

STATE OF NEW YORK

S. 2506--C

A. 3006--C

SENATE - ASSEMBLY

January 20, 2021

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

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

AN ACT to amend the education law, in relation to school contracts for excellence; to amend the education law, in relation to pandemic adjustment payment reduction; to amend the education law, in relation to aidable transportation expense; relating to funding from the elementary and secondary school emergency relief fund allocated by the American rescue plan act of 2021; to amend the education law, in relation to foundation aid; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; legalizing, validating, ratifying and confirming certain contracts and projects by the Huntington union free school district, the Liverpool central school district, and the Marlboro central school district; providing that the commissioner of education shall not recover any penalties from the Huntington union free school district, the Liverpool central school district, and the Marlboro central school district; legalizing, validating, ratifying and confirming certain transportation contracts by the Cold Spring Harbor central school district; to amend the education law, in relation to certain moneys apportioned in the 2021-2022 school year; to amend the education law, in relation to the preparation of estimated data for projections of apportionments; in relation to approved private schools serving certain students with disabili-

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

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ties, special act school districts and approved preschool special class and special class in an integrated setting programs experiencing enrollment decreases as a result of the state disaster emergency declared pursuant to Executive Order 202 of 2020; to amend the education law, in relation to authorizing the board of education of a special act school district to establish a fiscal stabilization reserve fund; to amend the education law, in relation to certain tuition methodology; to amend the education law, in relation to charter school aid; to amend part B of chapter 57 of the laws of 2008 amending the education law relating to the universal prekindergarten program, in relation to the effectiveness thereof; to amend chapter 507 of the laws of 1974, relating to providing for the apportionment of state monies to certain nonpublic schools, to reimburse them for their expenses in complying with certain state requirements for the administration of state testing and evaluation programs and for participation in state programs for the reporting of basic educational data, in relation to the calculation of nonpublic schools' eligibility to receive aid; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursement for the 2021-2022 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the education law, in relation to funds for certain employment preparation education programs; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; relates to school bus driver training; relates to special apportionment for salary expenses and public pension accruals; to amend chapter 121 of the laws of 1996 relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to the amounts of such apportionments; in relation to special apportionment for public pension accruals; relates to authorizing the city school district of the city of Rochester to purchase certain services; relates to suballocations of appropriations; relating to the support of public libraries; to repeal paragraph cc of subdivision 1 of section 3602 of the education law, relating to the gap elimination adjustment percentage; to repeal paragraph c of subdivision 17 of section 3602 of the education law, relating to the gap elimination adjustment; and providing for the repeal of certain provisions upon expiration thereof (Part A); intentionally omitted (Part B); intentionally omitted (Part C); to amend part D of chapter 58 of the laws of 2011 amending the education law relating to capital facilities in support of the state university and community colleges, procurement and the state university health care facilities, in relation to the effectiveness thereof (Part D); intentionally omitted (Part E); extending scholarship program eligibility

for certain recipients affected by the COVID-19 pandemic (Part F); to amend the education law, in relation to establishing the amount awarded for the excelsior scholarship (Part G); to amend the executive law, in relation to facilities operated and maintained by the office of children and family services and to authorize the closure of certain facilities operated by such office (Part H); 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 making such provisions permanent (Part I); to amend part G of chapter 57 of the laws of 2013, amending the executive law and the social services law relating to consolidating the youth development and delinquency prevention program and the special delinquency prevention program, in relation to making such provisions permanent (Part J); to amend part K of chapter 57 of the laws of 2012, amending the education law, relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, in relation to the effectiveness thereof (Part K); to amend the social services law and the family court act, in relation to compliance with the Federal Family First Prevention Services Act; and providing for the repeal of certain provisions upon expiration thereof (Part L); intentionally omitted (Part M); intentionally omitted (Part N); to utilize reserves in the mortgage insurance fund for various housing purposes (Part O); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part P); to amend the state finance law, in relation to authorizing a tax check-off for gifts to food banks (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); to amend the private housing finance law, in relation to exempting certain projects from sales and compensating use taxes (Part U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); to amend the social services law, in relation to making child care more affordable for low-income families; and providing for the repeal of such provisions upon expiration thereof (Part Z); to amend the labor law and the public service law, in relation to requirements for certain renewable energy systems (Part AA); to establish a COVID-19 emergency rental assistance program; to amend the state finance law, in relation to establishing a COVID-19 emergency rental municipal corporation allocation fund; and providing for the repeal of such provisions upon expiration thereof (Subpart A); and to amend the tax law, in relation to establishing the utility COVID-19 debt relief credit (Subpart B) (Part BB); to amend the labor law, in relation to prohibiting the inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in such employer's experience rating charges; and to amend chapter 21 of the laws of 2021, amending the labor law relating to prohibiting the inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in such employer's experience rating charges, in relation to the effectiveness thereof (Part CC); to amend the education law, in relation to tuition assistance program awards; and to amend chapter 260 of the laws of 2011 amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part DD); to amend the social services law,

in relation to excluding certain funding from the determination of the maximum state aid rate for authorized agencies; and providing for the repeal of such provisions upon expiration thereof (Part EE); to implement section 4 of Division X of the federal consolidated appropriations act of 2021; and providing for the repeal of such provisions upon expiration thereof (Part FF); to amend the education law, in relation to state appropriations for reimbursement of tuition credits (Part GG); to amend the public officers law, in relation to defense and indemnification of physicians acting on behalf of the state (Part HH); to amend the public health law, in relation to the storage of sexual offense evidence collection kits (Part II); to amend the social services law, the education law and the public health law, in relation to providing supports and services for youth suffering from adverse childhood experiences; and providing for the repeal of certain provisions of the social services law relating thereto (Subpart A); intentionally omitted (Subpart B) (Part JJ); to amend the business corporation law, the general associations law, the limited liability company law, the not-for-profit corporation law, the partnership law and the real property law, in relation to service of process (Part KK); to amend the executive law, in relation to the community violence intervention act (Part LL); to amend the public service law, in relation to directing the public service commission to review broadband and fiber optic services within the state (Part MM); to amend the general business law, in relation to broadband service for low-income consumers (Part NN); and to amend the social services law, in relation to the powers of a social services official to receive and dispose of a deed, mortgage or lien (Part OO)

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

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

13 PART A

14 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
15 tion law, as amended by section 1 of part A of chapter 56 of the laws of
16 2020, is amended to read as follows:
17 e. Notwithstanding paragraphs a and b of this subdivision, a school
18 district that submitted a contract for excellence for the two thousand
19 eight--two thousand nine school year shall submit a contract for excel-
20 lence for the two thousand nine--two thousand ten school year in
21 conformity with the requirements of subparagraph (vi) of paragraph a of
22 subdivision two of this section unless all schools in the district are

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

1 for the two thousand fifteen--two thousand sixteen school year; and
2 provided further that, a school district that submitted a contract for
3 excellence for the two thousand sixteen--two thousand seventeen school
4 year, unless all schools in the district are identified as in good
5 standing, shall submit a contract for excellence for the two thousand
6 seventeen--two thousand eighteen school year which shall, notwithstand-
7 ing the requirements of subparagraph (vi) of paragraph a of subdivision
8 two of this section, provide for the expenditure of an amount which
9 shall be not less than the amount approved by the commissioner in the
10 contract for excellence for the two thousand sixteen--two thousand
11 seventeen school year; and provided further that a school district that
12 submitted a contract for excellence for the two thousand seventeen--two
13 thousand eighteen school year, unless all schools in the district are
14 identified as in good standing, shall submit a contract for excellence
15 for the two thousand eighteen--two thousand nineteen school year which
16 shall, notwithstanding the requirements of subparagraph (vi) of para-
17 graph a of subdivision two of this section, provide for the expenditure
18 of an amount which shall be not less than the amount approved by the
19 commissioner in the contract for excellence for the two thousand seven-
20 teen--two thousand eighteen school year; and provided further that, a
21 school district that submitted a contract for excellence for the two
22 thousand eighteen--two thousand nineteen school year, unless all schools
23 in the district are identified as in good standing, shall submit a
24 contract for excellence for the two thousand nineteen--two thousand
25 twenty school year which shall, notwithstanding the requirements of
26 subparagraph (vi) of paragraph a of subdivision two of this section,
27 provide for the expenditure of an amount which shall be not less than
28 the amount approved by the commissioner in the contract for excellence
29 for the two thousand eighteen--two thousand nineteen school year; and
30 provided further that, a school district that submitted a contract for
31 excellence for the two thousand nineteen--two thousand twenty school
32 year, unless all schools in the district are identified as in good
33 standing, shall submit a contract for excellence for the two thousand
34 twenty--two thousand twenty-one school year which shall, notwithstanding
35 the requirements of subparagraph (vi) of paragraph a of subdivision two
36 of this section, provide for the expenditure of an amount which shall be
37 not less than the amount approved by the commissioner in the contract
38 for excellence for the two thousand nineteen--two thousand twenty school
39 year; and provided further that, a school district that submitted a
40 contract for excellence for the two thousand twenty--two thousand twen-
41 ty-one school year, unless all schools in the district are identified as
42 in good standing, shall submit a contract for excellence for the two
43 thousand twenty-one--two thousand twenty-two school year which shall,
44 notwithstanding the requirements of subparagraph (vi) of paragraph a of
45 subdivision two of this section, provide for the expenditure of an
46 amount which shall be not less than the amount approved by the commis-
47 sioner in the contract for excellence for the two thousand twenty--two
48 thousand twenty-one school year. For purposes of this paragraph, the
49 "gap elimination adjustment percentage" shall be calculated as the sum
50 of one minus the quotient of the sum of the school district's net gap
51 elimination adjustment for two thousand ten--two thousand eleven
52 computed pursuant to chapter fifty-three of the laws of two thousand
53 ten, making appropriations for the support of government, plus the
54 school district's gap elimination adjustment for two thousand eleven--
55 two thousand twelve as computed pursuant to chapter fifty-three of the
56 laws of two thousand eleven, making appropriations for the support of

1 the local assistance budget, including support for general support for
2 public schools, divided by the total aid for adjustment computed pursu-
3 ant to chapter fifty-three of the laws of two thousand eleven, making
4 appropriations for the local assistance budget, including support for
5 general support for public schools. Provided, further, that such amount
6 shall be expended to support and maintain allowable programs and activ-
7 ities approved in the two thousand nine--two thousand ten school year or
8 to support new or expanded allowable programs and activities in the
9 current year.

10 § 2. Intentionally omitted.

11 § 3. Intentionally omitted.

12 § 4. Intentionally omitted.

13 § 5. Intentionally omitted.

14 § 6. Intentionally omitted.

15 § 7. Intentionally omitted.

16 § 8. Intentionally omitted.

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

19 kk. The "federal COVID-19 supplemental stimulus" shall be equal to the
20 sum of (1) ninety percent of the funds from the elementary and secondary
21 school emergency relief fund made available to school districts pursuant
22 to the Coronavirus Response and Relief Supplemental Appropriations Act,
23 2021 in the same proportion as such district's share of funds provided
24 under Title I of the Elementary and Secondary Education Act of 1965 plus
25 (2) the base federal allocation. For eligible districts, the base
26 federal allocation shall be equal to the product of nine hundred fifty-
27 two dollars and fifteen cents (\$952.15) and public school district
28 enrollment in the base year as computed pursuant to paragraph n of this
29 subdivision, provided that if the total statewide base federal allo-
30 cation is not equal to four hundred sixty-seven million eight hundred
31 thirteen thousand six hundred sixty-nine dollars (\$467,813,669), indi-
32 vidual school district allocations shall be prorated to ensure that the
33 base federal allocation is equal to four hundred sixty-seven million
34 eight hundred thirteen thousand six hundred sixty-nine dollars
35 (\$467,813,669), less ninety percent of the funds from the elementary and
36 secondary school emergency relief fund made available to school
37 districts pursuant to the Coronavirus Response and Relief Supplemental
38 Appropriations Act, 2021 in the same proportion as such district's share
39 of funds provided under Title I of the Elementary and Secondary Educa-
40 tion Act of 1965, but not less than zero. Districts shall be eligible
41 for the base federal allocation if their combined wealth ratio for the
42 current year computed pursuant to subparagraph one of paragraph c of
43 subdivision three of this section is less than one and five tenths (1.5)
44 and the district is not a central high school district.

