission, board of stan-
23 dards and appeals, board of zoning appeals, or any official or employee,
24 or any other agency, department, board, body, or other entity in a
25 village with the authority to approve or disapprove of any specific
26 project or amendment to any local land use tools as defined herein.

27 (g) "Local land use tools" shall be adopted or enacted under this
28 chapter, the municipal home rule law, or any general, special or other

1 law pertaining to land use, and shall include but not be limited to a
2 village's:

3 (i) written or other comprehensive plan or plans;

4 (ii) zoning ordinance, local laws, resolutions or regulations;

5 (iii) special use permit, special exception permit, or special permit
6 ordinance, local laws, resolutions or regulations;

7 (iv) subdivision ordinance, local laws, resolutions or regulations;

8 (v) site plan review ordinance, local laws, resolutions or regu-
9 lations; and/or

10 (vi) policies or procedures, or any planning, zoning, or other land
11 use regulatory tool that controls or establishes standards for the use
12 and occupancy of land, the area and dimensional requirements for the
13 development of land or the intensity of such development.

14 (h) "Mapped or dedicated parks" shall be defined as:

15 (i) any land designated on an official map established as authorized
16 by law or depicted on another map adopted or enacted by the local
17 governing board as a publicly accessible space designated for park or
18 recreational use on or before the effective date of this section; or

19 (ii) any parkland expressly or impliedly dedicated to park or recre-
20 ational use on or before the effective date of this section.

21 (i) "Non-buildable land" shall be defined as any land that cannot be
22 built upon without significant alterations to the natural terrain needed
23 to make such land suitable for construction, including but not limited
24 to rivers and streams, freshwater and tidal wetlands, marshlands, coas-
25 tal erosions hazard areas, one-hundred-year flood plain, and protected
26 forests. No land that has previously had a building or other improve-
27 ment, including but not limited to parking lots, constructed on it shall
28 be considered non-buildable land.

1 (j) "Objective standards" shall be defined as standards that involve
2 no personal or subjective judgment by a public official or employee and
3 are uniformly verifiable by reference to a publicly available and
4 uniform benchmark or criterion available and knowable by both the devel-
5 opment applicant and the public official or employee before submittal of
6 a land use application to locate and develop residential dwellings.

7 (k) "Project specific review" shall be defined as any review or
8 approval process related to a specific site, or to a proposed develop-
9 ment or an application, regardless of the number of sites, including,
10 but not limited to, variance, waiver, special permit, site plan review
11 or subdivision review.

12 (l) "Qualifying project" shall be defined as a proposed project that
13 consists primarily of residential dwellings that is or will be located
14 within a transit-oriented development zone and which will be connected
15 to publicly-owned water and sewage systems.

16 (m) "Registered historic sites" shall be defined as sites, districts,
17 structures, landmarks, or buildings listed on the state register of
18 historic places as of the effective date of this section.

19 (n) "Residential dwellings" shall be defined as any building or struc-
20 ture or portion thereof which is legally occupied in whole or in part as
21 the home, residence or sleeping place of one or more human beings,
22 however the term does not include any class B multiple dwellings as
23 defined in section four of the multiple dwelling law or housing that is
24 intended to be used on a seasonal basis.

25 (o) "Residential zone" shall be defined as any land within a transit-
26 oriented development zone wherein residential dwellings are permitted as
27 of the effective date of this section.

1 (p) "Transit-oriented development review process" is the process by
2 which all project specific reviews in a transit-oriented development
3 zone and all other land use actions undertaken pursuant to this section
4 shall be reviewed, which shall:

5 (i) Be completed with approval or denial delivered to the applying
6 party within one hundred twenty days of the application being submitted;
7 and

8 (ii) Be limited to a review of the following:

9 (A) The capacity of local infrastructure to provide adequate drinking
10 water and wastewater services to the proposed project;

11 (B) The capacity of local infrastructure to provide adequate utility
12 services to the proposed project; and

13 (C) The aesthetics of the proposed project, provided that any aesthet-
14 ic review must be based on published objective standards. If no objec-
15 tive standards are published, no transit-oriented development review
16 process may consider aesthetics, and provided further that no aesthetic
17 requirements shall increase the cost of a qualifying project to make
18 such project as proposed economically infeasible.

19 All proposed actions subject to review pursuant to a transit-oriented
20 development review process shall be exempt from any environmental review
21 requirements pursuant to article eight of the environmental conservation
22 law and any rules and regulations promulgated thereto, and any local
23 equivalent law, regulation or rule. Provided further that nothing set
24 forth in this paragraph shall be interpreted to override or otherwise
25 waive any permitting required pursuant to state or federal laws or regu-
26 lations, unless specifically set forth herein.

27 (q) "Tier 1 qualifying transit station" shall be defined as any rail
28 station, including subway stations, within the state of New York that is

1 not operated on an exclusively seasonal basis and that is owned, oper-
2 ated or otherwise served by metro-north railroad, the Long Island rail-
3 road, the port authority of New York and New Jersey, the New Jersey
4 transit corporation, the New York city transit authority, or the metro-
5 politan transportation authority where any portion of such station is
6 located either within a village with a population of greater than one
7 million people, or no more than fifteen miles from the nearest border of
8 a city with a population of greater than one million people, as measured
9 on a straight line from such city's nearest border to such rail station.

10 (r) "Tier 2 qualifying transit station" shall be defined as any rail
11 station, including subway stations, within the state of New York that is
12 not operated on an exclusively seasonal basis and that is owned, oper-
13 ated or otherwise served by metro-north railroad, the Long Island rail-
14 road, the port authority of New York and New Jersey, the New Jersey
15 transit corporation, the New York city transit authority, or the metro-
16 politan transportation authority where any portion of such station is
17 located more than fifteen and no more than thirty miles from the nearest
18 border of a city with a population of greater than one million people,
19 as measured on a straight line from such city's nearest border to such
20 rail station.

21 (s) "Tier 3 qualifying transit station" shall be defined as any rail
22 station, including subway stations, within the state of New York that is
23 not operated on an exclusively seasonal basis and that is owned, oper-
24 ated or otherwise served by metro-north railroad, the Long Island rail-
25 road, the port authority of New York and New Jersey, the New Jersey
26 transit corporation, the New York city transit authority, or the metro-
27 politan transportation authority where any portion of such station is
28 located more than thirty and no more than fifty miles from the nearest

1 border of a city with a population of greater than one million people,
2 as measured on a straight line from such city's nearest border to such
3 rail station.

4 (t) "Tier 4 qualifying transit station" shall be defined as any rail
5 station, including subway stations, within the state of New York that is
6 not operated on an exclusively seasonal basis and that is owned, oper-
7 ated or otherwise served by metro-north railroad, the Long Island rail-
8 road, the port authority of New York and New Jersey, the New Jersey
9 transit corporation, the New York city transit authority, or the metro-
10 politan transportation authority where the entirety of such station is
11 located more than fifty miles from the nearest border of a city with a
12 population of greater than one million people, as measured on a straight
13 line from such city's nearest border to such rail station.

14 (u) "Tier 1 transit-oriented development zone" shall be defined as any
15 land, other than exempt land, located within a one-half mile radius of
16 any publicly accessible areas of a tier 1 qualifying transit station,
17 provided that such publicly accessible areas include, but are not limit-
18 ed to, platforms, ticketing areas, waiting areas, entrances and exits,
19 and parking lots or parking structures that provide parking for custom-
20 ers of such tier 1 qualifying transit stations, and are appurtenant to
21 such tier 1 qualifying transit stations, regardless of the ownership of
22 such parking structures or facilities, as of the effective date of this
23 section. Provided further that any tier 1 qualifying transit station
24 shall be considered to be part of such tier 1 transit-oriented develop-
25 ment zone.

26 (v) "Tier 2 transit-oriented development zone" shall be defined as any
27 land, other than exempt land, located within a one-half mile radius of
28 any publicly accessible areas of a tier 2 qualifying transit station,

1 provided that such publicly accessible areas include, but are not limit-
2 ed to, platforms, ticketing areas, waiting areas, entrances and exits,
3 and parking lots or parking structures that provide parking for custom-
4 ers of such tier 2 qualifying transit stations, and are appurtenant to
5 such tier 2 qualifying transit stations, regardless of the ownership of
6 such parking structures or facilities, as of the effective date of this
7 section. Provided further that any tier 2 qualifying transit station
8 shall be considered to be part of such tier 2 transit-oriented develop-
9 ment zone.

10 (w) "Tier 3 transit-oriented development zone" shall be defined as any
11 land, other than exempt land, located within a one-half mile radius of
12 any publicly accessible areas of a tier 3 qualifying transit station,
13 provided that such publicly accessible areas include, but are not limit-
14 ed to, platforms, ticketing areas, waiting areas, entrances and exits,
15 and parking lots or parking structures that provide parking for custom-
16 ers of such tier 3 qualifying transit stations, and are appurtenant to
17 such tier 3 qualifying transit stations, regardless of the ownership of
18 such parking structures or facilities, as of the effective date of this
19 section. Provided further that any tier 3 qualifying transit station
20 shall be considered to be part of such tier 3 transit-oriented develop-
21 ment zone.

22 (x) "Tier 4 transit-oriented development zone" shall be defined as any
23 land, other than exempt land, located within a one-half mile radius of
24 any publicly accessible areas of a tier 4 qualifying transit station,
25 provided that such publicly accessible areas include, but are not limit-
26 ed to, platforms, ticketing areas, waiting areas, entrances and exits,
27 and parking lots or parking structures that provide parking for custom-
28 ers of such tier 4 qualifying transit stations, and are appurtenant to

1 such tier 4 qualifying transit stations, regardless of the ownership of
2 such parking structures or facilities, as of the effective date of this
3 section. Provided further that any tier 4 qualifying transit station
4 shall be considered to be part of such tier 4 transit-oriented develop-
5 ment zone.

6 (y) "Transit-oriented development zone" shall refer to a tier 1 tran-
7 sit-oriented development zone, a tier 2 transit-oriented development
8 zone, a tier 3 transit-oriented development zone, or a tier 4 transit-
9 oriented development zone, as applicable.

10 2. Amendment to local land use tools. (a) A village's local land use
11 tools shall be amended to meet or exceed the aggregate density require-
12 ment on or before the date that is three years subsequent to the effec-
13 tive date of this section unless such aggregate density requirement is
14 permitted pursuant to a village's local land use tools without requiring
15 any amendment.

16 (b) Any amendment undertaken pursuant to paragraph (a) of this subdivi-
17 vision shall be exempt from any review required pursuant to article
18 eight of the environmental conservation law and any rules and regu-
19 lations promulgated thereto, and any local equivalent law, regulation,
20 or rule, provided further that any amendment to the permissible use of
21 non-buildable land shall be subject to such review, as applicable.

22 (c) No amendment undertaken pursuant to paragraph (a) of this subdivi-
23 sion shall create or otherwise impose any unreasonable laws, rules,
24 regulations, guidelines or restrictions that effectively prevent the
25 construction or occupation of qualifying projects, including, but not
26 limited to, any such laws, rules, regulations, guidelines or
27 restrictions governing lot coverage, open space, height, setbacks, floor
28 area ratios, or parking requirements.

1 (d) Prior to the finalization of the amendment undertaken pursuant to
2 paragraph (a) of this subdivision, the lead agency equivalent shall set
3 forth in writing and publish:

4 (i) a description of the land that is part of the applicable transit-
5 oriented development zone;

6 (ii) a description of the land that is exempt from the aggregate
7 density requirement;

8 (iii) a description of any exempt land that would otherwise be
9 included in the transit-oriented development zone;

10 (iv) a specific description of the permissible land uses within the
11 applicable transit-oriented development zone prior to the amendment;

12 (v) a specific description of the proposed permissible land uses with-
13 in the applicable transit-oriented development zone following the amend-
14 ment;

15 (vi) the allowable aggregate density, meaning the average allowable
16 density within the applicable transit-oriented development zone, of
17 residential dwellings prior to the amendment;

18 (vii) the allowable aggregate density, meaning the average allowable
19 density within the applicable transit-oriented development zone, of
20 residential dwellings subsequent to the amendment;

21 (viii) the capacity of the drinking water supply and wastewater treat-
22 ment services, as applicable, to support the proposed increased residen-
23 tial dwellings density contemplated by the amendment;

24 (ix) the capacity of local infrastructure to provide adequate utility
25 services to support the proposed increased residential dwellings density
26 contemplated by the amendment;

27 (x) the existence of sites containing or contaminated by hazardous
28 waste within the area contemplated by the amendment;

1 (xi) any required stormwater runoff strategies or requirements contem-
2 plated by the amendment; and

3 (xii) a specific description of any land within the applicable tran-
4 sit-oriented development zone located within the one-hundred-year flood
5 plain or where the depth to the water table is less than three feet.

6 (e) In the event that a village fails to finalize the amendment pursu-
7 ant to and within the required time set forth in paragraph (a) of this
8 subdivision, and until such time as a village comprehensively updates
9 its local land use tools in compliance with paragraph (a) of this subdivi-
10 vision, and notwithstanding the provisions of any general, special,
11 local, or other law, including the common law, to the contrary:

12 (i) All villages shall permit the construction and occupation of resi-
13 dential dwellings with a density up to and including the applicable
14 aggregate density requirement in any residential zone;

15 (ii) No village shall impose restrictions that effectively prevent the
16 construction or occupancy of such residential dwellings, including, but
17 not limited to, any such restrictions related to lot coverage, open
18 space, height, setbacks, floor area ratios, or parking requirements; and

19 (iii) A project for residential dwellings, which would otherwise be
20 classified as a qualifying project if a village timely adopted an amend-
21 ment pursuant to paragraph (a) of this subdivision and which is approved
22 by a village or lead agency equivalent pursuant to a transit-oriented
23 development review process prior to the date of the amendment, shall be
24 vested upon the issuance of a building permit in the event a subsequent-
25 ly enacted amendment or any updates to the land use tools are contrary
26 to the rights granted for such project. Such vested rights shall exist
27 without the need for the permit holder to demonstrate substantial
28 expenditure and substantial construction in accordance with the permit

1 prior to the effective date of the amendment or any updates to the land
2 use tools.

3 3. Transit-oriented development review process. (a) In the event that
4 a village fails to finalize the amendment pursuant to and within the
5 required time set forth in paragraph (a) of subdivision two of this
6 section, and until such time as a village comprehensively updates its
7 local land use tools in compliance with paragraph (a) of subdivision two
8 of this section, any project specific review related to a proposed qual-
9 ifying project shall be reviewed pursuant to the transit-oriented devel-
10 opment review process.

11 (b) After the finalization of the amendment undertaken pursuant to
12 paragraph (a) of subdivision two of this section, any project specific
13 review related to a proposed qualifying project shall be reviewed pursu-
14 ant to the transit-oriented development review process.

15 4. Enforcement. (a)(i) The attorney general of the state of New York
16 may commence an action in a court of appropriate jurisdiction to compel
17 a village to amend its local land use tools in compliance with the
18 requirements set forth in subdivision two of this section if the village
19 fails to do so within the required timeframe set forth therein.

20 (ii) A party may pursue a cause of action pursuant to paragraph (b) of
21 this subdivision if such party is improperly denied permission by a lead
22 agency equivalent to build a qualifying project pursuant to paragraph
23 (b) of subdivision three of this section.

24 (b)(i) Upon a failure of a village to comply with the deadlines set
25 forth in subdivision two of this section, or a lead agency equivalent's
26 denial of any application submitted in relation to a qualifying project
27 in violation of paragraph (a) of subdivision three of this section, any
28 party aggrieved by any such failure or denial may commence a special

1 proceeding against the subject village or lead agency equivalent and the
2 officers of such village and lead agency equivalent in the supreme court
3 within the judicial district in which the village or the greater portion
4 of the territory of such village is located to compel compliance with
5 the provisions of this section.

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

15 (iii) The village or lead agency equivalent must set forth the reasons
16 for the denial of the application and must demonstrate by clear and
17 convincing evidence that the village or lead agency equivalent denied
18 the application due to bona fide health and safety concerns, or pursuant
19 to the transit-oriented development review process that complies with
20 the requirements of this section. If the village or lead agency equiv-
21 alent meets such burden, the applicant shall be given the opportunity to
22 demonstrate that the concerns raised by the village or lead agency
23 equivalent are pretextual or that such concerns can be addressed or
24 mitigated by changes to the qualifying project.

25 (iv) The court may reverse or affirm, wholly or partly, or may modify
26 the decision brought up for review. The court may also remand to the
27 village or lead agency equivalent to process or further consider an

1 application consistent with the terms of any order of the court, includ-
2 ing on an expedited basis.

3 (v) Costs shall not be allowed against the village, lead agency equiv-
4 alent, and the officer whose failure or refusal gave rise to the special
5 proceeding, unless it shall appear to the court that the village, lead
6 agency equivalent, and its officers or employees acted with gross negli-
7 gence, in bad faith, or with malice.

8 § 6. This act shall take effect immediately.

9 PART H

10 Section 1. The public housing law is amended by adding a new section
11 20-a to read as follows:

12 § 20-a. Housing production reporting. 1. For the purposes of this
13 section, the following terms shall have the following meanings:

14 (a) "Local board" means any city, town, or village board, commission,
15 officer or other agency or office having supervision of the construction
16 of buildings or the power of enforcing municipal building laws.

17 (b) "Housing site" means the site of planned construction, conversion,
18 alteration, demolition, or consolidation of one or more residential
19 buildings.

20 (c) "Dwelling unit" means a dwelling within a residential building
21 which is either sold, rented, leased, let or hired out, to be occupied,
22 or is occupied as the residence or home of one or more individuals that
23 is independent of other dwellings within such residential building.

24 2. The commissioner shall require each local board to submit to the
25 division of housing and community renewal annually, in the manner and
26 format to be directed by the division of housing and community renewal,

1 the following information regarding new construction, conversion, alter-
2 ation, demolition, or consolidation of a housing site within the juris-
3 isdiction of such local board that is required to be reported to such
4 local board:

5 (a) the address of such housing site;

6 (b) the block and/or lot number of such housing site;

7 (c) the total number of dwelling units in such housing site;

8 (d) the building type, any relevant dates of approval, permits, and
9 completions associated with such housing site;

10 (e) any associated governmental subsidies or program funds being allo-
11 cated to such housing site that such local board is aware of;

12 (f) the specific details of such construction, conversion, alteration,
13 demolition, or consolidation of such housing site;

14 (g) any permits requested to build dwelling units, and the status of
15 such requests as of the date of the report; and

16 (h) the total number of dwelling units within the jurisdiction of the
17 local board as of the date of the report.

18 3. Beginning on the thirty-first of January next succeeding the effec-
19 tive date of this section, and annually thereafter, the commissioner
20 shall require each local board to submit to the commissioner, in a
21 manner and format to be determined by the commissioner, a digital file
22 containing a zoning map or maps of such local board's jurisdiction that
23 contains the following information for the prior year:

24 (a) The geographic extents of areas where residential housing, commer-
25 cial, industrial, or other developments are or are not permitted;

26 (b) In areas zoned for residential buildings, where residential build-
27 ings containing two, three, and four or more dwelling units are allowed
28 per lot;

- 1 (c) Any minimum lot size requirements for residential buildings;
2 (d) Any minimum size requirements for individual dwelling units;
3 (e) Any parking requirements for residential buildings;
4 (f) Any setback or lot coverage requirements for residential build-
5 ings;
6 (g) Designation of whether each zoning approval granted by such local
7 board was as-of-right or discretionary;
8 (h) The geographic bounds of any areas which have been amended since
9 such local board's previous submission pursuant to this subdivision;
10 (i) Any floor area ratio restrictions for residential buildings;
11 (j) In areas where residential development is not permitted, the
12 reasons such development is not permitted; and
13 (k) Any other information deemed relevant by the commissioner.

14 4. The commissioner may make the information submitted pursuant to
15 subdivisions two and three of this section publicly available on the
16 division of housing and community renewal's website, updated annually to
17 reflect the most recent submissions.

18 § 2. This act shall take effect on the first of January next succeed-
19 ing the date upon which it shall have become a law. Effective immediate-
20 ly, the addition, amendment and/or repeal of any rule or regulation
21 necessary for the implementation of this act on its effective date are
22 authorized to be made and completed on or before such effective date.

23 PART I

24 Section 1. Paragraph (b) of subdivision 1 of section 1971 of the real
25 property actions and proceedings law, as amended by chapter 529 of the
26 laws of 2008, is amended to read as follows:

1 (b) In the case of a vacant dwelling, it is not sealed or continuously
2 guarded, in that admittance to the property may be gained without damag-
3 ing any portion of the property, as required by law or it was sealed or
4 is continuously guarded by a person other than the owner, a mortgagee,
5 lienor or agent thereof, and [either] any of the following facts exists:

6 (i) A vacate order of the department or other governmental agency
7 currently prohibits occupancy of the dwelling; or

8 (ii) The tax on such premises has been due and unpaid for a period of
9 at least one year; or

10 (iii) The property has had a zoning, building or property maintenance
11 code violation which has the potential to injure, endanger or unreason-
12 ably annoy the health and safety of others that has been continuously
13 outstanding and not remedied for a period of at least one year from the
14 date the original notice of violation was served upon the property owner
15 pursuant to subdivision four of section three hundred eight of the civil
16 practice law and rules if the owner is a natural person, or pursuant to
17 section three hundred ten, three hundred ten-a, three hundred eleven or
18 three hundred eleven-a of the civil practice law and rules if the owner
19 is a partnership, limited partnership, corporation or limited liability
20 company, respectively; or

21 § 2. This act shall take effect immediately.

22 PART J

23 Section 1. Subdivision 11 of section 3 of the multiple dwelling law,
24 as amended by chapter 806 of the laws of 1972, is amended to read as
25 follows:

1 11. Notwithstanding any other provision of this section, the following
2 enumerated articles, sections and subdivisions of sections of this chap-
3 ter shall not apply to the construction or alteration of multiple dwell-
4 ings for which an application for a permit is made to the department
5 after December sixth, nineteen hundred sixty-nine in a city having a
6 population of one million or more [which adopts or has adopted local
7 laws, ordinances, resolutions or regulations providing protection from
8 fire hazards and making provision for escape from fire in the
9 construction and alteration of multiple dwellings and in other respects
10 as protective as local law seventy-six of the laws of the city of New
11 York for nineteen hundred sixty-eight and covering the same subject
12 matter as the following]: subdivisions twenty-five, twenty-seven, twen-
13 ty-eight, thirty-five-c, thirty-six and thirty-nine of section four,
14 subdivision three of section twenty-eight, sections thirty-six, thirty-
15 seven, fifty, fifty-one, fifty-two, fifty-three, fifty-five, sixty,
16 sixty-one, sixty-seven, subdivisions one, two, four and five of section
17 seventy-five, article four, article five, article five-A[,] and article
18 six [and article seven-B]; except that after December sixth, nineteen
19 hundred sixty-nine where a multiple dwelling erected prior to December
20 sixth, nineteen hundred sixty-nine is altered, or a building erected
21 prior to December sixth, nineteen hundred sixty-nine is converted to a
22 multiple dwelling pursuant to a permit applied for to the department
23 having jurisdiction, the foregoing articles, sections and subdivisions
24 of sections shall remain applicable where a local law of such city
25 authorizes such alteration or conversion to be made, at the option of
26 the owner, either in accordance with the requirements of the building
27 law and regulations in effect in such city prior to December sixth,
28 nineteen hundred sixty-eight or the requirements of the building law and

1 regulations in effect after such date, and the owner elects to comply
2 with the requirements of the building law and regulations in effect
3 prior to December sixth, nineteen hundred sixty-eight.

4 § 2. Section 275 of the multiple dwelling law, as added by chapter 734
5 of the laws of 1985, is amended to read as follows:

6 § 275. Legislative findings. It is hereby declared and found that in
7 cities with a population in excess of one million, large numbers of
8 loft, manufacturing, commercial, institutional, public and community
9 facility buildings have lost, and continue to lose, their tenants to
10 more modern premises; and that the untenanted portions of such buildings
11 constitute a potential housing stock within such cities which is capa-
12 ble, when appropriately altered, of accommodating general residential
13 use, thereby contributing to an alleviation of the housing shortage most
14 severely affecting moderate and middle income families, and of accommo-
15 dating joint living-work quarters for artists by making readily avail-
16 able space which is physically and economically suitable for use by
17 persons regularly engaged in the arts.

18 There is a public purpose to be served by making accommodations readi-
19 ly available for joint living-work quarters for artists for the follow-
20 ing reasons: persons regularly engaged in the arts require larger
21 amounts of space for the pursuit of their artistic endeavors and for the
22 storage of the materials therefor and of the products thereof than are
23 regularly to be found in dwellings subject to this article; that the
24 financial remunerations to be obtained from pursuit of a career in the
25 arts are generally small; that as a result of such limited financial
26 remuneration persons regularly engaged in the arts generally find it
27 financially impossible to maintain quarters for the pursuit of their
28 artistic endeavors separate and apart from their places of residence;

1 that the cultural life of cities of more than one million persons within
2 this state and of the state as a whole is enhanced by the residence in
3 such cities of large numbers of persons regularly engaged in the arts;
4 that the high cost of land within such cities makes it particularly
5 difficult for persons regularly engaged in the arts to obtain the use of
6 the amounts of space required for their work as aforesaid; and that the
7 residential use of the space is secondary or accessory to the primary
8 use as a place of work.

9 It is further declared that the legislation governing the alteration
10 of such buildings to accommodate general residential use must of neces-
11 sity be more restrictive than statutes heretofore in effect, which
12 affected only joint living-work quarters for artists.

13 It is the intention of this legislation to promulgate statewide mini-
14 mum standards for all alterations of non-residential buildings to resi-
15 dential use, but the legislature is cognizant that the use of such
16 buildings for residential purposes must be consistent with local zoning
17 ordinances. The legislature further recognizes that it is the role of
18 localities to adopt regulations which will define in further detail the
19 manner in which alterations should be carried out where building types
20 and conditions are peculiar to their local environment. It is hereby
21 additionally declared and found that in cities with a population in
22 excess of one million, large numbers of commercial buildings have lost,
23 and continue to lose, their tenants to more modern premises and to the
24 changing nature of remote office work in the wake of the COVID-19
25 pandemic; and that the untenanted portions of such buildings constitute
26 a potential housing stock within such cities which is capable, when
27 appropriately altered, of accommodating general residential use, thereby
28 contributing to an alleviation of the housing shortage.

1 § 3. Section 276 of the multiple dwelling law, as amended by chapter
2 420 of the laws of 2022, is amended to read as follows:

3 § 276. [Definition of an artist] Definitions. As used in this article,
4 the following terms shall have the following meanings:

5 1. The word "artist" means a person who is regularly engaged in the
6 fine arts, such as painting and sculpture or in the performing or crea-
7 tive arts, including choreography and filmmaking, or in the composition
8 of music on a professional basis, and is so certified by the city
9 department of cultural affairs and/or state council on the arts. For
10 joint living-work quarters for artists limited to artists' occupancy by
11 local zoning resolution, any permanent occupant whose residence therein
12 began on or before December fifteenth, two thousand twenty-one shall be
13 deemed to meet such occupancy requirements under the same rights as an
14 artist so certified in accordance with applicable law.

15 2. The term "general residential purposes" means use of a building as
16 a class A multiple dwelling, except that such term shall not include a
17 rooming unit as defined in section 27-2004 of the administrative code of
18 the city of New York other than a rooming unit in a class A or class B
19 multiple dwelling that is authorized pursuant to section 27-2077 of such
20 administrative code.

21 § 4. The multiple dwelling law is amended by adding a new section 279
22 to read as follows:

23 § 279. Occupancy of commercial buildings. 1. Any building in a city
24 with a population of one million or more persons which was occupied for
25 loft, commercial, institutional, public, community facility or manufac-
26 turing purposes at any time prior to December thirty-first, nineteen
27 hundred ninety, may be occupied, in whole or in part, for general resi-
28 dential purposes if such occupancy is in compliance with this article,

1 notwithstanding any other article of this chapter, or any provision of
2 law covering the same subject matter, except as otherwise required by
3 the zoning resolution of such city.

4 2. Occupancy pursuant to this section shall be permitted only if the
5 conditions in subdivisions one through sixteen of section two hundred
6 seventy-seven of this article are complied with, except that the conver-
7 sion shall not be required to include joint living-work quarters for
8 artists, and provided further that conversions undertaken pursuant to
9 this section shall not be subject to subdivision three of section twen-
10 ty-six of this chapter.

11 3. Notwithstanding any state or local law, rule, or regulation,
12 including any other provision of this section or article to the contra-
13 ry, the provisions of this section shall apply to any building located
14 in a district that otherwise would have been subject to the provisions
15 of section 15-01 of the zoning resolution of a city with a population of
16 one million or more persons.

17 § 5. An application for conversion of a building pursuant to the
18 provisions of this act, which application for a permit containing
19 complete plans and specifications is filed prior to December 31, 2030,
20 shall be permitted to proceed as if subdivision 3 of section 279 of the
21 multiple dwelling law, as added by section four of this act, remained in
22 effect, so long as construction of such project begins within the earli-
23 er to occur of three years from December 31, 2030 or such time which the
24 permit otherwise expires.

25 § 6. This act shall take effect immediately; provided, however, that
26 subdivision 3 of section 279 of the multiple dwelling law as added by
27 section four of this act shall expire and be deemed repealed on December
28 31, 2030; provided further, however, that the repeal of subdivision 3 of

1 section 279 of the multiple dwelling law as added by section four of
2 this act shall not affect the use of any building for general residen-
3 tial purposes, as such term is defined in article 7-B of the multiple
4 dwelling law, permitted prior to such repeal.

5 PART K

6 Section 1. The multiple dwelling law is amended by adding a new arti-
7 cle 7-D to read as follows:

8 ARTICLE 7-D

9 LEGALIZATION AND CONVERSION OF BASEMENT DWELLING UNITS

10 Section 288. Definitions.

11 289. Basement local laws and regulations.

12 290. Tenant protections in inhabited basement dwelling units.

13 § 288. Definitions. As used in this article, the following terms shall
14 have the following meanings:

15 1. The term "inhabited basement dwelling unit" means a basement unlaw-
16 fully occupied as a residence by one or more tenants on or prior to the
17 effective date of this article;

18 2. The term "rented" means leased, let, or hired out, with or without
19 a written agreement; and

20 3. The term "tenant" means an individual to whom an inhabited basement
21 dwelling unit is rented.

22 § 289. Basement local laws and regulations. 1. Notwithstanding any
23 other provision of state or local law to the contrary, in a city with a
24 population of one million or more, the local legislative body may, by
25 local law, establish a program to address, provided that health and
26 safety are protected, (a) the legalization of specified inhabited base-

1 ment dwelling units in existence prior to the effective date of this
2 article through conversion to legal dwelling units, or (b) the conver-
3 sion of other specified basement dwelling units in existence prior to
4 the effective date of this article to legal dwelling units. The local
5 law authorized by this section, and any rules or regulations promulgated
6 thereunder, shall not be subject to environmental review, including
7 environmental review conducted pursuant to article eight of the environ-
8 mental conservation law and any state and local regulations promulgated
9 thereunder.

10 2. The program established by such local law may provide to an owner
11 who converts an inhabited basement dwelling unit in accordance with a
12 local law authorized by this article or who otherwise abates the illegal
13 occupancy of a basement dwelling unit, (a) freedom from any civil or
14 administrative liability, citations, fines, penalties, judgments or any
15 other determinations of or prosecution for civil violations of this
16 chapter, other state law or local law or rules, and the zoning resol-
17 ution of such city, and (b) relief from any outstanding civil judgments
18 issued in connection with any such violation of such laws, rules or
19 zoning resolution issued before the effective date of this article.
20 Provided that such local law shall require that all applications for
21 conversions be filed by a date certain subsequent to the effective date
22 of this article, provided further that such date shall not exceed five
23 years after the effective date of this article.

24 3. Such local law may provide that any provision of this chapter or
25 local law, rule or regulation, shall not be applicable to provide for
26 the alterations necessary for the conversion of a specified inhabited
27 basement dwelling unit or other specified basement dwelling unit in
28 existence prior to the effective date into a lawful dwelling unit. Any

1 amendment of the zoning resolution necessary to enact such program shall
2 be subject to a public hearing at the planning commission of such local-
3 ity, and approval by such commission and the legislative body of such
4 local government, provided, however, that it shall not require environ-
5 mental review, including environmental review conducted pursuant to
6 article eight of the environmental conservation law and any state and
7 local regulations promulgated thereunder, or any additional land use
8 review.

9 § 290. Tenant protections in inhabited basement dwelling units. 1.
10 The program authorized by this article shall require an application to
11 make alterations to legalize an inhabited basement dwelling unit be
12 accompanied by a certification indicating whether such unit was rented
13 to a tenant on the effective date of this article, notwithstanding
14 whether the occupancy of such unit was authorized by law. A city may not
15 use such certification as the basis for an enforcement action for ille-
16 gal occupancy of such unit, provided that nothing contained in this
17 article shall be construed to limit such city from issuing a vacate
18 order for hazardous or unsafe conditions.

19 2. The local law authorized by this article shall provide that a
20 tenant in occupancy at the time of the effective date of this article,
21 who is evicted or otherwise removed from such unit as a result of an
22 alteration necessary to bring an inhabited basement dwelling unit into
23 compliance with the standards established by the local law authorized by
24 this article, shall have a right of first refusal to return to such unit
25 as a tenant upon its first lawful occupancy as a legal dwelling unit,
26 notwithstanding whether the occupancy at the time of the effective date
27 of this article was authorized by law. Such local law shall specify how
28 to determine priority when multiple tenants may claim such right.

1 3. A tenant unlawfully denied a right of first refusal to return to a
2 legal dwelling unit, as provided pursuant to the local law authorized by
3 this article, shall have a cause of action in any court of competent
4 jurisdiction for compensatory damages or declaratory and injunctive
5 relief as the court deems necessary in the interests of justice,
6 provided that such compensatory relief shall not exceed the annual
7 rental charges for such legal dwelling unit.

8 § 2. Subdivision 1 of section 472 of the private housing finance law,
9 as amended by chapter 479 of the laws of 2005, is amended to read as
10 follows:

11 1. Notwithstanding the provisions of any general, special or local
12 law, a municipality, acting through an agency, is authorized: (a) to
13 make, or contract to make, loans to low and moderate income owner-occu-
14 pants of one to four unit existing private or multiple dwellings within
15 its territorial limits, subject to the limitation of subdivisions two
16 through seven of this section, in such amounts as shall be required for
17 the rehabilitation of such dwellings, provided, however, that such loans
18 shall not exceed sixty thousand dollars per dwelling unit, except that
19 the limitation on the maximum amount of a loan, as described in this
20 paragraph, shall not apply to any such loan for, in whole or in part,
21 rehabilitation of a specified inhabited basement dwelling unit or other
22 specified basement dwelling unit for which such owner has sought a
23 permit pursuant to the local law authorized pursuant to section two
24 hundred eighty-nine of the multiple dwelling law. Such loans may also
25 include the refinancing of the outstanding indebtedness of such dwell-
26 ings, and the municipality may make temporary loans or advances to such
27 owner-occupants in anticipation of permanent loans for such purposes;
28 and

1 (b) to make or contract to make grants to any owner described in para-
2 graph (a) of this subdivision, on the same terms as permitted under such
3 paragraph for a loan.

4 § 3. Section 472 of the private housing finance law is amended by
5 adding a new subdivision 1-a to read as follows:

6 1-a. As used in this article, the term "loan" shall include any grant
7 made by a municipality pursuant to this article, provided, however, that
8 provisions of this article concerning the repayment or forgiveness of,
9 or security for, a loan shall not apply to any grant made pursuant to
10 this article.

11 § 4. Subdivision 2 of section 473 of the private housing finance law,
12 as added by chapter 786 of the laws of 1987, is amended to read as
13 follows:

14 2. A municipality shall neither make nor participate in a loan to an
15 owner-occupant of an existing private or multiple dwelling pursuant to
16 this article unless the agency finds that the area in which such dwell-
17 ing is situated is a blighted, deteriorated or deteriorating area or has
18 a blighting influence on the surrounding area, or is in danger of becom-
19 ing a slum or a blighted area because of the existence of substandard,
20 unsanitary, deteriorating or deteriorated conditions, an aged housing
21 stock, or other factors indicating an inability of the private sector to
22 cause such rehabilitation to be made, except that any such finding shall
23 not be required for any such loan for, in whole or in part, rehabili-
24 tation of a specified inhabited basement dwelling unit or other speci-
25 fied basement dwelling unit for which such owner has sought a permit
26 pursuant to the local law authorized pursuant to section two hundred
27 eighty-nine of the multiple dwelling law.

28 § 5. This act shall take effect immediately.

1

PART L

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

5 3. Floor area ratio (FAR). [The] Except as otherwise provided in and
6 determined under a zoning law, ordinance, or resolution of a city with a
7 population of one million or more, or after consultation with local
8 officials, as provided in a general project plan of the New York state
9 urban development corporation, the floor area ratio (FAR) of any dwell-
10 ing or dwellings on a lot shall not exceed 12.0, except that a fireproof
11 class B dwelling in which six or more passenger elevators are maintained
12 and operated in any city having a local zoning law, ordinance or resol-
13 ution restricting districts in such city to residential use, may be
14 erected in accordance with the provisions of such zoning law, ordinance
15 or resolution, if such class B dwelling is erected in a district no part
16 of which is restricted by such zoning law, ordinance or resolution to
17 residential uses.

18 § 2. This act shall take effect immediately.

19

PART M

20 Section 1. Section 489 of the real property tax law is amended by
21 adding a new subdivision 21 to read as follows:

22 21. (a) Definitions. For purposes of this subdivision:

23 (1) "Affordable rent" shall mean the maximum rent within the marketing
24 band that is allowed for an affordable rental unit as such rent is
25 established by the local housing agency.

1 (2) "Affordable rental unit" shall mean a dwelling unit in an eligible
2 rental building that, as of the filing of an application for a certif-
3 icate of eligibility and reasonable cost, has a rent at or below the
4 applicable affordable rent.

5 (3) "Certificate of eligibility and reasonable cost" shall mean a
6 document issued by the local housing agency that establishes that a
7 property is eligible for rehabilitation program benefits and sets forth
8 the certified reasonable cost of the eligible construction for which
9 such benefits shall be received.

10 (4) "Certified reasonable cost schedule" shall mean a table providing
11 maximum dollar limits for specified alterations and improvements, estab-
12 lished, and updated as necessary, by the local housing agency.

13 (5) "Checklist" shall mean a document that the local housing agency
14 issues requesting additional information or documentation that is neces-
15 sary for further assessment of an application for a certificate of
16 eligibility and reasonable cost where such application contained all
17 information and documentation required at the initial filing.

18 (6) "Commencement date" shall mean, with respect to eligible
19 construction, the date on which any physical operation undertaken for
20 the purpose of performing such eligible construction lawfully begins.

21 (7) "Completion date" shall mean, with respect to eligible
22 construction, the date on which:

23 (A) every physical operation undertaken for the purpose of all eligi-
24 ble construction has concluded; and

25 (B) all such eligible construction has been completed to a reasonable
26 and customary standard that renders such eligible construction capable
27 of use for the purpose for which such eligible construction was
28 intended.

1 (8) "Dwelling unit" shall mean any residential accommodation in a
2 class A multiple dwelling that:

3 (A) is arranged, designed, used or intended for use by one or more
4 persons living together and maintaining a common household;

5 (B) contains at least one room; and

6 (C) contains within such accommodation lawful sanitary and kitchen
7 facilities reserved for its occupants.

8 (9) "Eligible building" shall mean an eligible rental building, an
9 eligible homeownership building, or an eligible regulated homeownership
10 building, provided that such building contains three or more dwelling
11 units.

12 (10) "Eligible construction" shall mean alterations or improvements to
13 an eligible building that:

14 (A) are specifically identified on the certified reasonable cost sche-
15 dule;

16 (B) meet the minimum scope of work threshold;

17 (C) have a completion date that is after June twenty-ninth, two thou-
18 sand twenty-two and prior to June thirtieth, two thousand twenty-six and
19 that is not more than thirty months after their commencement date; and

20 (D) are not attributable to any increased cubic content in such eligi-
21 ble building.

22 (11) "Eligible homeownership building" shall mean an existing building
23 that:

24 (A) is a class A multiple dwelling operated as condominium or cooper-
25 ative housing;

26 (B) is not operating in whole or in part as a hotel; and

1 (C) has an average assessed valuation, including the valuation of the
2 land, that as of the commencement date does not exceed the homeownership
3 average assessed valuation limitation.