45 § 9-a. On or before July 1, 2021, every local educational agency
46 receiving funding from the elementary and secondary school emergency
47 relief fund allocated by the American rescue plan act of 2021 shall be
48 required to post on its website a plan by school year of how such funds
49 will be expended and how the local educational agency will prioritize
50 spending on non-recurring expenses in the areas of: safely returning
51 students to in-person instruction; maximizing in-person instruction
52 time; operating schools and meeting the needs of students; purchasing
53 educational technology; addressing the impacts of the COVID-19 pandemic
54 on students, including the impacts of interrupted instruction and learn-
55 ing loss and the impacts on low-income students, children with disabili-
56 ties, English language learners, and students experiencing homelessness;

1 implementing evidence-based strategies to meet students' social,
2 emotional, mental health, and academic needs; offering evidence-based
3 summer, afterschool, and other extended learning and enrichment
4 programs; and supporting early childhood education. Provided further,
5 that local educational agencies shall identify any programs utilizing
6 such funding that are expected to continue beyond the availability of
7 such federal funds and identify local funds that will be used to main-
8 tain such programs in order to minimize disruption to core academic and
9 other school programs. Before posting such plan, the local educational
10 agency shall seek public comment from parents, teachers and other stake-
11 holders on the plan and take such comments into account in the develop-
12 ment of the plan.

13 § 9-b. Notwithstanding any provision of law to the contrary, each
14 local educational agency receiving an allocation of elementary and
15 secondary school emergency relief funds pursuant to section 2001(d)(1)
16 of the American rescue plan act of 2021 shall reserve one-half (0.5) of
17 the amount so allocated for reimbursement of eligible costs incurred by
18 such local educational agency in the 2021-22 through 2024-25 school
19 years, with the amount of such costs for each such school year to equal
20 one-eighth (0.125) of such allocation, provided that such time schedule
21 shall not apply to eligible costs to be reimbursed from the other one-
22 half (0.5) of such allocation; provided, however, that this requirement
23 shall not apply to local educational agencies whose allocation pursuant
24 to such section is less than five hundred dollars (\$500) per pupil, and
25 provided further that, in the event that the director of the budget
26 determines that by March 15, 2022, the federal government has not
27 extended the deadline by which local educational agencies must obligate
28 all of the funds allocated pursuant to such section at least through the
29 end of the 2024-25 school year, the amount of such allocation to be
30 reserved for reimbursement of eligible costs incurred in each of the
31 2022-23 and 2023-24 school years shall equal one thousand eight hundred
32 seventy-five ten-thousandths (0.1875) of such allocation.

33 § 9-c. Notwithstanding any inconsistent provision of law, elementary
34 and secondary school emergency relief funds and the governor's emergency
35 education relief funds pursuant to the Coronavirus response and relief
36 supplemental appropriations act, 2021 and the American rescue plan act
37 of 2021 shall be deemed grants in aid and the state comptroller shall
38 prescribe that any monies received therefrom by school districts shall
39 be recorded and reported as special aid funds of the district.

40 § 10. Intentionally omitted.

41 § 10-a. Paragraph a of subdivision 4 of section 3602 of the education
42 law is amended by adding a new subparagraph 5 to read as follows:

43 (5) For the purposes of this subdivision, "total foundation aid" shall
44 be equal to the product of the total aidable foundation pupil units
45 multiplied by the district's selected foundation aid.

46 § 10-b. Subdivision 4 of section 3602 of the education law is amended
47 by adding a new paragraph i to read as follows:

48 i. Foundation aid payable in the two thousand twenty-one--two thousand
49 twenty-two school year. Notwithstanding any provision of law to the
50 contrary, foundation aid payable in the two thousand twenty-one--two
51 thousand twenty-two school year shall equal the sum of the total founda-
52 tion aid base computed pursuant to subparagraph (ii) of paragraph j of
53 subdivision one of this section plus the greater of the: (i) minimum
54 increase; (ii) phase-in increase; (iii) catch up increase; and (iv) the
55 per pupil allocation. For the purposes of this paragraph:

1 (1) The "phase-in increase" shall be equal to the product of the foun-
2 dation aid phase-in factor multiplied by the positive difference, if
3 any, of: (i) total foundation aid pursuant to paragraph a of this subdi-
4 vision; less (ii) the total foundation aid base computed pursuant to
5 paragraph j of subdivision one of this section.

6 (2) The "foundation aid phase-in factor" shall be equal to the greater
7 of: (i) twenty-six hundred twenty-five ten-thousandths (0.2625); (ii)
8 twenty-seven hundred twenty-eight ten-thousandths (0.2728) for districts
9 with a sparsity count computed pursuant to paragraph r of subdivision
10 one of this section greater than zero; (iii) twenty-seven hundredths
11 (0.27) for small city school districts pursuant to paragraph jj of
12 subdivision one of this section; (iv) forty-four hundredths (0.44) for a
13 city school district in a city with a population of more than one
14 hundred twenty-five thousand but less than one hundred fifty thousand as
15 of the two thousand ten federal decennial census; (v) four hundred nine-
16 ty-five thousandths (0.495) for a city school district in a city with a
17 population of more than one hundred fifty thousand but less than two
18 hundred fifty thousand as of the two thousand ten federal decennial
19 census; (vi) forty-four hundredths (0.44) for a city school district in
20 a city with a population of more than two hundred fifty thousand but
21 less than one million as of the two thousand ten federal decennial
22 census; or (vii) four hundred ninety-five thousandths (0.495) for a city
23 school district in a city having a population of one million or more.

24 (3) The "minimum increase" shall be equal to the product of: (i) the
25 greater of two hundredths (0.02) or three hundredths (0.03) for
26 districts with a sparsity count computed pursuant to paragraph r of
27 subdivision one of this section greater than zero; multiplied by (ii)
28 the total foundation aid base computed pursuant to paragraph j of subdi-
29 vision one of this section.

30 (4) The "catch up increase" shall be equal to the positive difference,
31 if any, of: (i) the product of sixty hundredths (0.60) and total founda-
32 tion aid as computed pursuant to paragraph a of this subdivision; less
33 (ii) the total foundation aid base computed pursuant to paragraph j of
34 subdivision one of this section.

35 (5) The "per pupil allocation" shall be equal to the product of: (i)
36 three hundred dollars (\$300); multiplied by (ii) the quotient of: (A)
37 the three-year direct certification percentage computed pursuant to
38 subparagraph four of paragraph ii of subdivision one of this section;
39 divided by (B) four hundred seventy-three thousandths (0.473); and
40 further multiplied by (iii) public school district enrollment for the
41 base year as computed pursuant to paragraph n of subdivision one of this
42 section for eligible districts. A district shall be eligible for the per
43 pupil allocation if the combined wealth ratio for total foundation aid
44 computed pursuant to subparagraph two of paragraph c of subdivision
45 three of this section is less than two fifty-three hundredths (2.53).

46 § 10-c. Clause (ii) of subparagraph 2 of paragraph b of subdivision 4
47 of section 3602 of the education law, as amended by section 5-c of part
48 YYY of chapter 59 of the laws of 2019, is amended to read as follows:

49 (ii) Phase-in foundation increase factor. For the two thousand
50 eleven--two thousand twelve school year, the phase-in foundation
51 increase factor shall equal thirty-seven and one-half percent (0.375)
52 and the phase-in due minimum percent shall equal nineteen and forty-one
53 hundredths percent (0.1941), for the two thousand twelve--two thousand
54 thirteen school year the phase-in foundation increase factor shall equal
55 one and seven-tenths percent (0.017), for the two thousand thirteen--two
56 thousand fourteen school year the phase-in foundation increase factor

1 shall equal (1) for a city school district in a city having a population
2 of one million or more, five and twenty-three hundredths percent
3 (0.0523) or (2) for all other school districts zero percent, for the two
4 thousand fourteen--two thousand fifteen school year the phase-in founda-
5 tion increase factor shall equal (1) for a city school district of a
6 city having a population of one million or more, four and thirty-two
7 hundredths percent (0.0432) or (2) for a school district other than a
8 city school district having a population of one million or more for
9 which (A) the quotient of the positive difference of the foundation
10 formula aid minus the foundation aid base computed pursuant to paragraph
11 j of subdivision one of this section divided by the foundation formula
12 aid is greater than twenty-two percent (0.22) and (B) a combined wealth
13 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or
14 (3) for all other school districts, four and thirty-one hundredths
15 percent (0.0431), and for the two thousand fifteen--two thousand sixteen
16 school year the phase-in foundation increase factor shall equal: (1) for
17 a city school district of a city having a population of one million or
18 more, thirteen and two hundred seventy-four thousandths percent
19 (0.13274); or (2) for districts where the quotient arrived at when
20 dividing (A) the product of the total aidable foundation pupil units
21 multiplied by the district's selected foundation aid less the total
22 foundation aid base computed pursuant to paragraph j of subdivision one
23 of this section divided by (B) the product of the total aidable founda-
24 tion pupil units multiplied by the district's selected foundation aid is
25 greater than nineteen percent (0.19), and where the district's combined
26 wealth ratio is less than thirty-three hundredths (0.33), seven and
27 seventy-five hundredths percent (0.0775); or (3) for any other district
28 designated as high need pursuant to clause (c) of subparagraph two of
29 paragraph c of subdivision six of this section for the school aid
30 computer listing produced by the commissioner in support of the enacted
31 budget for the two thousand seven--two thousand eight school year and
32 entitled "SA0708", four percent (0.04); or (4) for a city school
33 district in a city having a population of one hundred twenty-five thou-
34 sand or more but less than one million, fourteen percent (0.14); or (5)
35 for school districts that were designated as small city school districts
36 or central school districts whose boundaries include a portion of a
37 small city for the school aid computer listing produced by the commis-
38 sioner in support of the enacted budget for the two thousand fourteen--
39 two thousand fifteen school year and entitled "SA1415", four and seven
40 hundred fifty-one thousandths percent (0.04751); or (6) for all other
41 districts one percent (0.01), and for the two thousand sixteen--two
42 thousand seventeen school year the foundation aid phase-in increase
43 factor shall equal for an eligible school district the greater of: (1)
44 for a city school district in a city with a population of one million or
45 more, seven and seven hundred eighty four thousandths percent (0.07784);
46 or (2) for a city school district in a city with a population of more
47 than two hundred fifty thousand but less than one million as of the most
48 recent federal decennial census, seven and three hundredths percent
49 (0.0703); or (3) for a city school district in a city with a population
50 of more than two hundred thousand but less than two hundred fifty thou-
51 sand as of the most recent federal decennial census, six and seventy-two
52 hundredths percent (0.0672); or (4) for a city school district in a city
53 with a population of more than one hundred fifty thousand but less than
54 two hundred thousand as of the most recent federal decennial census, six
55 and seventy-four hundredths percent (0.0674); or (5) for a city school
56 district in a city with a population of more than one hundred twenty-