4 (12) "Eligible regulated homeownership building" shall mean an exist-
5 ing building that is a class A multiple dwelling owned and operated by
6 either:

7 (A) a mutual company that continues to be organized and operated as a
8 mutual company and that has entered into and recorded a mutual company
9 regulatory agreement; or

10 (B) a mutual redevelopment company that continues to be organized and
11 operated as a mutual redevelopment company and that has entered into and
12 recorded a mutual redevelopment company regulatory agreement.

13 (13) "Eligible rental building" shall mean an existing building that:

14 (A) is a class A multiple dwelling in which all of the dwelling units
15 are operated as rental housing;

16 (B) is not operating in whole or in part as a hotel; and

17 (C) satisfies one of the following conditions:

18 (i) not less than fifty percent of the dwelling units in such building
19 are affordable rental units;

20 (ii) such building is owned and operated by a limited-profit housing
21 company; or

22 (iii) such building is the recipient of substantial governmental
23 assistance.

24 (14) "Existing building" shall mean an enclosed structure which:

25 (A) is permanently affixed to the land;

26 (B) has one or more floors and a roof;

27 (C) is bounded by walls;

1 (D) has at least one principal entrance utilized for day-to-day pedes-
2 trian ingress and egress;

3 (E) has a certificate of occupancy or equivalent document that is in
4 effect prior to the commencement date; and

5 (F) exclusive of the land, has an assessed valuation of more than one
6 thousand dollars for the fiscal year immediately preceding the commence-
7 ment date.

8 (15) "Homeownership average assessed valuation limitation" shall mean
9 an average assessed valuation of forty-five thousand dollars per dwell-
10 ing unit.

11 (16) "Limited-profit housing company" shall have the same meaning as
12 "company" set forth in section twelve of the private housing finance
13 law.

14 (17) "Market rental unit" shall mean a dwelling unit in an eligible
15 rental building other than an affordable rental unit.

16 (18) "Marketing band" shall mean maximum rent amounts ranging from
17 twenty percent of eighty percent of the area median income, adjusted for
18 family size, to thirty percent of eighty percent of the area median
19 income, adjusted for family size.

20 (19) "Minimum scope of work threshold" shall mean a total amount of
21 certified reasonable cost established by rules and regulations of the
22 local housing agency, provided that such amount shall be no less than
23 one thousand five hundred dollars for each dwelling unit in existence on
24 the completion date.

25 (20) "Multiple dwelling" shall have the meaning as set forth in
26 section four of the multiple dwelling law.

27 (21) "Mutual company" shall have the meaning as set forth in section
28 twelve of the private housing finance law.

1 (22) "Mutual company regulatory agreement" shall mean a binding and
2 irrevocable agreement between a mutual company and the commissioner of
3 housing, the mutual company supervising agency, the New York city hous-
4 ing development corporation, or the New York state housing finance agen-
5 cy prohibiting the dissolution or reconstitution of such mutual company
6 pursuant to section thirty-five of the private housing finance law for
7 not less than fifteen years from the commencement of rehabilitation
8 program benefits for the existing building owned and operated by such
9 mutual company.

10 (23) "Mutual company supervising agency" shall have the same meaning,
11 with respect to any mutual company, as "supervising agency" set forth in
12 section two of the private housing finance law.

13 (24) "Mutual redevelopment company" shall have the same meaning as
14 "mutual" when applied to a redevelopment company, as set forth in
15 section one hundred two of the private housing finance law.

16 (25) "Mutual redevelopment company regulatory agreement" shall mean a
17 binding and irrevocable agreement between a mutual redevelopment company
18 and the commissioner of housing, the redevelopment company supervising
19 agency, the New York city housing development corporation, or the New
20 York state housing finance agency prohibiting the dissolution or recon-
21 stitution of such mutual redevelopment company pursuant to section one
22 hundred twenty-three of the private housing finance law until the earli-
23 er of:

24 (A) fifteen years from the commencement of rehabilitation program
25 benefits for the existing building owned and operated by such mutual
26 redevelopment company; or

1 (B) the expiration of any tax exemption granted to such mutual rede-
2 velopment company pursuant to section one hundred twenty-five of the
3 private housing finance law.

4 (26) "Redevelopment company" shall have the same meaning as set forth
5 in section one hundred two of the private housing finance law.

6 (27) "Redevelopment company supervising agency" shall have the same
7 meaning, with respect to any redevelopment company, as "supervising
8 agency" set forth in section one hundred two of the private housing
9 finance law.

10 (28) "Rehabilitation program benefits" shall mean abatement of real
11 property taxes pursuant to this subdivision.

12 (29) "Rent regulation" shall mean, collectively, the emergency housing
13 rent control law, any local law enacted pursuant to the local emergency
14 housing rent control act, the rent stabilization law of nineteen hundred
15 sixty-nine, the rent stabilization code, and the emergency tenant
16 protection act of nineteen seventy-four, all as in effect as of the
17 effective date of the chapter of the laws of two thousand twenty-three
18 that added this subdivision, or as any such statute is amended thereaft-
19 er, together with any successor statutes or regulations addressing
20 substantially the same subject matter.

21 (30) "Restriction period" shall mean, notwithstanding any termination
22 or revocation of rehabilitation program benefits prior to such period,
23 fifteen years from the initial receipt of rehabilitation program bene-
24 fits, or such additional period of time as may be imposed pursuant to
25 clause (A) of subparagraph five of paragraph (e) of this subdivision.

26 (31) "Substantial governmental assistance" shall mean grants, loans,
27 or subsidies from any federal, state or local governmental agency or
28 instrumentality in furtherance of a program for the development of

1 affordable housing approved by the local housing agency, provided that
2 such grants, loans, or subsidies are provided in accordance with a regu-
3 latory agreement entered into with such agency or instrumentality that
4 is in effect as of the filing date of the application for a certificate
5 of eligibility and reasonable cost.

6 (32) "Substantial interest" shall mean an ownership interest of ten
7 percent or more.

8 (b) Abatement. Notwithstanding the provisions of any other subdivision
9 of this section or of any general, special or local law to the contrary,
10 any city to which the multiple dwelling law is applicable, acting
11 through its local legislative body or other governing agency, is hereby
12 authorized and empowered, until and including June thirtieth, two thou-
13 sand twenty-five, to adopt and amend local laws or ordinances providing
14 an abatement of real property taxes on an eligible building in which
15 eligible construction has been completed, provided that:

16 (1) such abatement shall not exceed seventy percent of the certified
17 reasonable cost of the eligible construction, as determined under rules
18 and regulations of the local housing agency;

19 (2) such abatement shall not be effective for more than twenty years;

20 (3) the annual abatement of real property taxes on such eligible
21 building shall not exceed eight and one-third percent of the total
22 certified reasonable cost of such eligible construction;

23 (4) the annual abatement of real property taxes on such eligible
24 building in any consecutive twelve-month period shall in no event exceed
25 the amount of real property taxes payable in such twelve-month period
26 for such building, provided, however, that such abatement shall not
27 exceed fifty percent of the amount of real property taxes payable in
28 such twelve-month period for any of the following:

1 (A) an eligible rental building owned by a limited-profit housing
2 company or a redevelopment company; (B) an eligible homeownership build-
3 ing; and

4 (C) an eligible regulated homeownership building; and

5 (5) such abatement shall become effective beginning with the first
6 quarterly tax bill immediately following the date of issuance of the
7 certificate of eligibility and reasonable cost.

8 (c) Authority of city to adopt rules and regulations. Any such local
9 law or ordinance shall authorize the adoption of rules and regulations,
10 not inconsistent with this subdivision, by the local housing agency and
11 any other local agency necessary for the implementation of this subdivi-
12 sion.

13 (d) Applications. (1) Any such local law or ordinance shall require
14 that an application for a certificate of eligibility and reasonable cost
15 pursuant to this subdivision be made after the completion date and on or
16 before the later of (A) four months from the effective date of such
17 local law or ordinance; or (B) four months from such completion date.

18 (2) Such application shall include evidence of eligibility for reha-
19 bilitation program benefits and evidence of reasonable cost as shall be
20 satisfactory to the local housing agency including, but not limited to,
21 evidence showing the cost of eligible construction.

22 (3) The local housing agency shall require a non-refundable filing fee
23 that shall be paid by a certified check or cashier's check upon the
24 filing of an application for a certificate of eligibility and reasonable
25 cost. Such fee shall be (A) one thousand dollars, plus (B) seventy-five
26 dollars for each dwelling unit in excess of six dwelling units in the
27 eligible building that is the subject of such application.

1 (4) Any application that is filed pursuant to this paragraph that is
2 missing any of the information and documentation required at initial
3 filing by such local law or ordinance and any rules and regulations of
4 the local housing agency shall be denied, provided that a new applica-
5 tion for the same eligible construction, together with a new non-refund-
6 able filing fee, may be filed within fifteen days of the date of issu-
7 ance of such denial. If such second application is also missing any such
8 required information and documentation, it shall be denied and no
9 further applications for the same eligible construction shall be permit-
10 ted.

11 (5) The failure of an applicant to respond to any checklist within
12 thirty days of the date of its issuance by the local housing agency
13 shall result in denial of such application, and no further applications
14 for the same eligible construction shall be permitted. The local housing
15 agency shall issue not more than three checklists per application. An
16 application for a certificate of eligibility and reasonable cost shall
17 be denied when the local housing agency does not have a sufficient basis
18 to issue a certificate of eligibility and reasonable cost after the
19 timely response of an applicant to the third checklist concerning such
20 application. After the local housing agency has denied an application
21 for the reason described in the preceding sentence, such agency shall
22 permit no further applications for the same eligible construction.

23 (6) An application for a certificate of eligibility and reasonable
24 cost shall also include an affidavit of no harassment.

25 (A) Such affidavit shall set forth the following information:

26 (i) the name of every owner of record and owner of a substantial
27 interest in the eligible building or entity owning the eligible building
28 or sponsoring the eligible construction; and

1 (ii) a statement that none of such persons had, within the five years
2 prior to the completion date, been found to have harassed or unlawfully
3 evicted tenants by judgment or determination of a court or agency,
4 including a non-governmental agency having appropriate legal jurisdic-
5 tion, under the penal law, any state or local law regulating rents or
6 any state or local law relating to harassment of tenants or unlawful
7 eviction.

8 (B) No eligible building shall be eligible for an abatement pursuant
9 to paragraph (b) of this subdivision where:

10 (i) any affidavit required under this subparagraph has not been filed;

11 (ii) any such affidavit contains a willful misrepresentation or omis-
12 sion of any material fact; or

13 (iii) any owner of record or owner of a substantial interest in the
14 eligible building or entity owning the eligible building or sponsoring
15 the eligible construction has been found, by judgment or determination
16 of a court or agency, including a non-governmental agency having appro-
17 priate legal jurisdiction, under the penal law, any state or local law
18 regulating rents or any state or local law relating to harassment of
19 tenants or unlawful eviction, to have, within the five years prior to
20 the completion date, harassed or unlawfully evicted tenants, until and
21 unless the finding is reversed on appeal.

22 (C) Notwithstanding the provisions of any general, special or local
23 law to the contrary, the corporation counsel or other legal represen-
24 tative of a city having a population of one million or more or the
25 district attorney of any county, may institute an action or proceeding
26 in any court of competent jurisdiction that may be appropriate or neces-
27 sary to determine whether any owner of record or owner of a substantial
28 interest in the eligible building or entity owning the eligible building

1 or sponsoring the eligible construction has harassed or unlawfully
2 evicted tenants as described in this subparagraph.

3 (7) Notwithstanding the provisions of any general, special or local
4 law to the contrary, the local housing agency may require by rules and
5 regulations that an application for a certificate of eligibility and
6 reasonable cost be filed electronically.

7 (e) Additional requirements for an eligible rental building other than
8 one owned and operated by a limited-profit housing company. Any such
9 local law or ordinance shall, in addition to all other conditions of
10 eligibility for rehabilitation program benefits set forth in this subdi-
11 vision, require that an eligible rental building, other than one owned
12 and operated by a limited-profit housing company, also comply with all
13 provisions of this paragraph. Notwithstanding the foregoing, an eligible
14 rental building that is the recipient of substantial governmental
15 assistance shall not be required to comply with the provisions of
16 subparagraph three of this paragraph.

17 (1) Notwithstanding any provision of rent regulation to the contrary,
18 any market rental unit within such eligible rental building subject to
19 rent regulation as of the filing date of the application for a certif-
20 icate of eligibility and reasonable cost and any affordable rental unit
21 within such eligible rental building shall be subject to rent regulation
22 until such unit first becomes vacant after the expiration of the
23 restriction period at which time such unit, unless it would be subject
24 to rent regulation for reasons other than the provisions of this subdi-
25 vision, shall be deregulated, provided, however, that during the
26 restriction period, no exemption or exclusion from any requirement of
27 rent regulation shall apply to such dwelling units.

1 (2) Additional requirements for an eligible rental building that is
2 not a recipient of substantial governmental assistance.

3 (A) Not less than fifty percent of the dwelling units in such eligible
4 rental building shall be designated as affordable rental units.

5 (B) The owner of such eligible rental building shall ensure that no
6 affordable rental unit is held off the market for a period that is long-
7 er than reasonably necessary.

8 (C) The owner of such eligible rental building shall waive the
9 collection of any major capital improvement rent increase granted by the
10 New York state division of housing and community renewal pursuant to
11 rent regulation that is attributable to eligible construction for which
12 such eligible rental building receives rehabilitation program benefits,
13 and shall file a declaration with the New York state division of housing
14 and community renewal providing such waiver.

15 (D) An affordable rental unit shall not be rented on a temporary,
16 transient or short-term basis. Every lease and renewal thereof for an
17 affordable rental unit shall be for a term of one or two years, at the
18 option of the tenant, and shall include a notice in at least twelve-
19 point type informing such tenant of their rights pursuant to this subdi-
20 vision, including an explanation of the restrictions on rent increases
21 that may be imposed on such affordable rental unit.

22 (E) The local housing agency may establish by rules and regulations
23 such requirements as the local housing agency deems necessary or appro-
24 priate for designating affordable rental units, including, but not
25 limited to, designating the unit mix and distribution requirements of
26 such affordable rental units in an eligible building.

1 (3) The owner of such eligible rental building shall not engage in or
2 cause any harassment of the tenants of such eligible rental building or
3 unlawfully evict any such tenants during the restriction period.

4 (4) No dwelling units within such eligible rental building shall be
5 converted to cooperative or condominium ownership during the restriction
6 period.

7 (5) Any non-compliance of an eligible rental building with the
8 provisions of this paragraph shall permit the local housing agency to
9 take the following action:

10 (A) extend the restriction period;

11 (B) increase the number of affordable rental units in such eligible
12 rental building;

13 (C) impose a penalty of not more than the product of one thousand
14 dollars per instance of non-compliance and the number of dwelling units
15 contained in such eligible rental building; and

16 (D) terminate or revoke any rehabilitation program benefits in accord-
17 ance with paragraph (m) of this subdivision.

18 (f) Compliance with applicable law. Any such local law or ordinance
19 may also provide that rehabilitation program benefits shall not be
20 allowed for any eligible building unless and until such eligible build-
21 ing complies with all applicable provisions of law.

22 (g) Implementation of rehabilitation program benefits. Upon issuance
23 of a certificate of eligibility and reasonable cost and payment of
24 outstanding fees, the local housing agency shall be authorized to trans-
25 mit such certificate of eligibility and reasonable cost to the local
26 agency responsible for real property tax assessment. Upon receipt of a
27 certificate of eligibility and reasonable cost, the local agency respon-
28 sible for real property tax assessment shall certify the amount of taxes

1 to be abated pursuant to paragraph (b) of this subdivision and pursuant
2 to such certificate of eligibility and reasonable cost provided by the
3 local housing agency.

4 (h) Outstanding taxes and charges. Any such local law or ordinance
5 shall also provide that rehabilitation program benefits shall not be
6 allowed for an eligible building in either of the following cases:

7 (1) there are outstanding real estate taxes or water and sewer charges
8 or payments in lieu of taxes that are due and owing as of the last day
9 of the tax period preceding the date of the receipt of the certificate
10 of eligibility and reasonable cost by the local agency responsible for
11 real property tax assessment; or

12 (2) real estate taxes or water and sewer charges due at any time
13 during the authorized term of such benefits remain unpaid for one year
14 after the same are due and payable.

15 (i) Additional limitations on eligibility. Any such local law or ordi-
16 nance shall also provide that:

17 (1) rehabilitation program benefits shall not be allowed for any
18 eligible building receiving tax exemption or abatement concurrently for
19 rehabilitation or new construction under any other provision of state or
20 local law or ordinance with the exception of any eligible construction
21 to an eligible building receiving a tax exemption or abatement under the
22 provisions of the private housing finance law;

23 (2) rehabilitation program benefits shall not be allowed for any item
24 of eligible construction in an eligible building if such eligible build-
25 ing is receiving tax exemption or abatement for the same or a similar
26 item of eligible construction as of the December thirty-first preceding
27 the date of application for a certificate of eligibility and reasonable
28 cost for such rehabilitation program benefits;

1 (3) where the eligible construction includes or benefits a portion of
2 an eligible building that is not occupied for dwelling purposes, the
3 assessed valuation of such eligible building and the cost of the eligi-
4 ble construction shall be apportioned so that rehabilitation program
5 benefits shall not be provided for eligible construction made for other
6 than dwelling purposes; and

7 (4) rehabilitation program benefits shall not be applied to abate or
8 reduce the taxes upon the land portion of real property, which shall
9 continue to be taxed based upon the assessed valuation of the land and
10 the applicable tax rate at the time such taxes are levied.

11 (j) Re-inspection penalty. Any such local law or ordinance shall also
12 provide that if the local housing agency cannot verify the eligible
13 construction claimed by an applicant upon the first inspection by the
14 local housing agency of the eligible building, such applicant shall be
15 required to pay ten times the actual cost of any additional inspection
16 needed to verify such eligible construction.

17 (k) Strict liability for inaccurate applications. Any such local law
18 or ordinance shall also provide that if the local housing agency deter-
19 mines that an application for a certificate of eligibility and reason-
20 able cost contains a material misstatement of fact, the local housing
21 agency may reject such application and bar the submission of any other
22 application pursuant to this subdivision with respect to such eligible
23 building for a period not to exceed three years. An applicant shall not
24 be relieved from liability under this paragraph because it submitted its
25 application under a mistaken belief of fact. Furthermore, any person or
26 entity that files more than six applications containing such a material
27 misstatement of fact within any twelve-month period shall be barred from

1 submitting any new application for rehabilitation program benefits on
2 behalf of any eligible building for a period not to exceed five years.

3 (1) Investigatory authority. Any such local law or ordinance shall
4 also allow the local housing agency to require such certifications and
5 consents necessary to access records, including other tax records, as
6 may be deemed appropriate to enforce the eligibility requirements of
7 this subdivision. Any such local law or ordinance shall further provide
8 that, for purposes of determining and certifying eligibility for reha-
9 bilitation program benefits and the reasonable cost of any eligible
10 construction, the local housing agency shall be authorized to:

11 (1) administer oaths to and take the testimony of any person, includ-
12 ing, but not limited to, the owner of such eligible building;

13 (2) issue subpoenas requiring the attendance of such persons and the
14 production of any bills, books, papers or other documents as it may deem
15 necessary;

16 (3) make preliminary estimates of the maximum reasonable cost of such
17 eligible construction;

18 (4) establish maximum allowable costs of specified units, fixtures or
19 work in such eligible construction;

20 (5) require the submission of plans and specifications of such eligi-
21 ble construction before the commencement thereof;

22 (6) require physical access to inspect the eligible building; and

23 (7) on an annual basis, require the submission of leases for any
24 dwelling unit in a building granted a certificate of eligibility and
25 reasonable cost.

26 (m) Termination or revocation. Any such local law or ordinance shall
27 provide that failure to comply with the provisions of this subdivision,
28 any such local law or ordinance, any rules and regulations promulgated

1 thereunder, or any mutual company regulatory agreement or mutual rede-
2 velopment company regulatory agreement entered into thereunder, may
3 result in revocation of any rehabilitation program benefits retroactive
4 to the commencement thereof. Such termination or revocation shall not
5 exempt such eligible building from continued compliance with the
6 requirements of this subdivision, such local law or ordinance, such
7 rules and regulations, and such mutual company regulatory agreement or
8 mutual redevelopment company regulatory agreement.