1 five thousand but less than one hundred fifty thousand as of the most
2 recent federal decennial census, nine and fifty-five hundredths percent
3 (0.0955); or (6) for school districts that were designated as small city
4 school districts or central school districts whose boundaries include a
5 portion of a small city for the school aid computer listing produced by
6 the commissioner in support of the enacted budget for the two thousand
7 fourteen--two thousand fifteen school year and entitled "SA141-5" with a
8 combined wealth ratio less than one and four tenths (1.4), nine percent
9 (0.09), provided, however, that for such districts that are also
10 districts designated as high need urban-suburban pursuant to clause (c)
11 of subparagraph two of paragraph c of subdivision six of this section
12 for the school aid computer listing produced by the commissioner in
13 support of the enacted budget for the two thousand seven--two thousand
14 eight school year and entitled "SA0708", nine and seven hundred and
15 nineteen thousandths percent (0.09719); or (7) for school districts
16 designated as high need rural pursuant to clause (c) of subparagraph two
17 of paragraph c of subdivision six of this section for the school aid
18 computer listing produced by the commissioner in support of the enacted
19 budget for the two thousand seven--two thousand eight school year and
20 entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for
21 school districts designated as high need urban-suburban pursuant to
22 clause (c) of subparagraph two of paragraph c of subdivision six of this
23 section for the school aid computer listing produced by the commissioner
24 in support of the enacted budget for the two thousand seven--two thou-
25 sand eight school year and entitled "SA0708", seven hundred nineteen
26 thousandths percent (0.00719); or (9) for all other eligible school
27 districts, forty-seven hundredths percent (0.0047), provided further
28 that for the two thousand seventeen--two thousand eighteen school year
29 the foundation aid increase phase-in factor shall equal (1) for school
30 districts with a census 2000 poverty rate computed pursuant to paragraph
31 q of subdivision one of this section equal to or greater than twenty-six
32 percent (0.26), ten and three-tenths percent (0.103), or (2) for a
33 school district in a city with a population in excess of one million or
34 more, seventeen and seventy-seven one-hundredths percent (0.1777), or
35 (3) for a city school district in a city with a population of more than
36 two hundred fifty thousand but less than one million, as of the most
37 recent decennial census, twelve and sixty-nine hundredths percent
38 (0.1269) or (4) for a city school district in a city with a population
39 of more than one hundred fifty thousand but less than two hundred thou-
40 sand, as of the most recent federal decennial census, ten and seventy-
41 eight one hundredths percent (0.1078), or (5) for a city school district
42 in a city with a population of more than one hundred twenty-five thou-
43 sand but less than one hundred fifty thousand as of the most recent
44 federal decennial census, nineteen and one hundred eight one-thousandths
45 percent (0.19108), or (6) for a city school district in a city with a
46 population of more than two hundred thousand but less than two hundred
47 fifty thousand as of the most recent federal decennial census, ten and
48 six-tenths percent (0.106), or (7) for all other districts, four and
49 eighty-seven one-hundredths percent (0.0487), and for the two thousand
50 ~~[twenty] twenty-two--two thousand [twenty-one school year and thereafter~~
51 ~~the commissioner shall annually determine the phase in foundation~~
52 ~~increase factor subject to allocation pursuant to the provisions of~~
53 ~~subdivision eighteen of this section and any provisions of a chapter of~~
54 ~~the laws of New York as described therein]~~ twenty-three school year the
55 foundation aid phase-in increase factor shall be fifty percent (0.5),
56 and for the two thousand twenty-three--two thousand twenty-four school

1 year and thereafter the foundation aid phase-in increase factor shall be
2 one hundred percent (1.0).

3 § 10-d. For the 2021-22, 2022-23 and 2023-24 school years, each school
4 district receiving a foundation aid increase of more than: (i) ten
5 percent; or (ii) ten million dollars in a school year shall, on or
6 before July 1 of each school year, post to the district's website a plan
7 by school year of how such funds will be used to address student
8 performance and need, including but not limited to: (i) increasing grad-
9 uation rates and eliminating the achievement gap; (ii) reducing class
10 sizes; (iii) providing supports for students who are not meeting, or at
11 risk of not meeting, state learning standards in core academic subject
12 areas; (iv) addressing student social-emotional health; and (v) provid-
13 ing adequate resources to English language learners, students with disa-
14 bilities; and students experiencing homelessness. Prior to posting such
15 plan, each school district shall seek public comment from parents,
16 teachers and other stakeholders on the plan and take such comments into
17 account in the development of the plan.

18 § 11. Intentionally omitted.

19 § 11-a. Subdivision 1 of section 3602 of the education law is amended
20 by adding two new paragraphs ll and mm to read as follows:

21 ll. (1) "Economically disadvantaged count" shall be equal to the undu-
22 plicated count of all children registered to receive educational
23 services in grades kindergarten through twelve, including children in
24 ungraded programs who participate in, or whose family participates in,
25 economic assistance programs, such as the free or reduced-price lunch
26 programs, Social Security Insurance, Supplemental Nutrition Assistance
27 Program, Foster Care, Refugee Assistance (cash or medical assistance),
28 Earned Income Tax Credit (EITC), Home Energy Assistance Program (HEAP),
29 Safety Net Assistance (SNA), Bureau of Indian Affairs (BIA), or Tempo-
30 rary Assistance for Needy Families (TANF).

31 (2) "Economically disadvantaged rate" shall mean the quotient arrived
32 at when dividing the economically disadvantaged count by public enroll-
33 ment as computed pursuant to subparagraph one of paragraph n of this
34 subdivision.

35 (3) "Three-year average economically disadvantaged rate" shall equal
36 the quotient of: (i) the sum of the economically disadvantaged count for
37 the school year prior to the base year, plus such number for the school
38 year two years prior to the base year, plus such number for the school
39 year three years prior to the base year; divided by (ii) the sum of
40 enrollment as computed pursuant to subparagraph one of paragraph n of
41 subdivision one of this section for the school year prior to the base
42 year, plus such number for the school year two years prior to the base
43 year, plus such number for the school year three years prior to the base
44 year, computed to four decimals without rounding.

45 mm. "Three-year average small area income and poverty estimate rate"
46 shall equal the quotient of: (i) the sum of the number of persons aged
47 five to seventeen within the school district, based on the small area
48 income and poverty estimates produced by the United States census
49 bureau, whose families had incomes below the poverty level for the
50 calendar year prior to the year in which the base year began, plus such
51 number for the calendar year two years prior to the year in which the
52 base year began, plus such number for the calendar year three years
53 prior to the year in which the base year began; divided by (ii) the sum
54 of the total number of persons aged five to seventeen within the school
55 district, based on such census bureau estimates, for the year prior to
56 the year in which the base year began, plus such total number for the

1 year two years prior to the year in which the base year began, plus such
2 total number for the year three years prior to the year in which the
3 base year began, computed to four decimals without rounding.

4 § 11-b. Section 3641 of the education law is amended by adding a new
5 subdivision 17 to read as follows:

6 17. Learning loss grants. a. For the two thousand twenty-one--two
7 thousand twenty-two school year, eligible school districts shall receive
8 grants in aid equal to the positive difference, if any, of the base ARPA
9 allocation less ninety percent of the funds from the elementary and
10 secondary school emergency relief fund made available to school
11 districts pursuant to the American rescue plan act of 2021, (P.L.
12 117-2), but not less than seven hundred thousand dollars (\$700,000), and
13 not more than ten million dollars (\$10,000,000) or ten percent (0.1) of
14 the total expenditures from the district's general fund for the two
15 thousand twenty--two thousand twenty-one school year, whichever is less.
16 School districts where the base ARPA allocation is less than or equal to
17 ninety percent of the funds from the elementary and secondary school
18 emergency relief fund made available to school districts pursuant to the
19 American rescue plan act of 2021, shall not be eligible for these
20 grants. Such grant funds shall remain available for obligation by such
21 school districts until the deadline therefor prescribed in federal law.

22 b. The "base ARPA allocation" shall be equal to the product of the
23 adjusted per pupil amount multiplied by public school district enroll-
24 ment for the base year as computed pursuant to paragraph n of subdivi-
25 sion one of section thirty-six hundred two of this article. The
26 "adjusted per pupil amount" shall be equal to the product of: (1) four
27 thousand five hundred fifty dollars and twenty-six cents (\$4,550.26);
28 multiplied by (2) the regional cost index calculated in two thousand
29 eighteen, reflecting an analysis of labor market costs based on median
30 salaries in professional occupations that require similar credentials to
31 those of positions in the education field, but not including those occu-
32 pations in the education field; multiplied by (3) the modified EN index;
33 and multiplied by (4) the learning loss wealth factor.

34 (1) For purposes of this paragraph, the "learning loss wealth factor"
35 shall be equal to the positive difference, if any, of seventy-five
36 hundredths (0.75) less half of the combined wealth ratio computed pursu-
37 ant to subparagraph one of paragraph c of subdivision three of section
38 thirty-six hundred two of this article.

39 (2) For purposes of this paragraph, the "modified EN index" shall be
40 equal to the modified EN percent divided by the statewide average modi-
41 fied EN percent, provided that for the two thousand twenty-one--two
42 thousand twenty-two school year, the statewide average modified EN
43 percent shall be equal to five thousand five hundred sixty-five ten-
44 thousandths (0.5565).

45 (3) For purposes of this paragraph, the "modified EN percent" shall be
46 equal to the modified EN count divided by public school district enroll-
47 ment for the base year computed pursuant to paragraph n of subdivision
48 one of section thirty-six hundred two of this article.

49 (4) For purposes of this paragraph, the "modified EN count" shall
50 equal the sum of (A) the product of fifty percent (0.5) multiplied by
51 the English language learner count computed pursuant to paragraph o of
52 subdivision one of section thirty-six hundred two of this article, plus
53 (B) the sparsity count computed pursuant to paragraph r of subdivision
54 one of section thirty-six hundred two of this article, plus (C) the
55 product of sixty-five hundredths (0.65) multiplied by the three-year
56 average small area income and poverty estimate rate computed pursuant to

paragraph mm of subdivision one of section thirty-six hundred two of this article and multiplied further by public school district enrollment for the base year as computed pursuant to paragraph n of subdivision one of section thirty-six hundred two of this article, plus (D) the product of sixty-five hundredths (0.65) multiplied by the three-year average economically disadvantaged rate defined pursuant to paragraph ll of subdivision one of section thirty-six hundred two of this article and multiplied further by public school district enrollment for the base year as computed pursuant to paragraph n of subdivision one of section thirty-six hundred two of this article.

c. Districts receiving learning loss grants shall use: (1) fourteen and two hundred eighty-six thousandths percent (0.14286) of such grants for implementation of evidence-based summer enrichment programs; (2) fourteen and two hundred eighty-six thousandths percent (0.14286) for implementation of evidence-based comprehensive afterschool programs; and (3) the remaining funds for activities to address learning loss by supporting the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive after-school programs, or extended school year programs. School districts shall ensure that such interventions respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on low-income students, children with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

§ 12. Intentionally omitted.

§ 12-a. Intentionally omitted.

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

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

§ 13. Intentionally omitted.

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

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

1 apportioned pursuant to subdivision eight of section thirty-six hundred
2 forty-one of this article, less (ii) the total foundation aid base.