9 (n) Criminal liability for unauthorized uses. Any such local law or
10 ordinance shall also provide that in the event that any recipient of
11 rehabilitation program benefits uses any dwelling unit in such eligible
12 building in violation of the requirements of such local law or ordinance
13 as adopted pursuant to this subdivision and any rules and regulations
14 promulgated pursuant thereto, such recipient shall be guilty of an
15 unclassified misdemeanor punishable by a fine in an amount equivalent to
16 double the value of the gain of such recipient from such unlawful use or
17 imprisonment for not more than ninety days, or both.

18 (o) Private right of action. Any prospective, present, or former
19 tenant of an eligible rental building may sue to enforce the require-
20 ments and prohibitions of this subdivision, any such local law or ordi-
21 nance, or any rules and regulations promulgated thereunder, in the
22 supreme court of New York. Any such individual harmed by reason of a
23 violation of such requirements and prohibitions may sue therefor in the
24 supreme court of New York on behalf of himself or herself, and shall
25 recover threefold the damages sustained and the cost of the suit,
26 including a reasonable attorney's fee. The local housing agency may use
27 any court decision under this paragraph that is adverse to the owner of
28 an eligible building as the basis for further enforcement action.

1 Notwithstanding any other provision of law, an action by a tenant of an
2 eligible rental building under this paragraph must be commenced within
3 six years from the date of the latest violation.

4 (p) Appointment of receiver. In addition to the remedies for non-com-
5 pliance provided for in subparagraph five of paragraph (e) of this
6 subdivision, any such local law or ordinance may also provide that the
7 local housing agency may make application for the appointment of a
8 receiver in accordance with the procedures contained in such local law
9 or ordinance. Any receiver appointed pursuant to this paragraph shall be
10 authorized, in addition to any other powers conferred by law, to effect
11 compliance with the provisions of this subdivision, such local law or
12 ordinance, and rules and regulations of the local housing agency. Any
13 expenditures incurred by the receiver to effect such compliance shall
14 constitute a debt of the owner and a lien upon the property, and upon
15 the rents and income thereof, in accordance with the procedures
16 contained in such local law or ordinance. The local housing agency in
17 its discretion may provide funds to be expended by the receiver, and
18 such funds shall constitute a debt recoverable from the owner in accord-
19 ance with applicable local laws or ordinances.

20 (r) Authority of city to limit local law. Where a city enacts or
21 amends a local law or ordinance under this subdivision, such local law
22 or ordinance may restrict, limit or condition the eligibility, scope or
23 amount of rehabilitation program benefits under the local law or ordi-
24 nance in any manner, provided that the local law or ordinance may not
25 grant rehabilitation program benefits beyond those provided in this
26 subdivision.

27 § 2. This act shall take effect immediately.

1

PART N

2 Section 1. The real property tax law is amended by adding a new
3 section 421-p to read as follows:

4 § 421-p. Exemption of newly-constructed rental multiple dwellings. 1.

5 (a) A city, town or village may, by local law, provide for the exemption
6 of rental multiple dwellings constructed in a benefit area designated in
7 such local law from taxation and special ad valorem levies, as provided
8 in this section. Subsequent to the adoption of such a local law, any
9 other municipal corporation in which the designated benefit area is
10 located may likewise exempt such property from its taxation and special
11 ad valorem levies by local law, or in the case of a school district, by
12 resolution.

13 (b) As used in this section, the term "benefit area" means the area
14 within a city, town or village, designated by local law, to which an
15 exemption, established pursuant to this section, applies.

16 (c) The term "rental multiple dwelling" means a structure, other than
17 a hotel, consisting of twenty or more dwelling units, where all of the
18 units are rented for residential purposes, and at least twenty percent
19 of such units, upon initial rental and upon each subsequent rental
20 following a vacancy during the restriction period or extended
21 restriction period, as applicable, is affordable to and restricted to
22 occupancy by individuals or families whose household income does not
23 exceed eighty percent of the area median income, adjusted for family
24 size, on average, at the time that such households initially occupy such
25 dwelling units, provided further that all of the income restricted units
26 upon initial rental and upon each subsequent rental following a vacancy
27 during the restriction period or extended restriction period, as appli-

1 cable, shall be affordable to and restricted to occupancy by individuals
2 or families whose household income does not exceed one hundred percent
3 of the area median income, adjusted for family size, at the time that
4 such households initially occupy such dwelling units. Such restriction
5 period shall be in effect coterminous with the benefit period, provided,
6 however, that the tenant or tenants in an income restricted dwelling
7 unit at the time such restriction period ends shall have the right to
8 lease renewals at the income restricted level until such time as such
9 tenant or tenants permanently vacate the dwelling unit.

10 2. Eligible newly-constructed rental multiple dwellings in a desig-
11 nated benefit area shall be wholly exempt from taxation while under
12 construction, subject to a maximum of three years. Such property shall
13 then be exempt for an additional period of twenty-five years, provided,
14 that the exemption percentage during such additional period of twenty-
15 five years shall begin at ninety-six percent and shall decrease by four
16 percent each year thereafter. Provided, however:

17 (a) Taxes shall be paid during the exemption period in an amount at
18 least equal to the taxes paid on such land and any improvements thereon
19 during the tax year preceding the commencement of such exemption.

20 (b) No other exemption may be granted concurrently to the same
21 improvements under any other section of law.

22 3. To be eligible for exemption under this section, such construction
23 shall take place on vacant, predominantly vacant or underutilized land,
24 or on land improved with a non-conforming use or on land containing one
25 or more substandard or structurally unsound dwellings, or a dwelling
26 that has been certified as unsanitary by the local health agency.

1 4. Application for exemption under this section shall be made on a
2 form prescribed by the commissioner and filed with the assessor on or
3 before the applicable taxable status date.

4 5. In the case of newly constructed property which is used partially
5 as a rental multiple dwelling and partially for commercial or other
6 purposes, the portion of the newly constructed property that is used as
7 a rental multiple dwelling shall be eligible for the exemption author-
8 ized by this section if:

9 (a) The square footage of the portion used as a rental multiple dwell-
10 ing represents at least fifty percent of the square footage of the
11 entire property;

12 (b) The rental units are affordable to individuals or families as
13 determined according to the criteria set forth in paragraph (c) of
14 subdivision one of this section; and

15 (c) The requirements of this section are otherwise satisfied with
16 respect to the portion of the property used as a rental multiple dwell-
17 ing.

18 6. The exemption authorized by this section shall not be available in
19 a city with a population of one million or more.

20 7. Any recipient of the exemption authorized by this section or their
21 designee shall certify compliance with the provisions of this section
22 under penalty of perjury, at such time or times and in such manner as
23 may be prescribed in the local law adopted by the city, town or village
24 pursuant to paragraph (a) of subdivision one of this section, or by a
25 subsequent local law. Such city, town or village may establish such
26 procedures as it deems necessary for monitoring and enforcing compliance
27 of an eligible building with the provisions of this section.

28 § 2. This act shall take effect immediately.

1

PART O

2 Section 1. The real property tax law is amended by adding a new
3 section 421-p to read as follows:

4 § 421-p. Exemption of capital improvements to residential new
5 construction involving the creation of accessory dwelling units. 1.
6 Residential buildings reconstructed, altered, improved, or newly
7 constructed in order to create one or more additional residential dwell-
8 ing units on the same parcel as a pre-existing residential building to
9 provide independent living facilities for one or more persons subsequent
10 to the effective date of a local law or resolution enacted pursuant to
11 this section shall be exempt from taxation and special ad valorem levies
12 to the extent provided hereinafter. After a public hearing, the govern-
13 ing board of a county, city, town or village may adopt a local law and a
14 school district, other than a school district subject to article fifty-
15 two of the education law, may adopt a resolution to grant the exemption
16 authorized pursuant to this section. A copy of such local law or resol-
17 ution shall be filed with the commissioner and the assessor of such
18 county, city, town or village who prepares the assessment roll on which
19 the taxes of such county, city, town, village or school district are
20 levied.

21 2. (a) Such buildings shall be exempt for a period of five years to
22 the extent of one hundred per centum of the increase in assessed value
23 thereof attributable to such reconstruction, alteration, improvement, or
24 new construction for such additional residential unit or units that
25 provide independent living facilities for one or more persons, and for
26 an additional period of five years subject to the following:

1 (i) The extent of such exemption shall be decreased by twenty-five per
2 centum of the "exemption base" for each of the first three years during
3 such additional period and shall be decreased by a further ten per
4 centum of the "exemption base" during each of the final two years of
5 such additional period. The exemption shall expire at the end of the
6 extended period. The "exemption base" shall be the increase in assessed
7 value as determined in the initial year of the term of the exemption,
8 except as provided in subparagraph (ii) of this paragraph.

9 (ii) In any year in which a change in level of assessment of fifteen
10 percent or more is certified for a final assessment roll pursuant to the
11 rules of the commissioner, the exemption base shall be multiplied by a
12 fraction, the numerator of which shall be the total assessed value of
13 the parcel on such final assessment roll (after accounting for any phys-
14 ical or quantity changes to the parcel since the immediately preceding
15 assessment roll), and the denominator of which shall be the total
16 assessed value of the parcel on the immediately preceding final assess-
17 ment roll. The result shall be the new exemption base. The exemption
18 shall thereupon be recomputed to take into account the new exemption
19 base, notwithstanding the fact that the assessor receives certification
20 of the change in level of assessment after the completion, verification
21 and filing of the final assessment roll. In the event the assessor does
22 not have custody of the roll when such certification is received, the
23 assessor shall certify the recomputed exemption to the local officers
24 having custody and control of the roll, and such local officers are
25 hereby directed and authorized to enter the recomputed exemption certi-
26 fied by the assessor on the roll. The assessor shall give written notice
27 of such recomputed exemption to the property owner, who may, if he or
28 she believes that the exemption was recomputed incorrectly, apply for a

1 correction in the manner provided by title three of article five of this
2 chapter for the correction of clerical errors.

3 (iii) Such exemption shall be limited to two hundred thousand dollars
4 in increased market value of the property attributable to such recon-
5 struction, alteration, improvement, or new construction and any increase
6 in market value greater than such amount shall not be eligible for the
7 exemption pursuant to this section. For the purposes of this section,
8 the market value of the reconstruction, alteration, improvement, or new
9 construction as authorized by subdivision one of this section shall be
10 equal to the increased assessed value attributable to such recon-
11 struction, alteration, improvement or new construction divided by the
12 class one ratio in a special assessing unit or the most recently estab-
13 lished state equalization rate or special equalization rate in the
14 remainder of the state, except where the state equalization rate or
15 special equalization rate equals or exceeds ninety-five percent, in
16 which case the increase in assessed value attributable to such recon-
17 struction, alteration, improvement or new construction shall be deemed
18 to equal the market value of such reconstruction, alteration, improve-
19 ment, or new construction.

20 (b) No such exemption shall be granted for reconstruction, alter-
21 ations, improvements, or new construction unless:

22 (i) such reconstruction, alteration, improvement, or new construction
23 was commenced subsequent to the effective date of the local law or
24 resolution adopted pursuant to subdivision one of this section; and

25 (ii) the value of such reconstruction, alteration, improvement, or new
26 construction exceeds three thousand dollars; and

27 (iii) such reconstruction, alteration, improvement, or new
28 construction created one or more additional residential dwelling units

1 on the same parcel as the preexisting residential building to provide
2 independent living facilities for one or more persons.

3 (c) For purposes of this section the terms reconstruction, alteration,
4 improvement, and new construction shall not include ordinary maintenance
5 and repairs.

6 3. Such exemption shall be granted only upon application by the owner
7 of such building on a form prescribed by the commissioner. The applica-
8 tion shall be filed with the assessor of the city, town, village or
9 county having the power to assess property for taxation on or before the
10 appropriate taxable status date of such city, town, village or county.

11 4. If satisfied that the applicant is entitled to an exemption pursu-
12 ant to this section, the assessor shall approve the application and such
13 building shall thereafter be exempt from taxation and special ad valorem
14 levies as herein provided commencing with the assessment roll prepared
15 on the basis of the taxable status date referred to in subdivision three
16 of this section. The assessed value of any exemption granted pursuant to
17 this section shall be entered by the assessor on the assessment roll
18 with the taxable property, with the amount of the exemption shown in a
19 separate column.

20 5. For the purposes of this section, a residential building shall mean
21 any building or structure designed and occupied exclusively for residen-
22 tial purposes by not more than two families.

23 6. In the event that a building granted an exemption pursuant to this
24 section ceases to be used primarily for residential purposes, or title
25 thereto is transferred to other than the heirs or distributees of the
26 owner, the exemption granted pursuant to this section shall cease.

27 7. (a) A county, city, town or village may, by its local law, or
28 school district, by its resolution:

1 (i) reduce the per centum of exemption otherwise allowed pursuant to
2 this section;

3 (ii) limit eligibility for the exemption to those forms of recon-
4 struction, alterations, improvements, or new construction as are
5 prescribed in such local law or resolution.

6 (b) No such local law or resolution shall repeal an exemption granted
7 pursuant to this section until the expiration of the period for which
8 such exemption was granted.

9 § 2. This act shall take effect immediately and shall apply to assess-
10 ment rolls based on taxable status dates occurring on or after such
11 effective date.

12 PART P

13 Section 1. Paragraph a of subdivision 3 of section 224-a of the labor
14 law, as added by section 1 of Part FFF of chapter 58 of the laws of
15 2020, is amended to read as follows:

16 a. Benefits under section four hundred twenty-one-a or four hundred
17 sixty-seven-m of the real property tax law;

18 § 2. The real property tax law is amended by adding a new section
19 467-m to read as follows:

20 § 467-m. Exemption from local real property taxation of certain multi-
21 ple dwellings in a city having a population of one million or more. 1.
22 Definitions. For purposes of this section, the following terms shall
23 have the following meanings:

24 a. "Affordable housing from commercial conversions tax incentive bene-
25 fits" hereinafter referred to as "AHCC program benefits", shall mean the

1 exemption from real property taxation authorized pursuant to this
2 section.

3 b. "Affordability requirement" shall mean that within any eligible
4 multiple dwelling: (i) not less than twenty percent of the dwelling
5 units are affordable housing units; (ii) not less than five percent of
6 the dwelling units are affordable housing forty percent units; (iii) the
7 weighted average of all income bands for all of the affordable housing
8 units does not exceed seventy percent of the area median income,
9 adjusted for family size; (iv) there are no more than three income bands
10 for all of the affordable housing units; and (v) no income band for
11 affordable housing units exceeds one hundred percent of the area median
12 income, adjusted for family size.

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

21 d. "Affordable housing unit" shall mean, collectively and individual-
22 ly: (i) an affordable housing forty percent unit; and (ii) any other
23 unit that meets the affordability requirement upon initial occupancy and
24 upon each subsequent rental following a vacancy during the restriction
25 period, and is affordable to and restricted to occupancy by individuals
26 or families whose household income does not exceed the income bands
27 established in conjunction with such affordability requirement.

1 e. "Agency" shall mean the New York city department of housing preser-
2 vation and development.

3 f. "Application" shall mean an application for AHCC program benefits.

4 g. "Building service employee" shall mean any person who is regularly
5 employed at, and performs work in connection with the care or mainte-
6 nance of, an eligible multiple dwelling, including, but not limited to,
7 a watchman, guard, doorman, building cleaner, porter, handyman, janitor,
8 gardener, groundskeeper, elevator operator and starter, and window
9 cleaner, but not including persons regularly scheduled to work fewer
10 than eight hours per week at such eligible multiple dwelling.

11 h. "Commencement date" shall mean the date upon which the actual
12 construction of the eligible conversion lawfully begins in good faith.

13 i. "Completion date" shall mean the date upon which the local depart-
14 ment of buildings issues the first temporary or permanent certificate of
15 occupancy covering all residential areas of an eligible multiple dwell-
16 ing.

17 j. "Construction period" shall mean, with respect to any eligible
18 multiple dwelling, a period: (i) beginning on the later of the commence-
19 ment date or three years before the completion date; and (ii) ending on
20 the day preceding the completion date.

21 k. "Dwelling" or "dwellings" shall have the same meaning as set forth
22 in subdivision four of section four of the multiple dwelling law.

23 l. "Eligible conversion" shall mean the conversion of a non-residen-
24 tial building to an eligible multiple dwelling.

25 m. "Eligible multiple dwelling" shall mean a multiple dwelling in
26 which: (i) all dwelling units included in any application are operated
27 as rental housing; (ii) six or more dwelling units have been created
28 through an eligible conversion; (iii) the commencement date is after

1 December thirty-first, two thousand twenty-two and on or before December
2 thirty-first, two thousand thirty-two; and (iv) the completion date is
3 on or before December thirty-first, two thousand thirty-eight.

4 n. "Fiscal officer" shall mean the comptroller or other analogous
5 officer in a city having a population of one million or more.

6 o. "Floor area" shall mean the horizontal areas of the several floors,
7 or any portion thereof, of a dwelling or dwellings, and accessory struc-
8 tures on a lot measured from the exterior faces of exterior walls, or
9 from the center line of party walls.

10 p. "Income band" shall mean a percentage of the area median income,
11 adjusted for family size, that is a multiple of ten percent.

12 q. "Manhattan prime development area" shall mean any tax lot now
13 existing or hereafter created which is located entirely south of 96th
14 street in the borough of Manhattan.

15 r. "Market unit" shall mean a dwelling unit in an eligible multiple
16 dwelling other than an affordable housing unit.

17 s. "Marketing band" shall mean maximum rent amounts ranging from twen-
18 ty percent to thirty percent of the area median income or income band,
19 respectively, that is applicable to a specific affordable housing unit.

20 t. "Multiple dwelling" shall have the same meaning as set forth in
21 subdivision seven of section four of the multiple dwelling law.

22 u. "Nineteen-year benefit" shall mean: (i) for the construction peri-
23 od, a one hundred percent exemption from real property taxation, other
24 than assessments for local improvements; (ii) for the first fifteen
25 years of the restriction period, (A) within the Manhattan prime develop-
26 ment area, a fifty percent exemption from real property taxation, other
27 than assessments for local improvements, and (B) outside of the Manhat-
28 tan prime development area, a thirty-five percent exemption from real

1 property taxation, other than assessments for local improvements; (iii)
2 for the sixteenth year of the restriction period, (A) within the Manhat-
3 tan prime development area, a forty percent exemption from real property
4 taxation, other than assessments for local improvements, and (B) outside
5 of the Manhattan prime development area, a twenty-eight percent
6 exemption from real property taxation, other than assessments for local
7 improvements; (iv) for the seventeenth year of the restriction period,
8 (A) within the Manhattan prime development area, a thirty percent
9 exemption from real property taxation, other than assessments for local
10 improvements, and (B) outside of the Manhattan prime development area, a
11 twenty-one percent exemption from real property taxation, other than
12 assessments for local improvements; (v) for the eighteenth year of the
13 restriction period, (A) within the Manhattan prime development area, a
14 twenty percent exemption from real property taxation, other than assess-
15 ments for local improvements, and (B) outside of the Manhattan prime
16 development area, a fourteen percent exemption from real property taxa-
17 tion, other than assessments for local improvements; and (vi) for the
18 nineteenth year of the restriction period, (A) within the Manhattan
19 prime development area, a ten percent exemption from real property taxa-
20 tion, other than assessments for local improvements, and (B) outside of
21 the Manhattan prime development area, a seven percent exemption from
22 real property taxation, other than assessments for local improvements.

23 v. "Non-residential building" shall mean a structure or portion of a
24 structure having at least one floor, a roof and at least three walls
25 enclosing all or most of the space used in connection with the structure
26 or portion of the structure, which has a certificate of occupancy for
27 commercial, manufacturing or other non-residential use for not less than
28 ninety percent of the aggregate floor area of such structure or portion

1 of such structure, or other proof of such non-residential use as is
2 acceptable to the agency.

3 w. "Non-residential tax lot" shall mean a tax lot that does not
4 contain any dwelling units.

5 x. "Rent stabilization" shall mean, collectively, the rent stabiliza-
6 tion law of nineteen hundred sixty-nine, the rent stabilization code,
7 and the emergency tenant protection act of nineteen seventy-four, all as
8 in effect as of the effective date of this section or as amended there-
9 after, together with any successor statutes or regulations addressing
10 substantially the same subject matter.

11 y. "Residential tax lot" shall mean a tax lot that contains dwelling
12 units.

13 z. "Restriction period" shall mean a period commencing on the
14 completion date and extending in perpetuity, notwithstanding any earlier
15 termination or revocation of AHCC program benefits.

16 2. Benefit. In cities having a population of one million or more,
17 notwithstanding the provisions of any other general, special or local
18 law to the contrary, a new eligible multiple dwelling, except a hotel,
19 that complies with the provisions of this section shall be exempt from
20 real property taxation, other than assessments for local improvements,
21 in the amounts and for the periods specified in this section, provided
22 that such eligible multiple dwelling is used or held out for use for
23 dwelling purposes. An eligible multiple dwelling that meets all of the
24 requirements of this section shall receive a nineteen-year benefit.

25 3. Tax payments. In addition to any other amounts payable pursuant to
26 this section, the owner of any eligible multiple dwelling receiving AHCC
27 program benefits shall pay, in each tax year in which such AHCC program
28 benefits are in effect, all assessments for local improvements.

1 4. Limitation on benefits for non-residential space. If the aggregate
2 floor area of commercial, community facility and accessory use space in
3 an eligible multiple dwelling exceeds twelve percent of the aggregate
4 floor area in such eligible multiple dwelling, any AHCC program benefits
5 shall be reduced by a percentage equal to such excess. If an eligible
6 multiple dwelling contains multiple tax lots, the tax arising out of
7 such reduction in AHCC program benefits shall first be apportioned pro
8 rata among any non-residential tax lots. After any such non-residential
9 tax lots are fully taxable, the remainder of the tax arising out of such
10 reduction in AHCC program benefits, if any, shall be apportioned pro
11 rata among the remaining residential tax lots. For the purposes of this
12 section, accessory use space shall not include home occupation space or
13 accessory parking space located not more than twenty-three feet above
14 the curb level.

15 5. Application of benefit. Based on the certification of the agency
16 certifying eligibility for AHCC program benefits, the department of
17 finance shall determine the amount of the exemption pursuant to subdivi-
18 sions two and four of this section and shall apply the exemption to the
19 assessed value of the eligible multiple dwelling.

20 6. Affordability requirements. An eligible multiple dwelling shall
21 comply with the following affordability requirements during the
22 restriction period:

23 a. All affordable housing units in an eligible multiple dwelling shall
24 share the same common entrances and common areas as rental market rate
25 units in such eligible multiple dwelling and shall not be isolated to a
26 specific floor or area of an eligible multiple dwelling. Common
27 entrances shall mean any means of ingress or egress regularly used by

1 any resident of a rental dwelling unit in the eligible multiple dwell-
2 ing.

3 b. Unless preempted by the requirements of a federal, state or local
4 housing program, either: (i) the affordable housing units in an eligible
5 multiple dwelling shall have a unit mix proportional to the rental
6 market units; or (ii) at least fifty percent of the affordable housing
7 units in an eligible multiple dwelling shall have two or more bedrooms
8 and no more than twenty-five percent of the affordable housing units
9 shall have less than one bedroom.

10 c. Notwithstanding any provision of rent stabilization to the contra-
11 ry: (i) all affordable housing units shall remain fully subject to rent
12 stabilization during the restriction period; and (ii) any affordable
13 housing unit occupied by a tenant that has been approved by the agency
14 prior to the agency's denial of an eligible multiple dwelling's applica-
15 tion for AHCC program benefits shall remain subject to rent stabiliza-
16 tion until such tenant vacates such affordable housing unit.

17 d. All rent stabilization registrations required to be filed shall
18 contain a designation that specifically identifies affordable housing
19 units created pursuant to this section as "AHCC program affordable hous-
20 ing units" and shall contain an explanation of the requirements that
21 apply to all such affordable housing units.

22 e. Failure to comply with the provisions of this subdivision that
23 require the creation, maintenance, rent stabilization compliance, and
24 occupancy of affordable housing units shall result in revocation of AHCC
25 program benefits.

26 f. Nothing in this section shall: (i) prohibit the occupancy of an
27 affordable housing unit by individuals or families whose income at any
28 time is less than the maximum percentage of the area median income or

1 income band, as applicable, adjusted for family size, specified for such
2 affordable housing unit pursuant to this section; or (ii) prohibit the
3 owner of an eligible multiple dwelling from requiring, upon initial
4 rental or upon any rental following a vacancy, the occupancy of any
5 affordable housing unit by such lower income individuals or families.

6 g. Following issuance of a temporary certificate of occupancy and upon
7 each vacancy thereafter, an affordable housing unit shall promptly be
8 offered for rental by individuals or families whose income does not
9 exceed the maximum percentage of the area median income or income band,
10 as applicable, adjusted for family size, specified for such affordable
11 housing unit pursuant to this section and who intend to occupy such
12 affordable housing unit as their primary residence. An affordable hous-
13 ing unit shall not be: (i) rented to a corporation, partnership or other
14 entity; or (ii) held off the market for a period longer than is reason-
15 ably necessary to perform repairs needed to make such affordable housing
16 unit available for occupancy.

17 h. An affordable housing unit shall not be rented on a temporary,
18 transient or short-term basis. Every lease and renewal thereof for an
19 affordable housing unit shall be for a term of one or two years, at the
20 option of the tenant.

21 i. An affordable housing unit shall not be converted to cooperative or
22 condominium ownership.

23 j. The agency may establish by rule such requirements as the agency
24 deems necessary or appropriate for: (i) the marketing of affordable
25 housing units, both upon initial occupancy and upon any vacancy; (ii)
26 monitoring compliance with the provisions of this subdivision; and (iii)
27 the establishment of marketing bands for affordable housing units. Such
28 requirements may include, but need not be limited to, retaining a moni-

1 tor approved by the agency and paid for by the owner of the eligible
2 multiple dwelling.

3 k. Notwithstanding any provision of this section to the contrary, a
4 market unit shall not be subject to rent stabilization unless, in the
5 absence of AHCC program benefits, the unit would be subject to rent
6 stabilization.

7 7. Building service employees. a. For the purposes of this subdivi-
8 sion, "applicant" shall mean an applicant for AHCC program benefits, any
9 successor to such applicant, or any employer of building service employ-
10 ees for such applicant including, but not limited to, a property manage-
11 ment company or contractor.

12 b. All building service employees employed by the applicant at the
13 eligible multiple dwelling shall receive the applicable prevailing wage
14 for the duration of the nineteen-year benefit period, regardless of
15 whether such benefits are revoked or terminated.

16 c. The fiscal officer shall have the power to enforce the provisions
17 of this subdivision. In enforcing such provisions, the fiscal officer
18 shall have the power: (i) to investigate or cause an investigation to be
19 made to determine the prevailing wages for building service employees,
20 and in making such investigation, the fiscal officer may utilize wage
21 and fringe benefit data from various sources, including, but not limited
22 to, data and determinations of federal, state or other governmental
23 agencies; provided, however, that the provision of a dwelling unit shall
24 not be considered wages or a fringe benefit; (ii) to institute and
25 conduct inspections at the site of the work or elsewhere; (iii) to exam-
26 ine the books, documents and records pertaining to the wages paid to,
27 and the hours of work performed by, building service employees; (iv) to
28 hold hearings and, in connection therewith, to issue subpoenas, the

1 enforcement of which shall be regulated by the civil practice law and
2 rules, administer oaths and examine witnesses; (v) to make a classifica-
3 tion by craft, trade or other generally recognized occupational category
4 of the building service employees and to determine whether such work has
5 been performed by the building service employees in such classification;
6 (vi) to require the applicant to file with the fiscal officer a record
7 of the wages actually paid by such applicant to the building service
8 employees and of their hours of work; (vii) to delegate any of the fore-
9 going powers to his or her deputy or other authorized representative;
10 (viii) to promulgate rules as he or she shall consider necessary for the
11 proper execution of the duties, responsibilities and powers conferred
12 upon him or her by the provisions of this subdivision; and (ix) to
13 prescribe appropriate sanctions for failure to comply with the
14 provisions of this subdivision. For each violation of paragraph b of
15 this subdivision, the fiscal officer may require the payment of (A) back
16 wages and fringe benefits; (B) liquidated damages up to three times the
17 amount of the back wages and fringe benefits for willful violations;
18 and/or (C) reasonable attorneys' fees. If the fiscal officer finds that
19 the applicant has failed to comply with the provisions of this subdivi-
20 sion, he or she shall present evidence of such non-compliance to the
21 agency.

22 d. Paragraph b of this subdivision shall not be applicable to: (i) an
23 eligible multiple dwelling containing less than thirty dwelling units;
24 or (ii) an eligible multiple dwelling whose eligible conversion is
25 carried out with the substantial assistance of grants, loans or subsi-
26 dies provided by a federal, state or local governmental agency or
27 instrumentality pursuant to a program for the development of affordable
28 housing.

1 e. The applicant shall submit a sworn affidavit with its application
2 certifying that it shall comply with the requirements of this subdivi-
3 sion or is exempt in accordance with paragraph d of this subdivision.
4 Upon the agency's approval of such application, the applicant who is not
5 exempt in accordance with paragraph d of this subdivision shall submit
6 annually a sworn affidavit to the fiscal officer certifying that it
7 shall comply with the requirements of this subdivision.

8 8. Concurrent exemptions or abatements. An eligible multiple dwelling
9 receiving AHCC program benefits shall not receive any exemption from or
10 abatement of real property taxation under any other law.

11 9. Voluntary renunciation or termination. Notwithstanding the
12 provisions of any general, special or local law to the contrary, an
13 owner shall not be entitled to voluntarily renounce or terminate AHCC
14 program benefits unless the agency authorizes such renunciation or
15 termination in connection with the commencement of a tax exemption
16 pursuant to the private housing finance law or section four hundred
17 twenty-c of this title.

18 10. Termination or revocation. The agency may terminate or revoke AHCC
19 program benefits for noncompliance with this section. All of the afford-
20 able housing units shall remain subject to rent stabilization and all
21 other requirements of this section for the duration of the restriction
22 period, regardless of whether such benefits have been terminated or
23 revoked.

24 11. Powers cumulative. The enforcement provisions of this section
25 shall not be exclusive, and are in addition to any other rights, reme-
26 dies or enforcement powers set forth in any other law or available at
27 law or in equity.

1 12. Multiple tax lots. If an eligible multiple dwelling contains
2 multiple tax lots, an application may be submitted with respect to one
3 or more of such tax lots. The agency shall determine eligibility for
4 AHCC program benefits based upon the tax lots included in such applica-
5 tion and benefits for each such eligible multiple dwelling shall be
6 based upon the completion date of each such multiple dwelling.

7 13. Applications. a. The application with respect to any eligible
8 multiple dwelling shall be filed with the agency no earlier than the
9 completion date and not later than one year after the completion date of
10 such eligible multiple dwelling.

11 b. Notwithstanding the provisions of any general, special, or local
12 law to the contrary, the agency may require by rule that applications be
13 filed electronically.

14 c. The agency may rely on certification by an architect or engineer
15 submitted by an applicant in connection with the filing of an applica-
16 tion. A false certification by such architect or engineer shall be
17 deemed to be professional misconduct pursuant to section sixty-five
18 hundred nine of the education law. Any architect or engineer found
19 guilty of such misconduct under the procedures prescribed in section
20 sixty-five hundred ten of the education law shall be subject to the
21 penalties prescribed in section sixty-five hundred eleven of the educa-
22 tion law and shall thereafter be ineligible to submit a certification
23 pursuant to this section.

24 d. Such application shall also certify that all taxes, water charges,
25 and sewer rents currently due and owing on the property which is the
26 subject of the application have been paid or are currently being paid in
27 timely installments pursuant to a written agreement with the department
28 of finance or other appropriate agency.

1 14. Filing fee. The agency may require a filing fee of no less than
2 three thousand dollars per dwelling unit in connection with any applica-
3 tion, except that the agency may promulgate rules:

4 a. imposing a lesser fee for an eligible multiple dwelling whose
5 eligible conversion is carried out with the substantial assistance of
6 grants, loans or subsidies provided by a federal, state or local govern-
7 mental agency or instrumentality pursuant to a program for the develop-
8 ment of affordable housing; and

9 b. requiring a portion of the filing fee to be paid upon the
10 submission of the information the agency requires in advance of approv-
11 ing the commencement of the marketing process for such eligible conver-
12 sion.

13 15. Rules. Except as provided in subdivision seven of this section,
14 the agency shall have the sole authority to enforce the provisions of
15 this section and may promulgate rules to carry out the provisions of
16 this section.

17 16. Penalties for violations of affordability requirements. a. On or
18 after the expiration date of the nineteen-year benefit, the agency may
19 impose, after notice and an opportunity to be heard, a penalty for any
20 violation by an eligible multiple dwelling of the affordability require-
21 ments of subdivision six of this section.

22 b. A penalty imposed under this subdivision shall be computed as a
23 percentage of the capitalized value of all AHCC program benefits on the
24 eligible multiple dwelling, calculated as of the first year that bene-
25 fits were granted, not to exceed one thousand percent. The agency shall
26 establish a schedule and method of calculation of such penalties pursu-
27 ant to subdivision fifteen of this section.

1 c. A penalty imposed under this subdivision shall be imposed against
2 the owner of the eligible multiple dwelling at the time the violation
3 occurred, even if such owner no longer owns such eligible multiple
4 dwelling at the time of the agency's determination.

5 d. A person or entity who fails to pay a penalty imposed pursuant to
6 this subdivision shall be guilty of a misdemeanor punishable by impri-
7 sonment not to exceed six months.

8 § 3. This act shall take effect immediately.

9 PART Q

10 Section 1. Notwithstanding any other provision of law, the housing
11 trust fund corporation may provide, for purposes of the neighborhood
12 preservation program, a sum not to exceed \$12,830,000 for the fiscal
13 year ending March 31, 2024. Notwithstanding any other provision of law,
14 and subject to the approval of the New York state director of the budg-
15 et, the board of directors of the state of New York mortgage agency
16 shall authorize the transfer to the housing trust fund corporation, for
17 the purposes of reimbursing any costs associated with neighborhood pres-
18 ervation program contracts authorized by this section, a total sum not
19 to exceed \$12,830,000, such transfer to be made from (i) the special
20 account of the mortgage insurance fund created pursuant to section
21 2429-b of the public authorities law, in an amount not to exceed the
22 actual excess balance in the special account of the mortgage insurance
23 fund, as determined and certified by the state of New York mortgage
24 agency for the fiscal year 2022-2023 in accordance with section 2429-b
25 of the public authorities law, if any, and/or (ii) provided that the
26 reserves in the project pool insurance account of the mortgage insurance
27 fund created pursuant to section 2429-b of the public authorities law

1 are sufficient to attain and maintain the credit rating (as determined
2 by 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 to be made as soon as practicable
5 but no later than June 30, 2023.

6 § 2. Notwithstanding any other provision of law, the housing trust
7 fund corporation may provide, for purposes of the rural preservation
8 program, a sum not to exceed \$5,360,000 for the fiscal year ending March
9 31, 2024. Notwithstanding any other provision of law, and subject to
10 the approval of the New York state director of the budget, the board of
11 directors of the state of New York mortgage agency shall authorize the
12 transfer to the housing trust fund corporation, for the purposes of
13 reimbursing any costs associated with rural preservation program
14 contracts authorized by this section, a total sum not to exceed
15 \$5,360,000, such transfer to be made from (i) the special account of the
16 mortgage insurance fund created pursuant to section 2429-b of the public
17 authorities law, in an amount not to exceed the actual excess balance in
18 the special account of the mortgage insurance fund, as determined and
19 certified by the state of New York mortgage agency for the fiscal year
20 2022-2023 in accordance with section 2429-b of the public authorities
21 law, if any, and/or (ii) provided that the reserves in the project pool
22 insurance account of the mortgage insurance fund created pursuant to
23 section 2429-b of the public authorities law are sufficient to attain
24 and maintain the credit rating (as determined by the state of New York
25 mortgage agency) required to accomplish the purposes of such account,
26 the project pool insurance account of the mortgage insurance fund, such
27 transfer to be made as soon as practicable but no later than June 30,
28 2023.

1 § 3. Notwithstanding any other provision of law, the housing trust
2 fund corporation may provide, for purposes of the rural rental assist-
3 ance program pursuant to article 17-A of the private housing finance
4 law, a sum not to exceed \$21,710,000 for the fiscal year ending March
5 31, 2024. Notwithstanding any other provision of law, and subject to
6 the approval of the New York state director of the budget, the board of
7 directors of the state of New York mortgage agency shall authorize the
8 transfer to the housing trust fund corporation, for the purposes of
9 reimbursing any costs associated with rural rental assistance program
10 contracts authorized by this section, a total sum not to exceed
11 \$21,710,000, such transfer to be made from (i) the special account of
12 the mortgage insurance fund created pursuant to section 2429-b of the
13 public authorities law, in an amount not to exceed the actual excess
14 balance in the special account of the mortgage insurance fund, as deter-
15 mined and certified by the state of New York mortgage agency for the
16 fiscal year 2022-2023 in accordance with section 2429-b of the public
17 authorities law, if any, and/or (ii) provided that the reserves in the
18 project pool insurance account of the mortgage insurance fund created
19 pursuant to section 2429-b of the public authorities law are sufficient
20 to attain and maintain the credit rating, as determined by the state of
21 New York mortgage agency, required to accomplish the purposes of such
22 account, the project pool insurance account of the mortgage insurance
23 fund, such transfer shall be made as soon as practicable but no later
24 than June 30, 2023.

25 § 4. Notwithstanding any other provision of law, the homeless housing
26 and assistance corporation may provide, for purposes of the New York
27 state supportive housing program, the solutions to end homelessness
28 program or the operational support for AIDS housing program, or to qual-

1 ified grantees under such programs, in accordance with the requirements
2 of such programs, a sum not to exceed \$50,781,000 for the fiscal year
3 ending March 31, 2024. The homeless housing and assistance corporation
4 may enter into an agreement with the office of temporary and disability
5 assistance to administer such sum in accordance with the requirements of
6 such programs. Notwithstanding any other provision of law, and subject
7 to the approval of the New York state director of the budget, the board
8 of directors of the state of New York mortgage agency shall authorize
9 the transfer to the homeless housing and assistance corporation, a total
10 sum not to exceed \$50,781,000, such transfer to be made from (i) the
11 special account of the mortgage insurance fund created pursuant to
12 section 2429-b of the public authorities law, in an amount not to exceed
13 the actual excess balance in the special account of the mortgage insur-
14 ance fund, as determined and certified by the state of New York mortgage
15 agency for the fiscal year 2022-2023 in accordance with section 2429-b
16 of the public authorities law, if any, and/or (ii) provided that the
17 reserves in the project pool insurance account of the mortgage insurance
18 fund created pursuant to section 2429-b of the public authorities law
19 are sufficient to attain and maintain the credit rating as determined by
20 the state of New York mortgage agency, required to accomplish the
21 purposes of such account, the project pool insurance account of the
22 mortgage insurance fund, such transfer shall be made as soon as practi-
23 cable but no later than March 31, 2024.

24 § 5. This act shall take effect immediately.

1 Section 1. Subparagraph (xxviii) of paragraph (a) of subdivision 16 of
2 section 421-a of the real property tax law, as amended by section 3 of
3 part TTT of chapter 59 of the laws of 2017, is amended to read as
4 follows:

5 (xxviii) "Eligible multiple dwelling" shall mean a multiple dwelling
6 or homeownership project containing six or more dwelling units created
7 through new construction or eligible conversion for which the commence-
8 ment date is after December thirty-first, two thousand fifteen and on or
9 before June fifteenth, two thousand twenty-two, and for which the
10 completion date is on or before June fifteenth, two thousand [twenty-
11 six] thirty.

12 § 2. This act shall take effect immediately.

13 PART S

14 Section 1. Section 652 of the labor law is amended by adding a new
15 subdivision 1-a to read as follows:

16 1-a. Annual minimum wage increase. (a) New York city. On and after
17 December thirty-first, two thousand twenty-three, every employer regard-
18 less of size shall pay to each of its employees for each hour worked in
19 the city of New York, a wage of not less than the adjusted minimum wage
20 rate established annually by the commissioner. Such adjusted minimum
21 wage rate shall be determined by increasing the current year's minimum
22 wage rate by the lesser of three percent and the rate of change in the
23 average of the most recent period between the first of August and the
24 thirty-first of July over the preceding twelve months published by the
25 United States department of labor non-seasonally adjusted consumer price
26 index for northeast region urban wage earners and clerical workers

1 (CPI-W) or any successor index as calculated by the United States
2 department of labor.