3 For the two thousand nine--two thousand ten through two thousand four-
4 teen--two thousand fifteen school years, each school district shall be
5 entitled to an apportionment equal to the amount set forth for such
6 school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading
7 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
8 the commissioner in support of the budget for the two thousand nine--two
9 thousand ten school year and entitled "SA0910", and such apportionment
10 shall be deemed to satisfy the state obligation to provide an apportion-
11 ment pursuant to subdivision eight of section thirty-six hundred forty-
12 one of this article.

13 For the two thousand fifteen--two thousand sixteen year, each school
14 district shall be entitled to an apportionment equal to the amount set
15 forth for such school district as "ACADEMIC ENHANCEMENT" under the head-
16 ing "2014-15 ESTIMATED AIDS" in the school aid computer listing produced
17 by the commissioner in support of the budget for the two thousand four-
18 teen--two thousand fifteen school year and entitled "SA141-5", and such
19 apportionment shall be deemed to satisfy the state obligation to provide
20 an apportionment pursuant to subdivision eight of section thirty-six
21 hundred forty-one of this article.

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

31 For the two thousand seventeen--two thousand eighteen school year,
32 each school district shall be entitled to an apportionment equal to the
33 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
34 under the heading "2016-17 ESTIMATED AIDS" in the school aid computer
35 listing produced by the commissioner in support of the budget for the
36 two thousand sixteen--two thousand seventeen school year and entitled
37 "SA161-7", and such apportionment shall be deemed to satisfy the state
38 obligation to provide an apportionment pursuant to subdivision eight of
39 section thirty-six hundred forty-one of this article.

40 For the two thousand eighteen--two thousand nineteen school year, each
41 school district shall be entitled to an apportionment equal to the
42 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
43 under the heading "2017-18 ESTIMATED AIDS" in the school aid computer
44 listing produced by the commissioner in support of the budget for the
45 two thousand seventeen--two thousand eighteen school year and entitled
46 "SA171-8", and such apportionment shall be deemed to satisfy the state
47 obligation to provide an apportionment pursuant to subdivision eight of
48 section thirty-six hundred forty-one of this article.

49 For the two thousand nineteen--two thousand twenty school year, each
50 school district shall be entitled to an apportionment equal to the
51 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
52 under the heading "2018-19 ESTIMATED AIDS" in the school aid computer
53 listing produced by the commissioner in support of the budget for the
54 two thousand eighteen--two thousand nineteen school year and entitled
55 "SA181-9", and such apportionment shall be deemed to satisfy the state

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

3 For the two thousand twenty--two thousand twenty-one school year, each
4 school district shall be entitled to an apportionment equal to the
5 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
6 under the heading "2019-20 ESTIMATED AIDS" in the school aid computer
7 listing produced by the commissioner in support of the budget for the
8 two thousand nineteen--two thousand twenty school year and entitled
9 "SA192-0", and such apportionment shall be deemed to satisfy the state
10 obligation to provide an apportionment pursuant to subdivision eight of
11 section thirty-six hundred forty-one of this article. For the two thou-
12 sand twenty-one--two thousand twenty-two school year, each school
13 district shall be entitled to an apportionment equal to the amount set
14 forth for such school district as "ACADEMIC ENHANCEMENT" under the head-
15 ing "2020-21 ESTIMATED AIDS" in the school aid computer listing produced
16 by the commissioner in support of the budget for the two thousand twen-
17 ty--two thousand twenty-one school year and entitled "SA202-1", and such
18 apportionment shall be deemed to satisfy the state obligation to provide
19 an apportionment pursuant to subdivision eight of section thirty-six
20 hundred forty-one of this article.

21 § 14. Intentionally omitted.

22 § 14-a. The opening paragraph of subdivision 16 of section 3602 of the
23 education law, as amended by section 14-e of part A of chapter 56 of the
24 laws of 2020, is amended to read as follows:

25 Each school district shall be eligible to receive a high tax aid
26 apportionment in the two thousand eight--two thousand nine school year,
27 which shall equal the greater of (i) the sum of the tier 1 high tax aid
28 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
29 tax aid apportionment or (ii) the product of the apportionment received
30 by the school district pursuant to this subdivision in the two thousand
31 seven--two thousand eight school year, multiplied by the due-minimum
32 factor, which shall equal, for districts with an alternate pupil wealth
33 ratio computed pursuant to paragraph b of subdivision three of this
34 section that is less than two, seventy percent (0.70), and for all other
35 districts, fifty percent (0.50). Each school district shall be eligible
36 to receive a high tax aid apportionment in the two thousand nine--two
37 thousand ten through two thousand twelve--two thousand thirteen school
38 years in the amount set forth for such school district as "HIGH TAX AID"
39 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer
40 listing produced by the commissioner in support of the budget for the
41 two thousand nine--two thousand ten school year and entitled "SA0910".
42 Each school district shall be eligible to receive a high tax aid appor-
43 tionment in the two thousand thirteen--two thousand fourteen through two
44 thousand [twenty] twenty-one--two thousand [twenty-one] twenty-two
45 school years equal to the greater of (1) the amount set forth for such
46 school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR
47 AIDS" in the school aid computer listing produced by the commissioner in
48 support of the budget for the two thousand nine--two thousand ten school
49 year and entitled "SA0910" or (2) the amount set forth for such school
50 district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in
51 the school aid computer listing produced by the commissioner in support
52 of the executive budget for the 2013-14 fiscal year and entitled
53 "BT131-4".

54 § 15. Intentionally omitted.

55 § 16. Intentionally omitted.

56 § 16-a. Intentionally omitted.

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

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

§ 18. Intentionally omitted.

§ 19. Intentionally omitted.

§ 20. Subdivisions 6 and 7 of section 3622-a of the education law, subdivision 6 as amended by section 47 of part A of chapter 58 of the laws of 2011 and subdivision 7 as added by chapter 422 of the laws of 2004, are amended and two new subdivisions 8 and 9 are added to read as follows:

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

7. Transportation provided pursuant to section thirty-six hundred thirty-five-b of this article~~[-]~~;

8. Notwithstanding any inconsistent provision of law, transportation provided in the two thousand nineteen--two thousand twenty school year during the state disaster emergency declared pursuant to executive order 202 of 2020, provided that transportation was provided during the time period of school building closures ordered pursuant to executive order 202 of 2020. Such aidable transportation shall include transportation of meals, educational materials and supplies to students, and transportation to provide students with internet access; and

9. Notwithstanding any inconsistent provision of law, expenditures made for transportation during the period between the issuance of executive order 202.4 on March sixteenth, two thousand twenty and the issuance of executive order 202.28 on May seventh, two thousand twenty, without regard to whether such transportation was provided.

§ 21. Intentionally omitted.

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

4. Notwithstanding the provisions of this section or any other provision of law to the contrary, for the computation of transportation aid pursuant to the requirements of subdivision seven of section thirty-six hundred two of this article, allowable transportation expenses shall also include transportation operating expenses described in subdivision one of this section and transportation capital, debt service and lease expenses described in subdivision two of this section incurred in the two thousand nineteen--two thousand twenty school year: (i) during the state disaster emergency declared pursuant to executive order 202 of 2020 in the case of expenses pursuant to subdivision eight of section thirty-six hundred twenty-two-a of this part; and (ii) during the period

1 between the issuance of executive order 202.4 on March sixteenth, two
2 thousand twenty and the issuance of executive order 202.28 on May
3 seventh, two thousand twenty in the case of expenses pursuant to subdi-
4 vision nine of section thirty-six hundred twenty-two-a of this part.
5 Such expenses shall be allowable transportation expenses even where
6 aidable regular transportation as defined in section thirty-six hundred
7 twenty-two-a of this part of transportation after four pm pursuant to
8 section thirty-six hundred twenty-seven of this part was not provided.

9 § 22-a. Subdivision 8 of section 4410 of the education law, as amended
10 by chapter 474 of the laws of 1996, is amended to read as follows:

11 8. Transportation. The municipality in which a preschool child resides
12 shall, beginning with the first day of service, provide either directly
13 or by contract for suitable transportation, as determined by the board,
14 to and from special services or programs; provided, however, that if the
15 municipality is a city with a population of one million or more persons
16 the municipality may delegate the authority to provide such transporta-
17 tion to the board; and provided further, that prior to providing such
18 transportation directly or contracting with another entity to provide
19 such transportation, such municipality or board shall request and
20 encourage the parents to transport their children at public expense,
21 where cost-effective, at a rate per mile or a public service fare estab-
22 lished by the municipality and approved by the commissioner. Except as
23 otherwise provided in this section, the parents' inability or declina-
24 tion to transport their child shall in no way [~~effect~~] affect the
25 municipality's or board's responsibility to provide recommended
26 services. Such transportation shall be provided once daily from the
27 child care location to the special service or program and once daily
28 from the special service or program to the child care location up to
29 fifty miles from the child care location. If the board determines that a
30 child must receive special services and programs at a location greater
31 than fifty miles from the child care location, it shall request approval
32 of the commissioner. For the purposes of this subdivision, the term
33 "child care location" shall mean a child's home or a place where care
34 for less than twenty-four hours a day is provided on a regular basis and
35 includes, but is not limited to, a variety of child care services such
36 as day care centers, family day care homes and in-home care by persons
37 other than parents. All transportation of such children shall be
38 provided pursuant to the procedures set forth in section two hundred
39 thirty-six of the family court act using the date called for in the
40 written notice of determination of the board or the date of the written
41 notice of determination of the board, whichever comes later, in lieu of
42 the date the court order was issued. Notwithstanding this subdivision
43 or any provision of law to the contrary, transportation expenses
44 incurred by a municipality for operating and maintenance costs pursuant
45 to this subdivision during the period between the issuance of executive
46 order 202.4 on March sixteenth, two thousand twenty and the issuance of
47 executive order 202.28 on May seventh, two thousand twenty shall be
48 reimbursable and considered approved costs in accordance with the
49 provisions of this section and the regulations of the commissioner.

50 § 22-b. Notwithstanding any other provision of law, rule or regulation
51 to the contrary, a child who resides within a county, in a city school
52 district located in a city having a population of one million or more,
53 that has a population of less than one million and who resides in an
54 area containing at least three hundred children within a one and one-
55 half mile radius shall be provided transportation pursuant to section
56 3627 of the education law without regard to like circumstances.

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

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

§ 23-a. Subdivision 4 of section 51 of part B of chapter 57 of the laws of 2008 amending the education law relating to the universal prekindergarten program, as amended by section 22-a of part A of chapter 56 of the laws of 2020, is amended to read as follows:

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

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

(ii) Provided that, notwithstanding any provisions of this paragraph to the contrary, for the two thousand seventeen-two thousand eighteen through the two thousand ~~[twenty]~~ twenty-one--two thousand ~~[twenty-one]~~ twenty-two school years an exemption to the certification requirement of subparagraph (i) of this paragraph may be made for a teacher without certification valid for service in the early childhood grades who possesses a written plan to obtain certification and who has registered in the ASPIRE workforce registry as required under regulations of the commissioner of the office of children and family services. Notwithstanding any exemption provided by this subparagraph, certification shall be required for employment no later than June thirtieth, two thousand ~~[twenty-one]~~ twenty-two; provided that for the two thousand ~~[twenty-one]~~ twenty-one--two thousand ~~[twenty-one]~~ twenty-two school year, school districts with teachers seeking an exemption to the certification requirement of subparagraph (i) of this paragraph shall submit a report to the commissioner regarding (A) the barriers to certification, if any, (B) the number of uncertified teachers registered in the ASPIRE workforce registry teaching pre-kindergarten in the district, including those employed by a community-based organization, (C) the number of previously uncertified teachers who have completed certification as required by this subdivision, and (D) the expected certification completion date of such teachers.