3 (b) Remainder of downstate. On and after December thirty-first, two
4 thousand twenty-three, every employer shall pay to each of its employees
5 for each hour worked in the counties of Nassau, Suffolk, and Westches-
6 ter, a wage of not less than the adjusted minimum wage rate established
7 annually by the commissioner. Such adjusted minimum wage rate shall be
8 determined by increasing the current year's minimum wage rate by the
9 lesser of three percent and the rate of change in the average of the
10 most recent period between the first of August and the thirty-first of
11 July over the preceding twelve months for the northeast region CPI-W or
12 any successor index as calculated by the United States department of
13 labor.

14 (c) Remainder of state. On and after December thirty-first, two thou-
15 sand twenty-three, in the year following the year the minimum wage rate
16 equals fifteen dollars for each hour worked outside of the city of New
17 York and the counties of Nassau, Suffolk, and Westchester pursuant to
18 subdivision one of this section, every employer shall pay to each of its
19 employees for each hour worked outside of the city of New York and the
20 counties of Nassau, Suffolk, and Westchester a wage of not less than the
21 adjusted minimum wage rate established annually by the commissioner.
22 Such adjusted minimum wage rate shall be determined by increasing the
23 current year's minimum wage rate by the lesser of three percent and the
24 rate of change in the average of the most recent period between the
25 first of August and the thirty-first of July over the preceding twelve
26 months for the northeast region CPI-W or any successor index as calcu-
27 lated by the United States department of labor.

1 (d) Notwithstanding paragraphs (a), (b), and (c) of this subdivision,
2 the minimum wage for a home care aide as defined in section thirty-six
3 hundred fourteen-c of the public health law shall be set by subdivisions
4 two and three of section thirty-six hundred fourteen-f of the public
5 health law.

6 (e) Exceptions. Notwithstanding paragraphs (a), (b) and (c) of this
7 subdivision, there shall be no increase in the minimum wage in the state
8 for the following year if:

9 (i) the rate of change in the average of the most recent period of the
10 first of August to the thirty-first of July over the preceding period of
11 the first of August to the thirty-first of July for the northeast region
12 CPI-W is negative;

13 (ii) the three-month moving average of the seasonally adjusted New
14 York state unemployment rate as determined by the U-3 measure of labor
15 underutilization for the most recent period ending the thirty-first of
16 July as calculated by the United States department of labor rises by
17 one-half percentage point or more relative to its low during the previ-
18 ous twelve months; or

19 (iii) seasonally adjusted, total non-farm employment for New York
20 state in July, calculated by the United States department of labor,
21 decreased from the seasonally adjusted, total non-farm employment for
22 New York state in April, and seasonally adjusted, total non-farm employ-
23 ment for New York state in July, calculated by the United States depart-
24 ment of labor, decreased from the seasonally adjusted, total non-farm
25 employment for New York state in January.

26 (f) The commissioner shall publish the adjusted minimum wage rates no
27 later than the first of October of each year to take effect on the thir-
28 ty-first day of December. The commissioner shall publish the adjusted

1 minimum wage rates that will go into effect on December thirty-first,
2 two thousand twenty-three no later than October first, two thousand
3 twenty-three.

4 § 2. Subdivisions 2, 4 and 5 of section 652 of the labor law, subdivi-
5 sion 2 as amended by chapter 38 of the laws of 1990, the opening para-
6 graph of subdivision 2 as amended by section 6 of part II of chapter 58
7 of the laws of 2020, and subdivisions 4 and 5 as amended by section 2 of
8 part K of chapter 54 of the laws of 2016, are amended to read as
9 follows:

10 2. Existing wage orders. The minimum wage orders in effect on the
11 effective date of this act shall remain in full force and effect, except
12 as modified in accordance with the provisions of this article; provided,
13 however, that the minimum wage order for farm workers codified at part
14 one hundred ninety of title twelve of the New York code of rules and
15 regulations in effect on January first, two thousand twenty shall be
16 deemed to be a wage order established and adopted under this article and
17 shall remain in full force and effect except as modified in accordance
18 with the provisions of this article or article nineteen-A of this chap-
19 ter.

20 Such minimum wage orders shall be modified by the commissioner to
21 increase all monetary amounts specified therein in the same proportion
22 as the increase in the hourly minimum wage as provided in [subdivision]
23 subdivisions one and one-a of this section, including the amounts speci-
24 fied in such minimum wage orders as allowances for gratuities, and when
25 furnished by the employer to its employees, for meals, lodging, apparel
26 and other such items, services and facilities. All amounts so modified
27 shall be rounded off to the nearest five cents. The modified orders
28 shall be promulgated by the commissioner without a public hearing, and

1 without reference to a wage board, and shall become effective on the
2 effective date of such increases in the minimum wage except as otherwise
3 provided in this subdivision, notwithstanding any other provision of
4 this article.

5 4. Notwithstanding subdivisions one, one-a and two of this section,
6 the wage for an employee who is a food service worker receiving tips
7 shall be a cash wage of at least two-thirds of the minimum wage rates
8 set forth in subdivision one of this section, rounded to the nearest
9 five cents or seven dollars and fifty cents, whichever is higher,
10 provided that the tips of such an employee, when added to such cash
11 wage, are equal to or exceed the minimum wage in effect pursuant to
12 [subdivision] subdivisions one and one-a of this section and provided
13 further that no other cash wage is established pursuant to section six
14 hundred fifty-three of this article.

15 5. Notwithstanding subdivisions one, one-a and two of this section,
16 meal and lodging allowances for a food service worker receiving a cash
17 wage pursuant to subdivision four of this section shall not increase
18 more than two-thirds of the increase required by subdivision two of this
19 section as applied to state wage orders in effect pursuant to [subdivi-
20 sion] subdivisions one and one-a of this section.

21 § 3. Section 3614-f of the public health law, as added by section 1 of
22 part XX of chapter 56 of the laws of 2022, is amended to read as
23 follows:

24 § 3614-f. Home care minimum wage increase. 1. For the purpose of this
25 section, "home care aide" shall have the same meaning as defined in
26 section thirty-six hundred fourteen-c of this article.

27 2. [In addition to the otherwise applicable minimum wage under section
28 six hundred fifty-two of the labor law, or any otherwise applicable wage

1 rule or order under article nineteen of the labor law] Notwithstanding
2 any increase to the minimum wage under paragraph (a), (b), or (c) of
3 subdivision one-a of section six hundred fifty-two of the labor law, the
4 minimum wage for a home care aide shall be increased by an amount of
5 three dollars and zero cents from the minimum wage established under
6 subdivision one of section six hundred fifty-two of the labor law for
7 each region of the state in accordance with the following schedule:

8 (a) beginning October first, two thousand twenty-two, the minimum wage
9 for a home care aide shall be increased by an amount of two dollars and
10 zero cents, and

11 (b) beginning October first, two thousand twenty-three, the minimum
12 wage for a home care aide shall be increased by an additional amount of
13 one dollar and zero cents.

14 3. On and after December thirty-first, two thousand twenty-three, the
15 minimum wage for a home care aide shall be the greater of either:

16 (a) the rate established in accordance with subdivision two of this
17 section; or

18 (b) the rate established in accordance with section six hundred
19 fifty-two of the labor law.

20 4. At no time shall the minimum wage for a home care aide be higher
21 than eighteen dollars until such time as the minimum wage rate pursuant
22 to subdivision one-a of section six hundred fifty-two of the labor law
23 in the locality of the state in which such home care aide works is high-
24 er than eighteen dollars.

25 5. Where any home care aide is paid less than what is required [by
26 subdivision] under subdivisions two and three of this section, the home
27 care aide, or the commissioner of labor acting on behalf of the home
28 care aide, may bring a civil action under article six or nineteen of the

1 labor law; provided that this shall not preclude the commissioner of
2 labor from taking direct administrative enforcement action under article
3 six of the labor law.

4 § 4. This act shall take effect immediately.

5 PART T

6 Section 1. Legislative findings. The legislature finds that both with-
7 in the city of New York and across the United States, over the past
8 several decades, income inequality has expanded and that poverty is
9 frequently concentrated in economically disadvantaged regions. The
10 legislature also finds that economic disparities among individuals and
11 across communities have further expanded due to the economic and health
12 effects of the virus known as COVID-19. The purpose of this legislation
13 is to remediate these economic disparities by authorizing the city of
14 New York, the city school district of the city of New York, the New York
15 city school construction authority, the New York city health and hospi-
16 tals corporation, the New York city industrial development agency, and
17 other city-affiliated not-for-profit corporations to use the economic
18 power of their transactions to implement programs by administrative rule
19 requiring contractors and subcontractors benefitting from such trans-
20 actions to make best efforts to employ qualified economically disadvan-
21 taged candidates and qualified candidates from economically disadvan-
22 taged regions.

23 § 2. The New York city charter is amended by adding a new chapter 79
24 to read as follows:

25 CHAPTER 79

26 COMMUNITY HIRING AND WORKFORCE DEVELOPMENT

1 § 3501. Absorption hire. The term "absorption hire" means an individual
2 who fills a building service opportunity and who:

3 (1) was employed to perform building service work within the preceding
4 six months at the same facility to which such individual is assigned; or

5 (2) fills such building service opportunity as a result of a reassign-
6 ment by a contractor or subcontractor, as applicable, due to a displace-
7 ment caused by the closure of another facility, a staffing reduction at
8 another facility, or any other similar event.

9 Apprentice. The term "apprentice" means an individual who is receiving
10 training and performing labor pursuant to an apprenticeship agreement.

11 Apprenticeship agreement. The term "apprenticeship agreement" means an
12 agreement, as such term is defined by section eight hundred sixteen of
13 the labor law, that has been registered with, and approved by, the
14 commissioner of labor of the state of New York pursuant to article twen-
15 ty-three of the labor law.

16 Building service opportunity. The term "building service opportunity"
17 means an employment opportunity to perform building service work.

18 Building service opportunity labor hour. The term "building service
19 opportunity labor hour" means a labor hour performed by an individual
20 employed to fill a building service opportunity.

21 Building service work. The term "building service work" means the
22 classifications of labor that the applicable fiscal officer has identi-
23 fied as consistent with section two hundred thirty of the labor law,
24 regardless of whether such labor constitutes building service work for
25 which workers are entitled to prevailing wage pursuant to article nine
26 of the labor law.

27 City-affiliated not-for-profit corporation. The term "city-affiliated
28 not-for-profit corporation" means a local development corporation or

1 other not-for-profit corporation, a majority of whose members are
2 appointed by the mayor.

3 Construction. The term "construction" means:

4 (1) any labor of a type that the applicable fiscal officer, as defined
5 in paragraph e of subdivision five of section two hundred twenty of the
6 labor law, has identified in a published schedule as a classification of
7 work performed by laborers, workmen or mechanics, regardless of whether
8 such labor constitutes public work pursuant to such section; and

9 (2) any additional types of labor identified by the director by rule,
10 provided that such labor shall not include building service work.

11 Contractor. The term "contractor" means an individual, company, corpo-
12 ration, partnership, or other entity that has entered into a transaction
13 with the city, except that the term "contractor" does not include:

14 (1) any governmental entity;

15 (2) any microbusiness, other than a microbusiness performing
16 construction work under a transaction; or

17 (3) any labor organization.

18 Director. The term "director" means the director of the office of
19 community hiring and workforce development or his or her designee.

20 Economically disadvantaged candidate. The term "economically disadvan-
21 tagged candidate" means an individual:

22 (1) whose income or household income falls below an applicable quanti-
23 tative threshold determined by the director, provided that such income
24 shall not include any types of public benefits provided by the federal
25 government or a state or local government and identified by the direc-
26 tor; and

27 (2) who is certified as meeting all applicable requirements.

1 Economically disadvantaged region. The term "economically disadvan-
2 tagged region" means an area, represented by its ZIP code, in which at
3 least fifteen percent of residents have household incomes below the
4 federal poverty threshold.

5 Economically disadvantaged region candidate. The term "economically
6 disadvantaged region candidate" means an individual who is certified as
7 meeting all applicable requirements and who is a:

8 (1) resident of an address within an economically disadvantaged
9 region;

10 (2) resident of a building that is:

11 (i) owned or operated by the New York city housing authority; and

12 (ii) subject to section nine of the United States Housing Act of nine-
13 teen hundred thirty-seven, as amended; or

14 (3) resident of a dwelling unit that is:

15 (i) subject to a regulatory agreement with a federal, state or local
16 government agency requiring that occupancy of such unit be restricted
17 based on the income of the occupants; and

18 (ii) located in a building that was previously operated by the New
19 York city housing authority, was previously subject to section nine of
20 the United States Housing Act of nineteen hundred thirty-seven, as
21 amended, and is subject to section eight of such act.

22 Employment opportunity. The term "employment opportunity" means a
23 vacancy in a position to perform services under a transaction.

24 Exempt transaction. The term "exempt transaction" includes any:

25 (1) contract procured pursuant to section one hundred sixty-two of the
26 state finance law;

27 (2) contract for the performance of services by a city-affiliated
28 not-for-profit corporation;

1 (3) contract the principal purpose of which is the supply of goods;

2 (4) contract in an amount below the small purchase threshold set
3 pursuant to the authority and procedure set forth in subdivision a of
4 section three hundred fourteen of this charter;

5 (5) contract for confidential or investigative services or any other
6 type of contract excluded by a rule adopted by the director based on a
7 determination that the application of goals under this program would
8 substantially undermine the primary objective of that type of contract;

9 (6) contract subject to federal or state funding requirements that
10 preclude or substantially conflict with the application of goals under
11 this program;

12 (7) contract for emergency demolition services procured by the depart-
13 ment of housing preservation and development pursuant to the procedure
14 set forth in section three hundred fifteen of this charter; or

15 (8) a contract for which contractor selection is made by an elected
16 official other than the mayor or an agency other than a mayoral agency,
17 except as otherwise provided by rule by the director.

18 Labor organization. The term "labor organization" has the meaning
19 provided in section one hundred fifty-two of title twenty-nine of the
20 United States code, or any successor provision.

21 Mayoral agency. The term "mayoral agency" includes:

22 (1) any agency the head of which is appointed by the mayor;

23 (2) any agency headed by a board, commission, or other multi-member
24 body, the majority of the membership of which is appointed by the mayor;
25 and

26 (3) the office of the mayor.

1 Microbusiness. The term "microbusiness" means an individual, company,
2 corporation, partnership, or other entity that employs no less than one
3 employee and no more than nine employees.

4 MWBE. The term "MWBE" means a business certified as a minority or
5 women-owned business enterprise pursuant to article fifteen-A of the
6 executive law or section thirteen hundred four of this charter.

7 Project labor agreement. The term "project labor agreement" means a
8 pre-hire collective bargaining agreement entered into between the city
9 and a bona fide building and construction trade labor organization
10 establishing the labor organization or its affiliates as the collective
11 bargaining representative for all persons who will perform construction
12 work on a transaction, provided such agreement:

13 (1) provides that only contractors and subcontractors who sign a pre-
14 negotiated agreement with the labor organization can perform such work
15 on such transaction; and

16 (2) includes goals for the employment of qualified economically disad-
17 vantaged region candidates to perform such work.

18 Referral source. The term "referral source" means an individual,
19 company, corporation, partnership, agency, union referral system, or
20 other entity selected pursuant to paragraph three of subdivision a of
21 section thirty-five hundred two of this chapter to make referrals of
22 candidates to contractors, prospective contractors, subcontractors, and
23 prospective subcontractors for the purposes of meeting the applicable
24 employment goals set forth in such section; provided that union referral
25 systems that have affiliated registered apprentice programs with direct
26 entry access from pre-apprentice programs that are compliant with United
27 States department of labor or New York state department of labor regu-
28 lations, as well as union referral systems with community recruitment

1 programs, shall be deemed an approved referral source for the purposes
2 of paragraph three of subdivision a of section thirty-five hundred two
3 of this chapter.

4 Small business. The term "small business" means an entity that:

5 (1) is independently owned and operated; and

6 (2) has annual gross revenues not exceeding five million dollars or a
7 lesser amount established by the director by rule.

8 Subcontractor. The term "subcontractor" means an individual, company,
9 corporation, partnership or other entity that has entered into an agree-
10 ment with a contractor or another subcontractor in order to perform
11 services or any other obligation under a transaction, provided that such
12 agreement involves the performance of construction work of any value, or
13 the total dollar value of such agreement exceeds twenty thousand
14 dollars, and further provided that the term "subcontractor" does not
15 include:

16 (1) employees;

17 (2) governmental entities;

18 (3) microbusinesses, other than microbusinesses performing
19 construction work under a transaction; or

20 (4) labor organizations.

21 Transaction. The term "transaction" means, a procurement contract
22 except that the term "transaction" shall not include any exempt trans-
23 action.

24 § 3502. Office of community hiring and workforce development. a.
25 Office established. The mayor shall establish an office of community
26 hiring and workforce development. Such office may be established as a
27 separate office or within any department the head of which is appointed
28 by the mayor. The office of community hiring and workforce development

1 shall be headed by a director who shall be appointed by the mayor or
2 head of such department. The director shall, as the director deems
3 appropriate, adopt rules consistent with the purpose of this chapter
4 relating to employment goals on transactions, including rules:

5 (1) requiring contractors and subcontractors to agree to publicly
6 disclose employment opportunities;

7 (2) establishing a procedure for the certification of individuals as
8 economically disadvantaged candidates, economically disadvantaged region
9 candidates, or both, provided that such certification procedure shall,
10 to the extent the director deems feasible, use data sources and adminis-
11 trative processes established or maintained by the city for other
12 programs or operations in order to minimize administrative burdens on
13 contractors, subcontractors, and individuals;

14 (3) establishing a procedure by which the director may approve refer-
15 ral sources for the purposes of this section, whereby the director
16 shall:

17 (i) publicly release a referral source solicitation that includes a
18 description of functions of a referral source, the manner in which
19 responses must be submitted, and the criteria by which responding enti-
20 ties will be approved, and authorize one or more entities, as appropri-
21 ate, to function as referral sources, based on the criteria included in
22 the solicitation;

23 (ii) authorize an agency in writing to function as a referral source;

24 (iii) authorize, in writing, an entity engaged pursuant to an agree-
25 ment with an agency for employment recruitment services or other work-
26 force development services to function as a referral source; or

27 (iv) identify and deem union referral systems that have affiliated
28 registered apprentice programs with direct entry access from pre-appren-

1 tice programs and that are compliant with United States department of
2 labor or New York state department of labor regulations, as well as
3 union referral systems with community recruitment programs, as approved
4 referral systems;

5 (4) establishing a procedure through which the director may provide
6 information regarding referral sources to contractors, subcontractors,
7 prospective contractors, and prospective subcontractors;

8 (5) establishing a procedure by which the director shall monitor and
9 criteria by which the director shall evaluate the performance of each
10 referral source on an annual basis, and where the director determines
11 that a referral source has performed inadequately, terminate or suspend
12 the referral source;

13 (6) requiring contractors to agree to make best efforts to interview,
14 as appropriate, and to employ qualified economically disadvantaged
15 region candidates in order to meet employment goals relating to building
16 service work based on:

17 (i) the percentage of building service opportunities filled by econom-
18 ically disadvantaged region candidates, provided that in calculating
19 such goals, absorption hires shall not be considered; or

20 (ii) the percentage of building service opportunity labor hours
21 performed by economically disadvantaged region candidates, provided that
22 in calculating such goals, building service opportunity labor hours
23 performed by absorption hires shall not be considered;

24 (7) requiring contractors and subcontractors to agree to make best
25 efforts to employ qualified economically disadvantaged region candidates
26 to perform no less than thirty percent of the cumulative hours of
27 construction labor on transactions involving construction work, and
28 additionally requiring, to the extent feasible consistent with the maxi-

1 mum ratios of apprentices to journey-level workers established by the
2 New York state department of labor, that such contractors and subcon-
3 tractors agree to make best efforts to employ apprentices who are quali-
4 fied economically disadvantaged region candidates to perform no less
5 than nine percent of such cumulative hours of construction labor,
6 provided that labor performed by apprentices who are qualified econom-
7 ically disadvantaged region candidates shall be credited towards the
8 achievement of both employment goals set forth in this paragraph, and
9 further provided that prior to releasing a solicitation for a trans-
10 action or otherwise initiating a process for entering into a trans-
11 action, as applicable, the director may waive such requirements where
12 the director determines in writing that such waiver is in the best
13 interest of the city;

14 (8) requiring contractors to agree to make best efforts to interview
15 and to employ qualified economically disadvantaged candidates in order
16 to meet employment goals relating to work that neither involves
17 construction work nor building service work, and establishing such goals
18 based on:

19 (i) the percentage of the cumulative hours of labor performed by such
20 candidates;

21 (ii) the percentage of employment opportunities filled by such candi-
22 dates; or

23 (iii) the total value of the transaction;

24 (9) requiring subcontractors to agree to make best efforts to inter-
25 view, as appropriate, and to extend offers of employment to qualified
26 candidates in order to meet any employment goals described in paragraph
27 six or eight of this subdivision and established pursuant to rules
28 adopted by the director;

1 (10) establishing a schedule of civil penalties, based on factors
2 including but not limited to a contractor's industry or any relevant
3 occupations employed by a contractor or subcontractor, that the director
4 or an applicable agency may impose on a contractor due to the contrac-
5 tor's or subcontractor's non-compliance with an obligation created
6 pursuant to this section and a procedure for the imposition of such
7 penalties, which will not exclude other remedies established in this
8 charter or any other law, provided that any civil penalties imposed
9 pursuant to this paragraph shall not exceed two thousand five hundred
10 dollars for each non-compliance with such an obligation or each failure
11 to correct such non-compliance, and further provided that when promul-
12 gating rules establishing or amending such a schedule of civil penal-
13 ties, the director shall consider the potential impact of such penalties
14 on contractors and subcontractors that are MWBEs, not-for-profit corpo-
15 rations, or small businesses;

16 (11) designating paper or electronic formats for the submission of
17 documents related to the selection and operation of referral sources and
18 contractors and subcontractors subject to goals pursuant to paragraphs
19 six through nine of this subdivision, as applicable, including but not
20 limited to, documents containing information required pursuant to para-
21 graphs one and three of this subdivision and subdivision c and subpara-
22 graphs (E) and (F) of paragraph one of subdivision d of this section;
23 solicitation documents and responses, including bids and proposals; and
24 data related to labor performed pursuant to transactions, including
25 payroll reports, as applicable; and

26 (12) (A) authorizing the director to establish factors by which goals
27 described in paragraphs six, eight, and nine of this subdivision will be
28 established for individual transactions, including:

1 (i) the scope of the transaction;
2 (ii) the availability of qualified economically disadvantaged candi-
3 dates and economically disadvantaged region candidates;
4 (iii) the nature of any employment opportunities that the director
5 expects will result from the transaction;
6 (iv) the potential impact of such goal on contractors and subcontrac-
7 tors, as applicable, that are MWBEs, not-for-profit corporations, or
8 small businesses; and
9 (v) any other similar factors.