§ 23-c. Subdivision 10 of section 3602-e of the education law, as amended by section 10-a of part YYY of chapter 59 of the laws of 2019, is amended to read as follows:

10. Universal prekindergarten aid. Notwithstanding any provision of law to the contrary,

(i) for aid payable in the two thousand eight--two thousand nine school year, the grant to each eligible school district for universal prekindergarten aid shall be computed pursuant to this subdivision, and

(ii) for the two thousand nine--two thousand ten and two thousand ten--two thousand eleven school years, each school district shall be eligible for a maximum grant equal to the amount computed for such school district for the base year in the electronic data file produced by the commissioner in support of the two thousand nine--two thousand ten education, labor and family assistance budget, provided, however, that in the case of a district implementing programs for the first time or implementing expansion programs in the two thousand eight--two thousand nine school year where such programs operate for a minimum of ninety days in any one school year as provided in section 151-1.4 of the

1 regulations of the commissioner, for the two thousand nine--two thousand
2 ten and two thousand ten--two thousand eleven school years, such school
3 district shall be eligible for a maximum grant equal to the amount
4 computed pursuant to paragraph a of subdivision nine of this section in
5 the two thousand eight--two thousand nine school year, and

6 (iii) for the two thousand eleven--two thousand twelve school year
7 each school district shall be eligible for a maximum grant equal to the
8 amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN"
9 under the heading "2011-12 ESTIMATED AIDS" in the school aid computer
10 listing produced by the commissioner in support of the enacted budget
11 for the 2011-12 school year and entitled "SA111-2", and

12 (iv) for two thousand twelve--two thousand thirteen through two thou-
13 sand sixteen--two thousand seventeen school years each school district
14 shall be eligible for a maximum grant equal to the greater of (A) the
15 amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN"
16 under the heading "2010-11 BASE YEAR AIDS" in the school aid computer
17 listing produced by the commissioner in support of the enacted budget
18 for the 2011-12 school year and entitled "SA111-2", or (B) the amount
19 set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under
20 the heading "2010-11 BASE YEAR AIDS" in the school aid computer listing
21 produced by the commissioner on May fifteenth, two thousand eleven
22 pursuant to paragraph b of subdivision twenty-one of section three
23 hundred five of this chapter, and

24 (v) for the two thousand seventeen--two thousand eighteen and two
25 thousand eighteen--two thousand nineteen school years, each school
26 district shall be eligible to receive a grant amount equal to the sum of
27 (A) the amount set forth for such school district as "UNIVERSAL PREKIN-
28 DERGARTEN" under the heading "2016-17 ESTIMATED AIDS" in the school aid
29 computer listing produced by the commissioner in support of the enacted
30 budget for the two thousand sixteen--two thousand seventeen school year
31 and entitled "SA161-7" plus (B) the amount awarded to such school
32 district for the priority full-day prekindergarten and expanded half-day
33 prekindergarten grant program for high need students for the two thou-
34 sand sixteen--two thousand seventeen school year pursuant to chapter
35 fifty-three of the laws of two thousand thirteen, provided that for
36 purposes of calculating the maintenance of effort reduction in subdivi-
37 sion eleven of this section grant amounts shall be the four-year-old
38 grant amount, and

39 (vi) for the two thousand nineteen--two thousand twenty school year,
40 each school district shall be eligible to receive a grant amount equal
41 to the sum of (A) the amount set forth for such school district as
42 "UNIVERSAL PREKINDERGARTEN" in the school aid computer listing produced
43 by the commissioner in support of the enacted budget for the two thou-
44 sand eighteen--two thousand nineteen school year plus (B) the amount
45 awarded to such school district for the federal preschool development
46 expansion grant for the two thousand seventeen--two thousand eighteen
47 school year pursuant to the American Recovery and Reinvestment Act of
48 2009 (ARRA), Sections 14005, 14006, and 14013, Title XIV, (Public Law
49 112-10), as amended by section 1832(b) of Division B of the Department
50 of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L.
51 112-10), and the Department of Education Appropriations Act, 2012 (Title
52 III Division F of Pub. L. 112-74, the Consolidated Appropriations Act,
53 2012) plus (C) the amount awarded to such school district for the
54 expanded prekindergarten program for three and four year-olds for the
55 two thousand eighteen--two thousand nineteen school year pursuant to
56 chapter sixty-one of the laws of two thousand fifteen plus (D) the

1 amount awarded to such school district for the expanded prekindergarten
2 for three-year-olds in high need districts program for the two thousand
3 eighteen--two thousand nineteen school year pursuant to chapter fifty-
4 three of the laws of two thousand sixteen plus (E) the amount awarded to
5 such school district for the expanded prekindergarten program for three-
6 and four-year-olds for the two thousand eighteen--two thousand nineteen
7 school year pursuant to a chapter of the laws of two thousand seventeen
8 plus (F) the amount awarded to such school district, subject to an
9 available appropriation, through the pre-kindergarten expansion grant
10 for the two thousand eighteen--two thousand nineteen school year,
11 provided that such school district has met all requirements pursuant to
12 this section and for purposes of calculating the maintenance of effort
13 reduction in subdivision eleven of this section that such grant amounts
14 shall be divided into a four-year-old grant amount based on the amount
15 each district was eligible to receive in the base year to serve four-
16 year-old prekindergarten pupils and a three-year-old grant amount based
17 on the amount each district was eligible to receive in the base year to
18 serve three-year-old pupils, and

19 (vii) for the two thousand twenty--two thousand twenty-one school year
20 ~~[and thereafter]~~, each school district shall be eligible to receive a
21 grant amount equal to ~~[the sum of (A)]~~ the amount set forth for such
22 school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the comput-
23 er file produced by the commissioner in support of the enacted budget
24 for the prior year ~~[plus (B) the amount awarded to such school district,~~
25 ~~subject to an available appropriation, through the pre-kindergarten~~
26 ~~expansion grant for the prior year, provided that such school district~~
27 ~~has met all requirements pursuant to this section and for purposes of~~
28 ~~calculating the maintenance of effort reduction in subdivision eleven of~~
29 ~~this section that such grant amounts shall be divided into a four-year-~~
30 ~~old grant amount based on the amount each district was eligible to~~
31 ~~receive in the base year to serve four-year-old prekindergarten pupils~~
32 ~~and a three-year-old grant amount based on the amount each district was~~
33 ~~eligible to receive in the base year to serve three-year-old pupils]~~
34 excluding amounts subject to section thirty-six hundred two-ee of this
35 part, and provided further that the maximum grant shall not exceed the
36 total actual grant expenditures incurred by the school district in the
37 current school year as approved by the commissioner, and

38 (viii) for the two thousand twenty-one--two thousand twenty-two school
39 year and thereafter, each school district shall be eligible to receive a
40 grant amount equal to the sum of (A) the amount set forth for such
41 school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the comput-
42 er file produced by the commissioner in support of the enacted budget
43 for the prior year excluding amounts subject to section thirty-six
44 hundred two-ee of this part and further excluding amounts paid pursuant
45 to subdivision nineteen of this section plus (B) the Full-day 4-Year-Old
46 Universal Prekindergarten Expansion added pursuant to paragraph e of
47 subdivision nineteen of this section, provided that such school district
48 has met all requirements pursuant to this section and such grants shall
49 be added into a four-year-old grant amount based on the amount each
50 district was eligible to receive in the base year to serve four-year-old
51 prekindergarten pupils, plus (C) the amount awarded to such school
52 district, subject to an available appropriation, through the prekindergarten
53 expansion grant for the prior year, provided that such school
54 district has met all requirements pursuant to this section and for
55 purposes of calculating the maintenance of effort reduction in subdivi-
56 sion eleven of this section that such grant amounts shall be divided

into a four-year-old grant amount based on the amount each district was eligible to receive in the base year to serve four-year-old prekindergarten pupils and a three-year-old grant amount based on the amount each district was eligible to receive in the base year to serve three-year-old pupils, and provided further that the maximum grant shall not exceed the total actual grant expenditures incurred by the school district in the current school year as approved by the commissioner.

a. Each school district shall be eligible to serve the sum of (i) eligible full-day four-year-old prekindergarten pupils plus (ii) eligible half-day four-year-old prekindergarten pupils plus (iii) eligible full-day three-year-old prekindergarten pupils plus (iv) eligible half-day three-year-old prekindergarten pupils.

b. For purposes of paragraph a of this subdivision:

(i) "Selected aid per prekindergarten pupil" shall equal the greater of (A) the product of five-tenths and the school district's selected foundation aid for the current year, or (B) the aid per prekindergarten pupil calculated pursuant to this subdivision for the two thousand six-two thousand seven school year, based on data on file for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand six--two thousand seven school year and entitled "SA060-7"; provided, however, that in the two thousand eight--two thousand nine school year, a city school district in a city having a population of one million inhabitants or more shall not be eligible to select aid per prekindergarten pupil pursuant to clause (A) of this subparagraph;

(ii) (1) "Eligible Full-day four-year-old prekindergarten pupils" shall equal:

For the two thousand seventeen--two thousand eighteen school year the sum of, from the priority full-day prekindergarten program, (A) the maximum aidable pupils such district was eligible to serve in the base year plus (B) the maximum aidable number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil in the base year;

For the two thousand eighteen--two thousand nineteen school year the sum of, from the programs pursuant to this section, (A) the maximum aidable full-day prekindergarten pupils such district was eligible to serve in the base year plus (B) the maximum aidable number of half-day prekindergarten pupils converted into full-day prekindergarten pupils in the base year;

For the two thousand nineteen--two thousand twenty school year the sum of, from each of (A) the programs pursuant to this section, (B) the federal preschool development expansion grant, (C) the expanded prekindergarten program, (D) the expanded prekindergarten program for three- and four-year-olds, and (E) the prekindergarten expansion grant, (1) the maximum aidable full-day four-year-old prekindergarten pupils such district was eligible to serve in the base year, plus (2) the maximum aidable number of half-day four-year-old prekindergarten pupils converted into full-day prekindergarten pupils in the base year;

For the two thousand twenty--two thousand twenty-one school year [~~and thereafter~~] the sum of, from each of (A) the programs pursuant to this section and (B) the pre-kindergarten expansion grant, (1) the maximum aidable full-day four-year-old prekindergarten pupils such district was eligible to serve in the base year, plus (2) the maximum aidable number of half-day four-year-old prekindergarten pupils converted into full-day prekindergarten pupils in the base year;

For the two thousand twenty-one--two thousand twenty-two school year and thereafter, the sum of, from the programs pursuant to this subdivi-

sion, (1) the maximum aidable full-day four-year-old prekindergarten pupils such district was eligible to serve in the base year, plus (2) the maximum aidable number of half-day four-year-old prekindergarten pupils converted into full-day prekindergarten pupils in the base year, plus (3) expansion slots added pursuant to paragraph e of subdivision nineteen of this section.

(2) "Eligible full-day three-year-old prekindergarten pupils" shall equal:

For the two thousand nineteen--two thousand twenty school year, the sum of, from each of (A) the expanded prekindergarten program, (B) the expanded prekindergarten program for three-year-olds, (C) the expanded prekindergarten program for three- and four-year-olds, and (D) the prekindergarten expansion grant, (1) the maximum aidable full-day three-year-old prekindergarten pupils such district was eligible to serve in the base year, plus (2) the maximum aidable number of half-day three-year-old prekindergarten pupils converted into full-day prekindergarten pupils in the base year;

For the two thousand twenty--two thousand twenty-one school year and thereafter, the sum of, from each of (A) the programs pursuant to this section, and (B) the prekindergarten expansion grant, (1) the maximum aidable full-day three-year-old prekindergarten pupils such district was eligible to serve in the base year, plus (2) the maximum aidable number of half-day three-year-old prekindergarten pupils converted into full-day prekindergarten pupils in the base year;

(iii) (1) "Eligible half-day four-year-old prekindergarten pupils" shall equal:

For the two thousand seventeen--two thousand eighteen school year the sum of the maximum aidable half-day prekindergarten pupils such district was eligible to serve for the base year from (A) the program pursuant to this section plus such pupils from (B) the priority full-day prekindergarten program, less the maximum aidable number of half-day prekindergarten pupils converted into full-day prekindergarten pupils under the priority full-day prekindergarten program for the base year;

For the two thousand eighteen--two thousand nineteen school year, the maximum aidable half-day prekindergarten pupils such district was eligible to serve for the base year from the program pursuant to this section;

For the two thousand nineteen--two thousand twenty school year, the sum of the maximum aidable half-day four-year-old prekindergarten pupils such district was eligible to serve for the base year from (A) the program pursuant to this section plus such pupils from (B) the expanded prekindergarten program plus such pupils from (C) the expanded prekindergarten program for three- and four-year-olds plus such pupils from (D) the prekindergarten expansion grant, less the sum of the maximum aidable number of half-day four-year-old prekindergarten pupils converted into full-day four-year-old prekindergarten pupils under each of (1) the federal preschool expansion grant for the base year plus such pupils from (2) the expanded prekindergarten program plus such pupils from (3) the expanded prekindergarten program for three- and four-year-olds plus such pupils from (4) the prekindergarten expansion grant for the base year;

For the two thousand twenty--two thousand twenty-one school year and thereafter, the sum of the maximum aidable half-day four-year-old prekindergarten pupils such district was eligible to serve for the base year from (A) the program pursuant to this section plus such pupils from (B) the pre-kindergarten expansion grant, less the maximum aidable number of

1 half-day four-year-old prekindergarten pupils converted into full-day
2 four-year-old prekindergarten pupils under the prekindergarten expansion
3 grant for the base year;

4 (2) "Eligible half-day three-year-old prekindergarten pupils" shall
5 equal:

6 For the two thousand nineteen--two thousand twenty school year, the
7 sum of the maximum aidable half-day three-year-old prekindergarten
8 pupils such district was eligible to serve for the base year from (A)
9 the expanded prekindergarten program plus such pupils from (B) the
10 expanded prekindergarten for three-year-olds plus such pupils from (C)
11 the expanded prekindergarten program for three- and four-year-olds plus
12 such pupils from (D) the prekindergarten expansion grant, less the sum
13 of the maximum aidable number of half-day three-year-old prekindergarten
14 pupils converted into full-day three-year-old prekindergarten pupils
15 under each of (1) the expanded prekindergarten program plus such pupils
16 from (2) the expanded prekindergarten for three-year-olds plus such
17 pupils from (3) the expanded prekindergarten program for three- and
18 four-year-olds plus such pupils from (4) the prekindergarten expansion
19 grant for the base year;

20 For the two thousand twenty--two thousand twenty-one school year and
21 thereafter, the sum of the maximum aidable half-day three-year-old prek-
22 indergarten pupils such district was eligible to serve for the base year
23 from (A) the program pursuant to this section plus such pupils from (B)
24 the prekindergarten expansion grant, less the maximum aidable number of
25 half-day three-year-old prekindergarten pupils converted into full-day
26 three-year-old prekindergarten pupils under the prekindergarten expan-
27 sion grant for the base year;

28 (iv) "Unserved four-year-old prekindergarten pupils" shall mean the
29 product of eighty-five percent multiplied by the positive difference, if
30 any, between the sum of the public school enrollment and the nonpublic
31 school enrollment of children attending full day and half day kindergar-
32 ten programs in the district in the year prior to the base year less the
33 number of resident children who attain the age of four before December
34 first of the base year, who were served during such school year by a
35 prekindergarten program approved pursuant to section forty-four hundred
36 ten of this chapter, where such services are provided for more than four
37 hours per day;

38 (v) (1) "Prekindergarten four-year-old maintenance of effort base"
39 shall mean the number of eligible full-day four-year-old prekindergarten
40 pupils set forth for the district in this paragraph plus the product of
41 one half (0.5) multiplied by the number of eligible half-day four-year-
42 old prekindergarten pupils set forth for the district in this paragraph;

43 (2) "Prekindergarten three-year-old maintenance of effort base" shall
44 mean the number of eligible full-day three-year-old prekindergarten
45 pupils set forth for the district in this paragraph plus the product of
46 one half (0.5) multiplied by the number of eligible half-day three-year-
47 old prekindergarten pupils set forth for the district in this paragraph;

48 (vi) (1) "Current year four-year-old prekindergarten pupils served"
49 shall mean the sum of full day four-year-old prekindergarten pupils
50 served in the current year plus the product of one half (0.5) multiplied
51 by the half day four-year-old prekindergarten pupils in the current year
52 less the half-day four-year-old conversion overage;

53 (2) "Current year three-year-old prekindergarten pupils served" shall
54 mean the sum of full day three-year-old prekindergarten pupils served in
55 the current year plus the product of one half (0.5) multiplied by the

1 half day three-year-old prekindergarten pupils in the current year less
2 the half-day three-year-old conversion overage;

3 (vii) (1) "Half-day four-year-old conversion overage" shall equal, for
4 districts with thirty percent fewer full-day four-year-old prekindergar-
5 ten pupils served in the current year than eligible full-day four-year-
6 old prekindergarten pupils as set forth in this paragraph due to the
7 conversion of full-day four-year-old prekindergarten pupils served in
8 the current year to half-day four year-old prekindergarten pupils served
9 in the current year, the difference of the product of seven-tenths
10 multiplied by the eligible full-day four-year-old prekindergarten pupils
11 rounded down to the nearest whole number, less the number of full-day
12 four-year-old prekindergarten pupils served in the current year;

13 (2) "Half-day three-year-old conversion overage" shall equal, for
14 districts with thirty percent fewer full-day three-year-old prekinde-
15 rgarten pupils served in the current year than eligible full-day three-
16 year-old prekindergarten pupils as set forth in paragraph b of this
17 subdivision due to the conversion of full-day three-year-old prekinde-
18 rgarten pupils served in the current year to half-day three-year-old
19 prekindergarten pupils served in the current year, the difference of the
20 product of seven-tenths multiplied by the eligible full-day three-year-
21 old prekindergarten pupils rounded down to the nearest whole number,
22 less the number of full-day three-year-old prekindergarten pupils served
23 in the current year;

24 (3) Provided that a district may apply to the commissioner for a hard-
25 ship waiver that would allow a district to convert more than thirty
26 percent of full-day four-year-old prekindergarten pupils served in the
27 current year to half-day four-year-old prekindergarten pupils served in
28 the current year or three-year-old prekindergarten pupils served in the
29 current year to half-day three-year-old prekindergarten pupils served in
30 the current year and receive funding for such slots. Such waiver shall
31 be granted upon a demonstration by the school district that due to a
32 significant change in the resources available to the school district and
33 absent this hardship waiver, the school district would be unable to
34 serve such pupils in prekindergarten programs, without causing signif-
35 icant disruption to other district programming;

36 (viii) (1) "Maintenance of effort factor for four-year-olds" shall
37 mean the quotient arrived at when dividing the current year four-year-
38 old prekindergarten pupils served by the prekindergarten four-year-old
39 maintenance of effort base;

40 (2) "Maintenance of effort factor for three-year-olds" shall mean the
41 quotient arrived at when dividing the current year three-year-old prek-
42 indergarten pupils served by the prekindergarten three-year-old mainte-
43 nance of effort base;

44 (ix) For the purposes of this paragraph:

45 (A) "Priority full-day prekindergarten program" shall mean the priori-
46 ty full-day prekindergarten and expanded half-day prekindergarten grant
47 program for high need students pursuant to chapter fifty-three of the
48 laws of two thousand thirteen;

49 (B) "Federal preschool development expansion grant" shall mean the
50 federal preschool development expansion grant pursuant to the American
51 Recovery and Reinvestment Act of 2009 (ARRA), Sections 14005, 14006, and
52 14013, Title XIV, (Public Law 112-10), as amended by section 1832(b) of
53 Division B of the Department of Defense and Full-Year Continuing Appro-
54 priations Act, 2011 (Pub. L. 112-10), and the Department of Education
55 Appropriations Act, 2012 (Title III Division F of Pub. L. 112-74, the
56 Consolidated Appropriations Act, 2012);

(C) "Expanded prekindergarten program" shall mean the expanded prekindergarten program for three- and four-year-olds pursuant to chapter sixty-one of the laws of two thousand fifteen;

(D) "Expanded prekindergarten for three-year-olds" shall mean the expanded prekindergarten for three-year-olds in high need districts program pursuant to chapter fifty-three of the laws of two thousand sixteen;

(E) "Expanded prekindergarten program for three- and four-year-olds" shall mean the expanded prekindergarten program for three- and four-year-olds pursuant to a chapter of the laws of two thousand seventeen;

(F) "Prekindergarten expansion grant" shall mean the prekindergarten expansion grant for the two thousand eighteen--two thousand nineteen school year and thereafter, pursuant to subdivision eighteen of this section, to the extent such program was available subject to appropriation, and provided that such school district has met all requirements pursuant to this section.

c. Notwithstanding any other provision of this section, the total grant payable pursuant to this section shall equal the lesser of: (i) the sum of the four-year-old grant amount plus the three-year-old grant amount computed pursuant to this subdivision for the current year, based on data on file with the commissioner as of September first of the school year immediately following or (ii) the total actual grant expenditures incurred by the school district as approved by the commissioner.

d. Notwithstanding any other provision of this section, apportionments under this section greater than the amounts provided in the two thousand sixteen--two thousand seventeen school year shall only be used to supplement and not supplant current local expenditures of state or local funds on prekindergarten programs and the number of eligible full-day four-year-old prekindergarten pupils and eligible full-day three-year-old prekindergarten pupils in such programs from such sources. Current local expenditures shall include any local expenditures of state or local funds used to supplement or extend services provided directly or via contract to eligible children enrolled in a universal prekindergarten program pursuant to this section.

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

19. Full-day four-year-old universal prekindergarten expansion. a. Allocation. For the two thousand twenty-one--two thousand twenty-two through two-thousand twenty-three--two thousand twenty-four school years, school districts shall be eligible to receive a grant amount equal to twice the product of expansion slots multiplied by selected aid per prekindergarten pupil calculated pursuant to subparagraph i of paragraph b of subdivision ten of this section for the two thousand twenty-one--two thousand twenty-two school year, and provided further that this allocation shall not exceed the total actual full-day four-year-old universal prekindergarten expansion grant expenditures incurred by the school district in the current school year as approved by the commissioner. Grantees awarded funds under this subdivision shall comply with all of the same rules and requirements as the universal prekindergarten programs pursuant to this section.

b. Expansion slots. (i) For the two thousand twenty-one--two thousand twenty-two school year, for eligible school districts, the preliminary slot count shall be equal to the positive difference of: (1) the product of three thousand five hundred and four ten-thousandths (0.3504) and unserved four-year-old prekindergarten pupils calculated pursuant to subparagraph (iv) of paragraph b of subdivision ten of this section;

1 less (2) the sum of: (A) full-day four-year-old prekindergarten pupils
2 served in the two thousand nineteen--two thousand twenty school year
3 pursuant to this section; plus (B) students served in full-day prekin-
4 dergarten programs funded by grants pursuant to section thirty-six
5 hundred two-ee of this part in the year prior to the base year. If such
6 preliminary slot count is less than ten, the expansion slots shall be
7 zero; if such preliminary slot count is greater than or equal to ten but
8 less than twenty, the expansion slots shall be twenty; for all other
9 eligible districts, the expansion slots shall equal to the preliminary
10 slot count.