10 (B) prior to setting a goal pursuant to this subdivision for an indi-
11 vidual transaction, the agency entering into the transaction shall
12 consider the goals set for previous, similar transactions and whether
13 such goals were appropriate for such transactions.

14 b. Lists of economically disadvantaged regions. No later than ninety
15 days after the effective date of this section, and at least once during
16 each twelve-month period thereafter, the director shall publish a report
17 including an updated list of all economically disadvantaged regions
18 within a radius of one hundred miles of the city or all such econom-
19 ically disadvantaged regions within the metropolitan area. Nothing shall
20 preclude an individual whose residence is within an economically disad-
21 vantaged region that is not included in such list from qualifying as an
22 economically disadvantaged region candidate for the purposes of goals
23 set forth under this section.

24 c. Reporting. No later than one hundred eighty days after the effec-
25 tive date of this section and each quarter thereafter, the office of
26 community hiring and workforce development shall publish a report on a
27 website maintained or controlled by the city, pursuant to rules adopted
28 by the director, that shall include, for each transaction subject to a

1 goal established pursuant to paragraph six, seven, or eight of subdivi-
2 sion a of this section, information demonstrating the corresponding
3 contractor's progress towards meeting such goal and, if applicable, any
4 subcontractors' progress towards meeting any goal established pursuant
5 to paragraph seven or nine of subdivision a of this section, and aggre-
6 gate information regarding the demographics and compensation of econom-
7 ically disadvantaged region candidates, economically disadvantaged
8 candidates, and apprentices who are economically disadvantaged region
9 candidates, as applicable, relative to all individuals employed by such
10 contractor and, if applicable, subcontractors on such transaction. In
11 compiling this report, the director shall, to the extent he or she deems
12 feasible, use data sources established or maintained by the city for
13 other programs or operations in order to minimize administrative burdens
14 on contractors and subcontractors, provided that where the director
15 determines that such data sources cannot be used to complete such
16 report, the director may adopt rules requiring contractors and subcon-
17 tractors to provide such additional data necessary to complete this
18 report, and to certify the accuracy of such additional information.
19 Nothing in this subdivision shall be interpreted to authorize the direc-
20 tor to promulgate rules requiring labor organizations to provide infor-
21 mation on a regular basis to complete such reports.

22 d. Best efforts. (1) In determining whether a contractor or subcon-
23 tractor has exercised best efforts to meet the employment goals estab-
24 lished pursuant to subdivision a of this section, the director shall
25 consider the degree to which the contractor or subcontractor has endeav-
26 ored:

1 (A) to review economically disadvantaged region candidates' and
2 economically disadvantaged candidates' qualifications, as applicable, in
3 good faith;

4 (B) to advertise employment opportunities, as applicable, in a manner
5 reasonably intended to attract qualified economically disadvantaged
6 candidates or economically disadvantaged region candidates, except that
7 contractors and subcontractors performing construction work pursuant to
8 a project labor agreement shall not be required to advertise employment
9 opportunities for construction work;

10 (C) to coordinate with referral sources or apprenticeship programs, as
11 applicable, in order to interview, if applicable, and employ such candi-
12 dates identified by such referral sources or apprenticeship programs,
13 provided that for contractors and subcontractors performing construction
14 work pursuant to a project labor agreement, the director shall only
15 consider the degree to which the contractor or subcontractor has endeav-
16 ored to meet such goals by complying with the referral provisions of
17 such project labor agreement;

18 (D) to review and organize the work under the transaction in order to
19 eliminate obstacles to meeting such employment goals;

20 (E) to monitor and to document the contractor's or subcontractor's
21 efforts to meet the employment goals;

22 (F) to contact the office of community hiring and workforce develop-
23 ment at routine intervals, or as otherwise required by rule, to inform
24 the director of the contractor's or subcontractor's efforts to meet the
25 employment goals; and

26 (G) to take all other commercially reasonable actions to meet the
27 employment goals.

1 (2) In order to exercise best efforts, neither contractors nor subcon-
2 tractors are required:

3 (A) to undertake an undue financial burden;

4 (B) to terminate or substantially reduce the work levels of any of a
5 contractor's or subcontractor's existing employees;

6 (C) to extend an offer of employment to an individual whose labor
7 would not be commercially useful; or

8 (D) to forgo filling building service opportunities with absorption
9 hires.

10 e. Discretionary application of goals. Notwithstanding any other
11 provision of this section, employment goals authorized under paragraphs
12 six, seven, eight and nine of subdivision a of this section may, but are
13 not required to be, established for transactions that are emergency
14 procurement contracts procured pursuant to the procedure set forth in
15 section three hundred fifteen of this charter.

16 f. Adjustment of construction goals. On a biannual basis, the director
17 shall review and thereafter may promulgate rules increasing or decreas-
18 ing the value of the employment goals established under paragraph seven
19 of subdivision a of this section.

20 g. Wage payment assurances. The director may promulgate rules setting
21 forth standards and a procedure by which contractors and subcontractors
22 that the director has determined have a record of failing to pay wages,
23 including but not limited to prevailing wages and benefits required
24 pursuant to article eight of the labor law, to individuals performing
25 construction labor under a transaction shall be required to provide
26 additional assurances acceptable to the director in order to receive
27 credit towards the achievement of employment goals set forth in para-
28 graph seven of subdivision a of this section.

1 § 3. Paragraph 1 of subdivision b of section 311 of the New York city
2 charter, as amended by local law number 20 of the city of New York for
3 the year 2004, is amended to read as follows:

4 1. the methods for soliciting bids or proposals and awarding
5 contracts, consistent with the provisions of this chapter, provided that
6 the director of the office of community hiring and workforce development
7 may promulgate rules authorizing agencies to incorporate into the award
8 methodology for any contract a quantitative factor based on a bidder or
9 proposer's capacity to meet or exceed goals established pursuant to
10 subdivision a of section thirty-five hundred two of this charter, and
11 further provided that agencies incorporating such a quantitative factor
12 into the award methodology for a contract pursuant to such a rule shall
13 consider the potential impact of such a quantitative factor on busi-
14 nesses certified as minority or women-owned business enterprises pursu-
15 ant to article fifteen-A of the executive law or section thirteen
16 hundred four of this charter, not-for-profit corporations, and small
17 businesses, as such term is defined in section thirty-five hundred one
18 of this charter;

19 § 4. Subparagraphs (x) and (xi) of paragraph a of subdivision 36 of
20 section 2590-h of the education law, as amended by chapter 98 of the
21 laws of 2019, are amended and two new subparagraphs (xii) and (xiii) are
22 added to read as follows:

23 (x) a process for emergency procurement in the case of an unforeseen
24 danger to life, safety, property or a necessary service provided that
25 such procurement shall be made with such competition as is practicable
26 under the circumstances and that a written determination of the basis
27 for the emergency procurement shall be required and filed with the comp-

1 troller of the city of New York when such emergency contract is filed
2 with such comptroller; [and]

3 (xi) procedures for the fair and equitable resolution of contract
4 disputes[.];

5 (xii) employment goals established in accordance with the program
6 established pursuant to section thirty-five hundred two of the New York
7 city charter, including but not limited to employment goals established
8 pursuant to paragraph seven of subdivision a and the corresponding best
9 efforts provisions set forth in subdivision d of such section; provided,
10 however, that where a provision of such section requires action by the
11 director of the office of community hiring and workforce development,
12 such action shall not be taken by the director of the office of communi-
13 ty hiring and workforce development but shall be taken by the chancellor
14 or his or her designee; and

15 (xiii) a quantitative factor to be used in the evaluation of bids,
16 proposals or other offers for the purposes of awarding of contracts
17 based on a bidder, proposer or other offerer's capacity to meet or
18 exceed goals established pursuant to subparagraph (xii) of this para-
19 graph, provided that, when incorporating such a quantitative factor into
20 the award process for a contract, the chancellor, superintendent, or
21 school, as applicable, shall consider the potential impact of such a
22 quantitative factor on businesses certified as minority or women-owned
23 business enterprises pursuant to article fifteen-A of the executive law
24 or section thirteen hundred four of the New York city charter, not-for-
25 profit corporations, and small businesses, as such term is defined in
26 section thirty-five hundred one of such charter.

1 § 5. Subdivision (c) of section 917 of the general municipal law, as
2 separately amended by chapter 1082 of the laws of 1974 and chapter 239
3 of the laws of 2001, is amended to read as follows:

4 (c) For the benefit of the city and the inhabitants thereof an indus-
5 trial development agency, to be known as the New York City Industrial
6 Development Agency, is hereby established for the accomplishment of any
7 or all of the purposes specified in title one of article eighteen-A of
8 this chapter, except that it shall not have the power to construct or
9 rehabilitate any residential facility or housing of any nature and kind
10 whatsoever, nor shall it use any of its funds to further the
11 construction or rehabilitation of any residential facility or housing of
12 any nature and kind whatsoever. It shall constitute a body corporate and
13 politic, and be perpetual in duration. It shall only have the powers and
14 duties conferred by title one of article eighteen-A of this chapter upon
15 industrial development agencies as of January 1, 1973 except that it
16 shall have the power to finance a rail freight facility and the power to
17 establish employment goals in accordance with the program established
18 pursuant to section thirty-five hundred two of the New York city char-
19 ter, including but not limited to employment goals established pursuant
20 to paragraph seven of subdivision a and the corresponding best efforts
21 provisions set forth in subdivision d of such section; provided, howev-
22 er, that where a provision of such section requires action by the direc-
23 tor of the office of community hiring and workforce development, such
24 action shall not be taken by the director of the office of community
25 hiring and workforce development but shall be taken by the chief execu-
26 tive officer of the agency or his or her designee, and it shall not have
27 the power of condemnation. In the exercise of the powers conferred upon
28 such agency with respect to the acquisition of real property by article

1 eighteen-A of this chapter such agency shall be limited to the geograph-
2 ical jurisdictional limits of the city.

3 § 6. Section 816-b of the labor law, as added by chapter 571 of the
4 laws of 2001, is amended to read as follows:

5 § 816-b. Apprenticeship participation on [construction] certain
6 governmental contracts. 1. For purposes of this section:

7 (a) "governmental entity" shall mean the state, any state agency, as
8 that term is defined in section two-a of the state finance law, munici-
9 pal corporation, commission appointed pursuant to law, school district,
10 district corporation, board of education, board of cooperative educa-
11 tional services, soil conservation district, and public benefit corpo-
12 ration; [and]

13 (b) "construction contract" shall mean any contract to which a govern-
14 mental entity may be a direct or indirect party which involves the
15 design, construction, reconstruction, improvement, rehabilitation, main-
16 tenance, repair, furnishing, equipping of or otherwise providing for any
17 building, facility or physical structure of any kind; and

18 (c) "city governmental entity" means a governmental entity that is (i)
19 a city with a population of one million or more inhabitants; or (ii) a
20 city school district or public benefit corporation operating primarily
21 within a city with a population of one million or more inhabitants.

22 2. Notwithstanding any other provision of this article, of section one
23 hundred three of the general municipal law, of section one hundred thir-
24 ty-five of the state finance law, of section one hundred fifty-one of
25 the public housing law, or of any other general, special or local law or
26 administrative code, in entering into any construction contract, a
27 governmental entity [which] that is to be a direct or indirect party to
28 such contract may require that any contractors and subcontractors have,

1 prior to entering into such contract, apprenticeship agreements appro-
2 priate for the type and scope of work to be performed, that have been
3 registered with, and approved by, the commissioner pursuant to the
4 requirements found in this article. A city governmental entity that is a
5 direct or indirect party to a contract, including but not limited to a
6 construction contract, may establish in its specifications a requirement
7 that, in performing the work, the contractor and its subcontractors
8 utilize a minimum ratio of apprentices to journey-level workers, as
9 established by the governmental entity but subject to any maximum ratio
10 established by the department, for any classification appropriate for
11 the type and scope of work to be performed, provided that no such mini-
12 mum ratio shall be established for labor performed pursuant to a
13 construction contract subject to a goal for the employment of appren-
14 tices who reside in economically disadvantaged regions. Whenever utiliz-
15 ing [this requirement] these requirements, the governmental entity may,
16 in addition to whatever considerations are required by law, consider the
17 degree to which career opportunities in apprenticeship training programs
18 approved by the commissioner may be provided.

19 § 7. Notwithstanding any provision of law to the contrary, any city-
20 affiliated not-for-profit corporation, as such term is defined in
21 section 3501 of the New York city charter, is authorized to establish
22 employment goals in accordance with the program established pursuant to
23 section 3502 of such charter, including but not limited to employment
24 goals established pursuant to paragraph 7 of subdivision a and the
25 corresponding best efforts provisions set forth in subdivision d of such
26 section; provided, however, that where a provision of such section
27 requires action by the director of the office of community hiring and
28 workforce development of the city of New York, such action shall not be

1 taken by the director of the office of community hiring and workforce
2 development but shall be taken by the chief executive officer of such
3 corporation, or a duly appointed designee.

4 § 8. Section 1728 of the public authorities law is amended by adding a
5 new subdivision 15-a to read as follows:

6 15-a. To establish employment goals in accordance with the program
7 established pursuant to section thirty-five hundred two of the New York
8 city charter, including but not limited to employment goals established
9 pursuant to paragraph seven of subdivision a and the corresponding best
10 efforts provisions set forth in subdivision d of such section; provided,
11 however, that where a provision of such section requires action by the
12 director of the office of community hiring and workforce development,
13 such action shall not be taken by the director of the office of communi-
14 ty hiring and workforce development but shall be taken by the president
15 of the authority or his or her designee;

16 § 9. The opening paragraph of paragraph d of subdivision 5 of section
17 1734 of the public authorities law, as added by chapter 738 of the laws
18 of 1988, is amended to read as follows:

19 the authority determines that it is in the public interest to award
20 contracts pursuant to a process for competitive requests for proposals
21 as hereinafter set forth. For purposes of this section, a process for
22 competitive requests for proposals shall mean a method of soliciting
23 proposals and awarding a contract on the basis of a formal evaluation of
24 the characteristics, such as quality, cost, delivery schedule, the
25 capacity to meet or exceed the goals set forth in subdivision fifteen-a
26 of section seventeen hundred twenty-eight of this title and financing of
27 such proposals against stated selection criteria. Public notice of the
28 requests for proposals shall be given in the same manner as provided in

1 subdivision three of this section and shall include the selection crite-
2 ria. In the event the authority makes a material change in the selection
3 criteria from those previously stated in the notice, it will inform all
4 proposers of such change and permit proposers to modify their proposals.
5 When the authority includes in the selection criteria for a request for
6 proposals a quantitative factor based on a proposer's capacity to meet
7 or exceed the goals set forth in subdivision fifteen-a of section seven-
8 teen hundred twenty-eight of this title, the authority shall consider
9 the potential impact of such a quantitative factor on businesses certi-
10 fied as minority or women-owned business enterprises pursuant to article
11 fifteen-A of the executive law, section thirteen hundred four of the New
12 York city charter, or section seventeen hundred forty-three of this
13 title, not-for-profit corporations, and small businesses, as such term
14 is defined in section thirty-five hundred one of the New York city char-
15 ter.

16 § 10. Section 5 of section 1 of chapter 1016 of the laws of 1969
17 constituting the New York city health and hospitals corporation act, is
18 amended by adding a new subdivision 20-a to read as follows:

19 20-a. To establish employment goals in accordance with the program
20 established pursuant to section thirty-five hundred two of the New York
21 city charter, including but not limited to employment goals established
22 pursuant to paragraph seven of subdivision a and the corresponding best
23 efforts provisions set forth in subdivision d of such section; provided,
24 however, that where a provision of such section requires action by the
25 director of the office of community hiring and workforce development,
26 such action shall not be taken by the director of the office of communi-
27 ty hiring and workforce development but shall be taken by a duly
28 appointed designee of the corporation; and

1 § 11. Section 8 of section 1 of chapter 1016 of the laws of 1969
2 constituting the New York city health and hospitals corporation act, is
3 amended by adding a new subdivision 1-a to read as follows:

4 1-a. Notwithstanding any other provision in this act, the corporation
5 may establish a quantitative factor to be used in the evaluation of bids
6 for the purposes of awarding of contracts based on a bidder's capacity
7 to meet or exceed goals established pursuant to subdivision twenty-a of
8 section five of this act, provided that when establishing such a quanti-
9 tative factor, the corporation shall consider the potential impact of
10 such a quantitative factor on businesses certified as minority or
11 women-owned business enterprises pursuant to article fifteen-A of the
12 executive law or section thirteen hundred four of the New York city
13 charter, not-for-profit corporations, and small businesses, as such term
14 is defined in section thirty-five hundred one of the New York city char-
15 ter;

16 § 12. Subdivision b of section 2 of chapter 749 of the laws of 2019
17 constituting the New York city public works investment act, is amended
18 by adding a new paragraph 12-a to read as follows:

19 (12-a) A quantitative factor to be used in the evaluation of bids or
20 offers for awarding of contracts based on a bidder or offerer's capacity
21 to meet or exceed goals established pursuant to subdivision a of section
22 3502 of the New York city charter;

23 § 13. No provision of this act shall be construed to invalidate any
24 provision of a project labor agreement, as such term is defined in
25 section 3501 of the New York city charter, as added by section two of
26 this act, or otherwise affect the contractual rights of any party to
27 such an agreement.

1 § 14. Severability. If any clause, sentence, paragraph, or section of
2 this act is declared invalid or unconstitutional by any court of compe-
3 tent jurisdiction, after exhaustion of all further judicial review, such
4 portion shall be deemed severable, and the court's judgment shall not
5 affect, impair or invalidate the remainder of this act, but shall be
6 confined in its operation to the clause, sentence, paragraph, or section
7 of this act directly involved in the controversy in which the judgment
8 was rendered.

9 § 15. This act shall take effect on the one hundred eightieth day
10 after it shall have become a law; provided that:

11 (a) sections one, two, three, five, six, seven, eight, nine, ten,
12 eleven, thirteen, and fourteen of this act shall expire and be deemed
13 repealed seven years after this act takes effect, provided that such
14 expiration and repeal shall not affect any transaction, as such term is
15 defined by section 3501 of the New York city charter, as added by
16 section two of this act, entered into or for which a solicitation was
17 released prior to such expiration and repeal, or to any renewals, exten-
18 sions, modifications, or amendments to such transaction;

19 (b) the amendments to paragraph a of subdivision 36 of section 2590-h
20 of the education law made by section four of this act shall not affect
21 the expiration of such subdivision and section pursuant to section 34 of
22 chapter 91 of the laws of 2002 and subdivision 12 of section 17 of chap-
23 ter 345 of the laws of 2009, as amended, and shall expire and be deemed
24 repealed therewith, or seven years after this act takes effect, whichever
25 occurs earlier, provided that such expiration and repeal shall not
26 affect any transaction entered into or for which a solicitation was
27 released prior to such expiration and repeal, or to any renewals, exten-
28 sions, modifications, or amendments to such transaction; and

1 (c) the amendments to chapter 749 of the laws of 2019 constituting the
2 New York city public works investment act made by section twelve of this
3 act shall not affect the expiration and repeal of such chapter pursuant
4 to section 14 of such chapter, as amended, and shall expire and be
5 deemed repealed therewith, or seven years after this act takes effect,
6 whichever occurs earlier.

7 Effective immediately, the addition, amendment and/or repeal of any
8 rule or regulation necessary for the implementation of this act on its
9 effective date are authorized to be made and completed on or before such
10 effective date by the director of the office of community hiring and
11 workforce development of the city of New York, the chancellor and the
12 city board of the city school district of the city of New York, the
13 president of the New York city school construction authority, the duly
14 appointed designee of the New York city health and hospitals corpo-
15 ration, the chief executive officer of the New York city industrial
16 development agency, and the chief executive officer of any city-affili-
17 ated not-for-profit corporation, as such term is defined by section 3501
18 of the New York city charter, as added by section two of this act.

19 PART U

20 Section 1. Subdivision 2 of section 410-u of the social services law,
21 as amended by section 1 of part L of chapter 56 of the laws of 2022, is
22 amended to read as follows:

23 2. The state block grant for child care shall be divided into two
24 parts pursuant to a plan developed by the department and approved by the
25 director of the budget. One part shall be retained by the state to
26 provide child care on a statewide basis to special groups and for activ-

1 ities to increase the availability and/or quality of child care
2 programs, including, but not limited to, the start-up of child care
3 programs, the operation of child care resource and referral programs,
4 training activities, the regulation and monitoring of child care
5 programs, the development of computerized data systems, and consumer
6 education, provided however, that child care resource and referral
7 programs funded under title five-B of article six of this chapter shall
8 meet additional performance standards developed by the department of
9 social services including but not limited to: increasing the number of
10 child care placements for persons who are at or below [two hundred
11 percent of the state income standard, or three hundred percent of the
12 state income standard effective August first, two thousand twenty-two,
13 provided such persons are at or below] eighty-five percent of the state
14 median income, with emphasis on placements supporting local efforts in
15 meeting federal and state work participation requirements, increasing
16 technical assistance to all modalities of legal child care to persons
17 who are at or below [two hundred percent of the state income standard,
18 or three hundred percent of the state income standard effective August
19 first, two thousand twenty-two, provided such persons are at or below]
20 eighty-five percent of the state median income, including the provision
21 of training to assist providers in meeting child care standards or regu-
22 latory requirements, and creating new child care opportunities, and
23 assisting social services districts in assessing and responding to child
24 care needs for persons at or below [two hundred percent of the state
25 income standard, or three hundred percent of the state income standard
26 effective August first, two thousand twenty-two, provided such persons
27 are at or below] eighty-five percent of the state median income. The
28 department shall have the authority to withhold funds from those agen-

1 cies which do not meet performance standards. Agencies whose funds are
2 withheld may have funds restored upon achieving performance standards.
3 The other part shall be allocated to social services districts to
4 provide child care assistance to families receiving family assistance
5 and to other low income families.

6 § 2. Subdivisions 1 and 3 of section 410-w of the social services
7 law, subdivision 1 as amended by section 2 of part L of chapter 56 of
8 the laws of 2022, and subdivision 3 as amended by chapter 834 of the
9 laws of 2022, are amended to read as follows:

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

12 (a) families receiving public assistance when such child care assist-
13 ance is necessary: to enable a parent or caretaker relative to engage in
14 work, participate in work activities or perform a community service
15 pursuant to title nine-B of article five of this chapter; to enable a
16 teenage parent to attend high school or other equivalent training
17 program; because the parent or caretaker relative is physically or
18 mentally incapacitated; or because family duties away from home necessi-
19 tate the parent or caretaker relative's absence; child day care shall be
20 provided during breaks in activities[, for a period of up to two weeks].
21 Such child day care [may] shall be authorized [for a period of up to one
22 month if child care arrangements shall be lost if not continued, and the
23 program or employment is scheduled to begin within such period] for the
24 period designated by the regulations of the department;

25 (b) families with incomes up to [two hundred percent of the state
26 income standard, or three hundred percent of the state income standard
27 effective August first, two thousand twenty-two] eighty-five percent of
28 the state median income who are attempting through work activities to

1 transition off of public assistance when such child care is necessary in
2 order to enable a parent or caretaker relative to engage in work
3 provided such families' public assistance has been terminated as a
4 result of increased hours of or income from employment or increased
5 income from child support payments or the family voluntarily ended
6 assistance; provided that the family received public assistance at least
7 three of the six months preceding the month in which eligibility for
8 such assistance terminated or ended or provided that such family has
9 received child care assistance under subdivision four of this section[;
10 and provided, the family income does not exceed eighty-five percent of
11 the state median income];

12 (c) families with incomes up to [two hundred percent of the state
13 income standard, or three hundred percent of the state income standard
14 effective August first, two thousand twenty-two] eighty-five percent of
15 the state median income, which are determined in accordance with the
16 regulations of the department to be at risk of becoming dependent on
17 family assistance[; provided, the family income does not exceed eighty-
18 five percent of the state median income];

19 (d) families with incomes up to [two hundred percent of the state
20 income standard, or three hundred percent of the state income standard
21 effective August first, two thousand twenty-two] eighty-five percent of
22 the state median income, who are attending a post secondary educational
23 program[; provided, the family income does not exceed eighty-five
24 percent of the state median income]; and

25 (e) other families with incomes up to [two hundred percent of the
26 state income standard, or three hundred percent of the state income
27 standard effective August first, two thousand twenty-two, which the
28 social services district designates in its consolidated services plan as

1 eligible for child care assistance] eighty-five percent of the state
2 median income in accordance with criteria established by the depart-
3 ment[; provided, the family income does not exceed eighty-five percent
4 of the state median income].

5 3. A social services district shall guarantee child care assistance to
6 families in receipt of public assistance with children under thirteen
7 years of age when such child care assistance is necessary for a parent
8 or caretaker relative to engage in work or participate in work activ-
9 ities pursuant to the provisions of title nine-B of article five of this
10 chapter. Child care assistance shall continue to be guaranteed for such
11 a family for a period of twelve months or may be provided by a social
12 service district for a period up to twenty-four months, after the month
13 in which the family's eligibility for public assistance has terminated
14 or ended when such child care is necessary in order to enable the parent
15 or caretaker relative to engage in work, provided that the family's
16 public assistance has been terminated as a result of an increase in the
17 hours of or income from employment or increased income from child
18 support payments or because the family voluntarily ended assistance;
19 that the family received public assistance in at least three of the six
20 months preceding the month in which eligibility for such assistance
21 terminated or ended or provided that such family has received child care
22 assistance under subdivision four of this section; and that the family's
23 income does not exceed [two hundred percent of the state income stand-
24 ard, or three hundred percent of the state income standard effective
25 August first, two thousand twenty-two; and that the family income does
26 not exceed] eighty-five percent of the state median income. Such child
27 day care shall recognize the need for continuity of care for the child

1 and a district shall not move a child from an existing provider unless
2 the participant consents to such move.

3 § 3. Paragraph (a) of subdivision 2 of section 410-x of the social
4 services law, as amended by chapter 416 of the laws of 2000, is amended
5 to read as follows:

6 (a) [A social services district] The department may establish priori-
7 ties for the families which will be eligible to receive funding;
8 provided that the priorities provide that eligible families will receive
9 equitable access to child care assistance funds to the extent that these
10 funds are available.

11 § 4. Paragraphs (b) and (c) of subdivision 2 of section 410-x of the
12 social services law are REPEALED.

13 § 5. This act shall take effect October 1, 2023. The office of chil-
14 dren and family services is hereby authorized to promulgate such rules
15 and regulations as may be necessary, including on an emergency basis, to
16 implement the provisions of this act.

17 PART V

18 Section 1. Section 3 of part N of chapter 56 of the laws of 2020,
19 amending the social services law relating to restructuring financing for
20 residential school placements, as amended by section 1 of part M of
21 chapter 56 of the laws of 2022, is amended to read as follows:

22 § 3. This act shall take effect immediately [and shall expire and be
23 deemed repealed April 1, 2023]; provided however that the amendments to
24 subdivision 10 of section 153 of the social services law made by section
25 one of this act, shall not affect the expiration of such subdivision and
26 shall be deemed to expire therewith.

1 § 2. This act shall take effect immediately.

2 PART W

3 Section 1. Section 11 of subpart A of part G of chapter 57 of the laws
4 of 2012, amending the social services law and the family court act
5 relating to establishing a juvenile justice services close to home
6 initiative, as amended by section 2 of part G of chapter 56 of the laws
7 of 2018, is amended to read as follows:

8 § 11. This act shall take effect April 1, 2012 [and shall expire on
9 March 31, 2023 when upon such date the provisions of this act shall be
10 deemed repealed; provided, however, that effective immediately, the
11 addition, amendment and/or repeal of any rule or regulation necessary
12 for the implementation of this act on its effective date are authorized
13 and directed to be made and completed on or before such effective date;
14 provided, however, upon the repeal of this act, a social services
15 district that has custody of a juvenile delinquent pursuant to an
16 approved juvenile justice services close to home initiative shall retain
17 custody of such juvenile delinquent until custody may be legally trans-
18 ferred in an orderly fashion to the office of children and family
19 services].

20 § 2. Section 7 of subpart B of part G of chapter 57 of the laws of
21 2012, amending the social services law, the family court act and the
22 executive law relating to juvenile delinquents, as amended by section 3
23 of part G of chapter 56 of the laws of 2018, is amended to read as
24 follows:

25 § 7. This act shall take effect April 1, 2012 [and shall expire on
26 March 31, 2023 when upon such date the provisions of this act shall be

1 deemed repealed; provided, however, that effective immediately, the
2 addition, amendment and/or repeal of any rule or regulation necessary
3 for the implementation of this act on its effective date is authorized
4 and directed to be made and completed on or before such effective date].

5 § 3. This act shall take effect immediately and shall be deemed to
6 have been in full force and effect on and after March 31, 2023.

7 PART X

8 Section 1. Subdivision 1 of section 336-a of the social services law,
9 as amended by chapter 275 of the laws of 2017, is amended to read as
10 follows:

11 1. Social services districts shall make available vocational educa-
12 tional training and educational activities. Such activities may include
13 but need not be limited to, high school education or education designed
14 to prepare a participant for a high school equivalency certificate,
15 basic and remedial education, education in English proficiency, educa-
16 tion or a course of instruction in financial literacy and personal
17 finance that includes instruction on household cash management tech-
18 niques, career advice to obtain a well paying and secure job, using
19 checking and savings accounts, obtaining and utilizing short and long
20 term credit, securing a loan or other long term financing arrangement
21 for high cost items, participation in a higher education course of
22 instruction or trade school, and no more than a total of four years of
23 post-secondary education (or the part-time equivalent). Educational
24 activities pursuant to this section may be offered with any of the
25 following providers which meet the performance or assessment standards
26 established in regulations by the commissioner for such providers: a

1 community college, licensed trade school, registered business school, or
2 a two-year or four-year college; provided, however, that such post-sec-
3 ondary education must be necessary to the attainment of the partic-
4 ipant's individual employment goal as set forth in the employability
5 plan and such goal must relate directly to obtaining useful employment
6 [in a recognized occupation]. When making [any] an assignment to any
7 educational activity pursuant to this subdivision, such assignment shall
8 be permitted only to the extent that such assignment is consistent with
9 the individual's assessment and employment plan goals in accordance with
10 sections three hundred thirty-five and three hundred thirty-five-a of
11 this title and shall require that the individual maintains satisfactory
12 academic progress and hourly participation is documented consistent with
13 federal and state requirements. For purposes of this provision "satis-
14 factory academic progress" shall mean having a cumulative C average, or
15 its equivalent, as determined by the academic institution. The require-
16 ment to maintain satisfactory academic progress may be waived if done so
17 by the academic institution and the social services district based on
18 undue hardship caused by an event such as a personal injury or illness
19 of the student, the death of a relative of the student or other exten-
20 uating circumstances. [Any enrollment in post-secondary education beyond
21 a twelve month period must be combined with no less than twenty hours of
22 participation averaged weekly in paid employment or work activities or
23 community service when paid employment is not available.] Participation
24 in an educational and/or vocational training program, that shall
25 include, but not be limited to, a two-year post-secondary degree
26 program, which is necessary for the participant to attain their individ-
27 ual employment goal and is likely to lead to a degree or certification
28 and sustained employment, shall be approved consistent with such indi-

1 vidual's assessment and employability plan to the extent that such
2 approval does not jeopardize the state's ability to comply with federal
3 work participation rates, as determined by the office of temporary and
4 disability assistance.

5 § 2. Paragraph (a) of subdivision 8 of section 131-a of the social
6 services law is amended by adding two new subparagraphs (xi) and (xii)
7 to read as follows:

8 (xi) all of the earned income of a recipient of public assistance that
9 is derived from participation in a qualified work activity or training
10 program as determined by the office of temporary and disability assist-
11 ance, to the extent that such earned income has not already been disre-
12 garded pursuant to subparagraph (vii) of this paragraph, provided that
13 the recipient's total income shall not be more than two hundred percent
14 of the federal poverty level.

15 (xii) once during the lifetime of a recipient of public assistance,
16 all of the earned income of such recipient will be disregarded following
17 job entry, provided that such exemption of income for purposes of public
18 assistance eligibility shall be for no more than six consecutive months
19 from the initial date of obtaining such employment and that the recipi-
20 ent's total income shall not be more than two hundred percent of the
21 federal poverty level.

22 § 3. This act shall take effect on the two hundred fortieth day after
23 it shall have become a law.

24 PART Y

25 Section 1. The social services law is amended by adding a new section
26 152-d to read as follows:

1 § 152-d. Replacement of stolen public assistance. 1. Notwithstanding
2 section three hundred fifty-j of this article and subdivision eleven of
3 section one hundred thirty-one of this title, and in accordance with
4 this section, public assistance recipients shall receive replacement
5 assistance for the loss of public assistance, as defined in subdivision
6 nineteen of section two of this chapter, in instances when such public
7 assistance has been stolen as a result of card skimming, cloning, third
8 party misrepresentation or other similar fraudulent activities, consist-
9 ent with guidance issued by the office of temporary and disability
10 assistance.

11 2. The office of temporary and disability assistance shall establish a
12 protocol for recipients to report incidents of stolen public assistance.

13 3. Social services districts shall promptly replace stolen public
14 assistance, however, such replacement shall occur no later than five
15 business days after the social services district has verified the public
16 assistance was stolen in accordance with guidance established by the
17 office of temporary and disability assistance.

18 4. For public assistance that is verified as stolen, replacement
19 assistance shall be provided by the social services district in accord-
20 ance with this section as follows:

21 (a) the lesser of: (i) the amount of public assistance that was
22 stolen; or (ii) the amount of public assistance provided during the two
23 most recent months prior to such assistance being stolen; and

24 (b) (i) no more than twice in a federal fiscal year to cover public
25 assistance stolen on or after October first, two thousand twenty-two
26 through September thirtieth, two thousand twenty-four; or (ii) no more
27 than once in a federal fiscal year to cover public assistance stolen on
28 or after October first, two thousand twenty-four.

1 5. Any replacement assistance provided under this section shall be
2 exempt from recoupment and recovery provisions under title six of arti-
3 cle three of this chapter; provided, however, that assistance shall not
4 be exempt from recoupment and recovery if it is later determined that
5 the public assistance that was replaced pursuant to this section was not
6 stolen as a result of card skimming, cloning, third party misrepresen-
7 tation or other similar fraudulent activities.

8 § 2. This act shall take effect immediately.

9 PART Z

10 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
11 section 131-o of the social services law, as amended by section 1 of
12 part S of chapter 56 of the laws of 2022, are amended to read as
13 follows:

14 (a) in the case of each individual receiving family care, an amount
15 equal to at least [\\$161.00] \\$175.00 for each month beginning on or after
16 January first, two thousand [twenty-two] twenty-three.

17 (b) in the case of each individual receiving residential care, an
18 amount equal to at least [\\$186.00] \\$202.00 for each month beginning on
19 or after January first, two thousand [twenty-two] twenty-three.

20 (c) in the case of each individual receiving enhanced residential
21 care, an amount equal to at least [\\$222.00] \\$241.00 for each month
22 beginning on or after January first, two thousand [twenty-two] twenty-
23 three.

24 (d) for the period commencing January first, two thousand [twenty-
25 three] twenty-four, the monthly personal needs allowance shall be an

1 amount equal to the sum of the amounts set forth in subparagraphs one
2 and two of this paragraph:

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

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

11 § 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of
12 section 209 of the social services law, as amended by section 2 of part
13 S of chapter 56 of the laws of 2022, are amended to read as follows:

14 (a) On and after January first, two thousand [twenty-two] twenty-
15 three, for an eligible individual living alone, [\\$928.00] \$1,001.00; and
16 for an eligible couple living alone, [\\$1,365.00] \$1,475.00.

17 (b) On and after January first, two thousand [twenty-two]
18 twenty-three, for an eligible individual living with others with or
19 without in-kind income, [\\$864.00] \$937.00; and for an eligible couple
20 living with others with or without in-kind income, [\\$1,307.00]
21 \$1,417.00.

22 (c) On and after January first, two thousand [twenty-two]twenty-three,
23 (i) for an eligible individual receiving family care, [\\$1,107.48]
24 \$1,180.48 if he or she is receiving such care in the city of New York or
25 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
26 eligible couple receiving family care in the city of New York or the
27 county of Nassau, Suffolk, Westchester or Rockland, two times the amount
28 set forth in subparagraph (i) of this paragraph; or (iii) for an eligi-

1 ble individual receiving such care in any other county in the state,
2 [\$1,069.48] \$1,142.48; and (iv) for an eligible couple receiving such
3 care in any other county in the state, two times the amount set forth in
4 subparagraph (iii) of this paragraph.

5 (d) On and after January first, two thousand [twenty-two]
6 twenty-three, (i) for an eligible individual receiving residential care,
7 [\$1,276.00] \$1,349.00 if he or she is receiving such care in the city of
8 New York or the county of Nassau, Suffolk, Westchester or Rockland; and
9 (ii) for an eligible couple receiving residential care in the city of
10 New York or the county of Nassau, Suffolk, Westchester or Rockland, two
11 times the amount set forth in subparagraph (i) of this paragraph; or
12 (iii) for an eligible individual receiving such care in any other county
13 in the state, [\$1,246.00] \$1,319.00; and (iv) for an eligible couple
14 receiving such care in any other county in the state, two times the
15 amount set forth in subparagraph (iii) of this paragraph.

16 (e) On and after January first, two thousand [twenty-two]
17 twenty-three, (i) for an eligible individual receiving enhanced residen-
18 tial care, [\$1,535.00] \$1,608.00; and (ii) for an eligible couple
19 receiving enhanced residential care, two times the amount set forth in
20 subparagraph (i) of this paragraph.

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

27 § 3. This act shall take effect December 31, 2023.

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

10 § 3. This act shall take effect immediately provided, however, that
11 the applicable effective date of Parts A through Z of this act shall be
12 as specifically set forth in the last section of such Parts.