11 c. Eligibility. (i) For the two thousand twenty-one--two thousand
12 twenty-two school year, school districts shall be eligible for this
13 expansion if: (1) the combined wealth ratio computed pursuant to subpar-
14 agraph one of paragraph c of subdivision three of section thirty-six
15 hundred two of this part is less than two (2.0); and (2) the quotient
16 arrived at when dividing: (A) the sum of: (1) full-day and half-day
17 four-year-old prekindergarten pupils served in the two thousand nine-
18 teen--two thousand twenty school year pursuant to this section; plus (2)
19 students served in full-day prekindergarten programs funded by grants
20 pursuant to section thirty-six hundred two-ee of this part in the two
21 thousand nineteen--two thousand twenty school year; divided by (B)
22 unserved four-year-old prekindergarten pupils calculated pursuant to
23 subparagraph (iv) of paragraph b of subdivision ten of this section is
24 less than five tenths (0.50).

25 d. Maintenance of effort. Where a school district serves fewer four-
26 year-old prekindergarten pupils in full-day programs funded by the full-
27 day four-year-old universal prekindergarten expansion pursuant to this
28 subdivision than the number of expansion slots as defined in paragraph b
29 of this subdivision, the school district shall have its current year
30 full-day four-year-old universal prekindergarten expansion payment
31 reduced to an amount equal to the product of: (i) the full-day four-
32 year-old universal prekindergarten expansion; multiplied by (ii) the
33 quotient of four-year-old prekindergarten pupils served in programs
34 funded by the full-day four-year-old universal prekindergarten expansion
35 divided by the number of expansion slots. Funds provided pursuant to
36 this subdivision shall only be used to supplement and not supplant
37 current local expenditures of state or local funds on prekindergarten
38 programs.

39 e. Universal prekindergarten program consolidation. In the event the
40 director of the budget determines that the available appropriation of
41 federal funds is insufficient for the allocation pursuant to this subdi-
42 vision, the difference between the available appropriation and the allo-
43 cation shall be added to universal prekindergarten aid grants pursuant
44 to subdivision ten of this section. The department shall determine which
45 and how many grants shall be awarded pursuant to subdivision ten of this
46 section in lieu of this subdivision provided that such determination
47 shall be subject to the approval of the director of the budget. The
48 corresponding number of expansion slots shall also be added to eligible
49 full-day four-year-old prekindergarten pupils as defined in subparagraph
50 (ii) of paragraph b of subdivision ten of this section to ensure conti-
51 nunity of services. Provided that for the two thousand twenty-four--two
52 thousand twenty-five school year, any full-day four-year-old universal
53 prekindergarten expansion allocation from the two thousand twenty-
54 three--two thousand twenty-four school year not previously added to
55 universal prekindergarten aid grants pursuant to this paragraph shall be

1 so added, and all expansion slots not previously added to eligible full-
2 day four-year-old prekindergarten pupils shall also be added.

3 f. Future expansions. Within the additional amounts appropriated
4 therefor in the state budgets enacted for the two thousand twenty-two--
5 two thousand twenty-three and two thousand twenty-three--two thousand
6 twenty-four fiscal years, additional grants shall be allocated pursuant
7 to this subdivision.

8 g. Notwithstanding any inconsistent provision of law, for the purposes
9 of determining the prekindergarten allocation on the electronic data
10 file prepared by the commissioner pursuant to subdivision twenty-one of
11 section three hundred five of this chapter for the two thousand twenty-
12 one--two thousand twenty-two through two thousand twenty-three--two
13 thousand twenty-four school years, the commissioner is directed to
14 include the grant amounts awarded pursuant to this section in the amount
15 set forth for such school district as "UNIVERSAL PRE-KINDERGARTEN."

16 § 24. Intentionally omitted.

17 § 24-a. All the acts done and proceedings heretofore had and taken or
18 caused to be had and taken by (a) the Huntington union free school
19 district and by all of its officers or agents relating to or in
20 connection with final building cost reports required to be filed with
21 the state education department for approved building projects completed
22 prior to December 31, 2011, (b) the Liverpool central school district
23 and by all its officers or agents relating to or in connection with
24 certain final cost reports to be filed with the state education depart-
25 ment for projects 0001-003, 0001-005, 0002-007, 0003-003, 0003-005,
26 0004-005, 0005-006, 0007-003, 0009-004, 0009-006, 0010-005, 0010-007,
27 0012-003, 0014-005, 0015-003, 0016-007, 0016-010, 0016-011, 0018-008,
28 0018-010, 0019-007, 0024-004, 4011-001, and 5008-002, and (c) the Marl-
29 boro central school district, and by all its officers or agents relating
30 to or in connection with certain final cost reports to be filed with the
31 state education department for project number 006-005 and all acts inci-
32 dental thereto are hereby legalized, validated, ratified and confirmed,
33 notwithstanding any failure to comply with the approval and filing
34 provisions of the education law or any other law or any other statutory
35 authority, rule or regulation, in relation to any omission, error,
36 defect, irregularity or illegality in such proceedings had and taken.

37 § 24-b. Notwithstanding section 24-a of part A of chapter 57 of the
38 laws of 2013, and consistent with section twenty-four-a of this act, the
39 commissioner of education shall not recover from the Huntington union
40 free school district, the Liverpool central school district, or the
41 Marlboro central school district any penalty arising from the late
42 filing of a final cost report pursuant to section 31 of part A of chap-
43 ter 57 of the laws of 2012, provided that any amounts already so recov-
44 ered shall be deemed a payment of moneys due for prior years pursuant to
45 paragraph c of subdivision 5 of section 3604 of the education law and
46 shall be paid to the appropriate district pursuant to such provision,
47 provided that such school district: (a) submitted the late or missing
48 final building cost report to the commissioner of education; (b) such
49 cost report is approved by the commissioner of education; (c) all state
50 funds expended by the school district, as documented in such cost
51 report, were properly expended for such building project in accordance
52 with the terms and conditions for such project as approved by the
53 commissioner of education; and (d) the failure to submit such report in
54 a timely manner was an inadvertent administrative or ministerial over-
55 sight by the school district, and there is no evidence of any fraudulent
56 or other improper intent by such district.

§ 24-c. All the acts done and proceedings heretofore had and taken or caused to be had and taken by the Cold Spring Harbor central school district and by all officers, employees or agents of such school district relating to or in connection with a transportation contract E259217 of the 2013-14 school year, and all acts incidental hereto are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with the contract award, approval and filing provisions of the education law, the general municipal law or any other law or any other statutory authority, rule or regulation, other than those filing provisions defined in paragraph a of subdivision 5 of section 3604 of the education law, in relation to any omission, error, defect, irregularity or illegality in such proceeding had and taken and provided that the failure to submit a transportation contract in a timely manner was an inadvertent administrative or ministerial oversight by the school district, and there is no evidence of any fraudulent or other improper intent by such district.

§ 24-d. The state education department is hereby directed to consider the aforementioned contract for transportation aid as valid and proper obligations of the Cold Spring Harbor central school district and shall not recover from such school districts any penalty arising from the failure to submit a transportation contract in a timely manner, provided that any amounts already so recovered shall be deemed a payment of moneys due for prior years pursuant to paragraph c of subdivision 5 of section 3604 of the education law and shall be paid to the school district pursuant to such provision.

§ 25. Intentionally omitted.

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

For aid payable in the two thousand seven--two thousand eight school year through the two thousand ~~twenty~~ twenty-one--two thousand ~~twenty-one~~ twenty-two school year, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision five of section ninety-seven-nnnn of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six

1 hundred two of this part as current year aid for debt service on bond
2 anticipation notes and/or bonds first issued in the current year or any
3 aids payable for full-day kindergarten for the current year pursuant to
4 subdivision nine of section thirty-six hundred two of this part. The
5 definitions of "base year" and "current year" as set forth in subdivi-
6 sion one of section thirty-six hundred two of this part shall apply to
7 this section. For aid payable in the two thousand ~~[twenty]~~
8 ~~twenty-one~~--two thousand ~~[twenty-one]~~ twenty-two school year, reference
9 to such "school aid computer listing for the current year" shall mean
10 the printouts entitled ~~["SA202-1"]~~ "SA212-2".

11 § 27. Intentionally omitted.

12 § 28. Intentionally omitted.

13 § 29. Intentionally omitted.

14 § 30. Intentionally omitted.

15 § 31. Intentionally omitted.

16 § 32. Intentionally omitted.

17 § 33. Intentionally omitted.

18 § 34. Intentionally omitted.

19 § 35. Intentionally omitted.

20 § 36. Intentionally omitted.

21 § 36-a. Intentionally omitted.

22 § 36-b. Intentionally omitted.

23 § 36-c. Paragraph (d) of subdivision 1 of section 2856 of the educa-
24 tion law, as amended by section 4 of part YYY of chapter 59 of the laws
25 of 2017, is amended to read as follows:

26 (d) School districts shall be eligible for an annual apportionment
27 equal to the amount of the supplemental basic tuition for the charter
28 school in the base year for the expenses incurred in the two thousand
29 fourteen--two thousand fifteen, two thousand fifteen--two thousand
30 sixteen, two thousand sixteen--two thousand seventeen school years and
31 thereafter. Provided that for expenses incurred in the two thousand
32 twenty--two thousand twenty-one school year, for a city school district
33 in a city having a population of one million or more, the annual appor-
34 tionment shall be reduced by thirty-five million dollars (\$35,000,000)
35 upon certification by the director of the budget of the availability of
36 a grant in the same amount from the elementary and secondary school
37 emergency relief funds provided through the American rescue plan act of
38 2021.

39 § 36-d. Paragraph (c) of subdivision 1 of section 2856 of the educa-
40 tion law, as amended by section 4-a of part YYY of chapter 59 of the
41 laws of 2017, is amended to read as follows:

42 (c) School districts shall be eligible for an annual apportionment
43 equal to the amount of the supplemental basic tuition for the charter
44 school in the base year for the expenses incurred in the two thousand
45 fourteen--two thousand fifteen, two thousand fifteen--two thousand
46 sixteen, two thousand sixteen--two thousand seventeen school years and
47 thereafter. Provided that for expenses incurred in the two thousand
48 twenty--two thousand twenty-one school year, for a city school district
49 in a city having a population of one million or more, the annual appor-
50 tionment shall be reduced by thirty-five million dollars (\$35,000,000)
51 upon certification by the director of the budget of the availability of
52 a grant in the same amount from the elementary and secondary school
53 emergency relief funds provided through the American rescue plan act of
54 2021.

55 § 37. Intentionally omitted.

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

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

§ 37-b. Paragraph cc of subdivision 1 of section 3602 of the education law is REPEALED.

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

§ 37-d. Notwithstanding any provision of law or regulation to the contrary, if as a result of the state disaster emergency declared pursuant to Executive Order 202 of 2020, approved private schools serving students with disabilities subject to articles 81 and 89 of the education law, special act school districts, and approved preschool special class and special class in an integrated setting programs pursuant to section 4410 of the education law experience an enrollment decrease as a percentage of operating capacity of 5 percentage points or more during the 2020-21 school year as compared to the previous three year period 2016-17 through 2018-19, the state education department shall apply an enrollment adjustment factor as part of the tuition rate reconciliation process to stabilize tuition revenue, provided that the commissioner of education shall submit a plan for the implementation of such enrollment adjustment factor to the director of the budget for approval.

Moreover, should such programs receive federal Paycheck Protection Program loan forgiveness revenue or other extraordinary federal revenue provided in response to the COVID-19 pandemic as defined by the state education department in consultation with the director of the budget, such revenue shall be applied as offsetting revenue for reconciliation tuition rate calculation purposes after allowable costs incurred in responding to the state disaster emergency declared pursuant to Executive Order 202 of 2020 are defrayed, and such revenues shall be subtracted from total costs after the application of the nondirect care screen, provided, however, that the combined amount of tuition revenues, extraordinary federal revenues provided in response to the COVID-19 pandemic, and any other revenues available to the program that are treated as offsetting revenue shall not exceed the program's actual costs, and provided further, that the state education department shall hold harmless tuition rates in subsequent school years to reflect the impact of receipt of such extraordinary federal revenue.

§ 37-e. Section 4004 of the education law is amended by adding a new subdivision 5 to read as follows:

5. The board of education of a special act school district shall be authorized to establish a fiscal stabilization reserve fund. There may be paid into such fund an amount as may be provided pursuant to the requirements of paragraph k of subdivision four of section forty-four hundred five of this title.

§ 37-f. Subdivision 4 of section 4405 of the education law is amended by adding a new paragraph k to read as follows:

k. The tuition methodology established pursuant to this subdivision for the two thousand twenty-one--two thousand twenty-two school year and annually thereafter shall authorize approved private residential or non-residential schools for the education of students with disabilities that are located within the state, and special act school districts to retain funds in excess of their allowable and reimbursable costs incurred for services and programs provided to school-age students. The amount of funds that may be annually retained shall not exceed one percent of the school's or school district's total allowable and reimbursable costs for services and programs provided to school-age students for the school year from which the funds are to be retained; provided that the total accumulated balance that may be retained shall not exceed four percent of such total costs for such school year; and provided further that such funds shall not be recoverable on reconciliation of tuition rates, and shall be separate from and in addition to any other authorization to retain surplus funds on reconciliation. Funds may be expended only pursuant to an authorization of the governing board of the school or school district, for a purpose expressly authorized as part of the approved tuition methodology for the year in which the funds are to be expended, provided that funds may be expended to pay prior year outstanding debts. Any school or school district that retains funds pursuant to this paragraph shall be required to annually report a statement of the total balance of any such retained funds, the amount, if any, retained in the prior school year, the amount, if any, dispersed in the prior school year, and any additional information requested by the department as part of the financial reports that are required to be annually submitted to the department.

§ 38. Section 3 of 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, as amended by chapter 347 of the laws of 2018, is amended to read as follows:

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

1 payable and such claims shall be paid by the state education department
2 no later than May thirty-first of such school year.

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 § 39. Subdivision b of section 2 of chapter 756 of the laws of 1992,
18 relating to funding a program for work force education conducted by the
19 consortium for worker education in New York city, as amended by section
20 30 of part A of chapter 56 of the laws of 2020, is amended to read as
21 follows:

22 b. Reimbursement for programs approved in accordance with subdivision
23 a of this section for the reimbursement for the 2018--2019 school year
24 shall not exceed 59.4 percent of the lesser of such approvable costs per
25 contact hour or fourteen dollars and ninety-five cents per contact hour,
26 reimbursement for the 2019--2020 school year shall not exceed 57.7
27 percent of the lesser of such approvable costs per contact hour or
28 fifteen dollars sixty cents per contact hour, ~~[and]~~ reimbursement for
29 the 2020--2021 school year shall not exceed 56.9 percent of the lesser
30 of such approvable costs per contact hour or sixteen dollars and twen-
31 ty-five cents per contact hour, and reimbursement for the 2021--2022
32 school year shall not exceed 56.0 percent of the lesser of such approva-
33 ble costs per contact hour or sixteen dollars and forty cents per
34 contact hour, and where a contact hour represents sixty minutes of
35 instruction services provided to an eligible adult. Notwithstanding any
36 other provision of law to the contrary, for the 2018--2019 school year
37 such contact hours shall not exceed one million four hundred sixty-three
38 thousand nine hundred sixty-three (1,463,963); for the 2019--2020 school
39 year such contact hours shall not exceed one million four hundred
40 forty-four thousand four hundred forty-four (1,444,444); ~~[and]~~ for the
41 2020--2021 school year such contact hours shall not exceed one million
42 four hundred six thousand nine hundred twenty-six (1,406,926); and for
43 the 2021--2022 school year such contact hours shall not exceed one
44 million four hundred sixteen thousand one hundred twenty-two
45 (1,416,122). Notwithstanding any other provision of law to the contrary,
46 the apportionment calculated for the city school district of the city of
47 New York pursuant to subdivision 11 of section 3602 of the education law
48 shall be computed as if such contact hours provided by the consortium
49 for worker education, not to exceed the contact hours set forth herein,
50 were eligible for aid in accordance with the provisions of such subdivi-
51 sion 11 of section 3602 of the education law.

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

1 z. The provisions of this subdivision shall not apply after the
2 completion of payments for the 2021--2022 school year. Notwithstanding
3 any 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 thirteen million dollars (\$13,000,000).

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

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

15 § 41-a. Paragraph a-1 of subdivision 11 of section 3602 of the educa-
16 tion law, as amended by section 32-a of part A of chapter 56 of the laws
17 of 2020, is amended to read as follows:

18 a-1. Notwithstanding the provisions of paragraph a of this subdivi-
19 sion, for aid payable in the school years two thousand--two thousand one
20 through two thousand nine--two thousand ten, and two thousand eleven--
21 two thousand twelve through two thousand [~~twenty~~] twenty-one--two thou-
22 sand [~~twenty-one~~] twenty-two, the commissioner may set aside an amount
23 not to exceed two million five hundred thousand dollars from the funds
24 appropriated for purposes of this subdivision for the purpose of serving
25 persons twenty-one years of age or older who have not been enrolled in
26 any school for the preceding school year, including persons who have
27 received a high school diploma or high school equivalency diploma but
28 fail to demonstrate basic educational competencies as defined in regu-
29 lation by the commissioner, when measured by accepted standardized
30 tests, and who shall be eligible to attend employment preparation educa-
31 tion programs operated pursuant to this subdivision.

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

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

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

45 § 4. This act shall take effect July 1, 2002 and section one of this
46 act shall expire and be deemed repealed June 30, 2019, and sections two
47 and three of this act shall expire and be deemed repealed on June 30,
48 [~~2021~~] 2022.

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

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

§ 45. School bus driver training. In addition to apportionments otherwise provided by section 3602 of the education law, for aid payable in the 2021--2022 school year, the commissioner of education shall allocate school bus driver training grants to school districts and boards of cooperative educational services pursuant to sections 3650-a, 3650-b and 3650-c of the education law, or for contracts directly with not-for-profit educational organizations for the purposes of this section. Such payments shall not exceed four hundred thousand dollars (\$400,000) per school year.

§ 46. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June 2022 and not later than the last day of the third full business week of June 2022, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2022, for salary expenses incurred between April 1 and June 30, 2021 and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990--1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census, plus (iv) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimination adjustment for 2011--2012 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education law, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

c. Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to a school district pursuant to subdivisions a and b of this section shall first be deducted from the following payments due the school district during the school year

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

12 § 46-a. Subdivision a of section 5 of chapter 121 of the laws of 1996,
13 relating to authorizing the Roosevelt union free school district to
14 finance deficits by the issuance of serial bonds, as amended by section
15 42-a of part A of chapter 56 of the laws of 2020, is amended to read as
16 follows:

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

32 § 47. Special apportionment for public pension accruals. a. Notwith-
33 standing any other provision of law, upon application to the commission-
34 er of education, not later than June 30, 2022, a school district eligi-
35 ble for an apportionment pursuant to section 3602 of the education law
36 shall be eligible to receive an apportionment pursuant to this section,
37 for the school year ending June 30, 2022 and such apportionment shall
38 not exceed the additional accruals required to be made by school
39 districts in the 2004--2005 and 2005--2006 school years associated with
40 changes for such public pension liabilities. The amount of such addi-
41 tional accrual shall be certified to the commissioner of education by
42 the president of the board of education or the trustees or, in the case
43 of a city school district in a city with a population in excess of
44 125,000 inhabitants, the mayor of such city. Such application shall be
45 made by a school district, after the board of education or trustees have
46 adopted a resolution to do so and in the case of a city school district
47 in a city with a population in excess of 125,000 inhabitants, with the
48 approval of the mayor of such city.

49 b. The claim for an apportionment to be paid to a school district
50 pursuant to subdivision a of this section shall be submitted to the
51 commissioner of education on a form prescribed for such purpose, and
52 shall be payable upon determination by such commissioner that the form
53 has been submitted as prescribed. Such approved amounts shall be payable
54 on the same day in September of the school year following the year in
55 which application was made as funds provided pursuant to subparagraph
56 (4) of paragraph b of subdivision 4 of section 92-c of the state finance

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

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

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

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

33 a. for the development, maintenance or expansion of magnet schools or
34 magnet school programs for the 2021--2022 school year. For the city
35 school district of the city of New York there shall be a setaside of
36 foundation aid equal to forty-eight million one hundred seventy-five
37 thousand dollars (\$48,175,000) including five hundred thousand dollars
38 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
39 school district, twenty-one million twenty-five thousand dollars
40 (\$21,025,000); for the Rochester city school district, fifteen million
41 dollars (\$15,000,000); for the Syracuse city school district, thirteen
42 million dollars (\$13,000,000); for the Yonkers city school district,
43 forty-nine million five hundred thousand dollars (\$49,500,000); for the
44 Newburgh city school district, four million six hundred forty-five thou-
45 sand dollars (\$4,645,000); for the Poughkeepsie city school district,
46 two million four hundred seventy-five thousand dollars (\$2,475,000); for
47 the Mount Vernon city school district, two million dollars (\$2,000,000);
48 for the New Rochelle city school district, one million four hundred ten
49 thousand dollars (\$1,410,000); for the Schenectady city school district,
50 one million eight hundred thousand dollars (\$1,800,000); for the Port
51 Chester city school district, one million one hundred fifty thousand
52 dollars (\$1,150,000); for the White Plains city school district, nine
53 hundred thousand dollars (\$900,000); for the Niagara Falls city school
54 district, six hundred thousand dollars (\$600,000); for the Albany city
55 school district, three million five hundred fifty thousand dollars
56 (\$3,550,000); for the Utica city school district, two million dollars

1 (\$2,000,000); for the Beacon city school district, five hundred sixty-
2 six thousand dollars (\$566,000); for the Middletown city school
3 district, four hundred thousand dollars (\$400,000); for the Freeport
4 union free school district, four hundred thousand dollars (\$400,000);
5 for the Greenburgh central school district, three hundred thousand
6 dollars (\$300,000); for the Amsterdam city school district, eight
7 hundred thousand dollars (\$800,000); for the Peekskill city school
8 district, two hundred thousand dollars (\$200,000); and for the Hudson
9 city school district, four hundred thousand dollars (\$400,000).

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

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

34 d. For the purpose of teacher support for the 2021--2022 school year:
35 for the city school district of the city of New York, sixty-two million
36 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city
37 school district, one million seven hundred forty-one thousand dollars
38 (\$1,741,000); for the Rochester city school district, one million seven-
39 ty-six thousand dollars (\$1,076,000); for the Yonkers city school
40 district, one million one hundred forty-seven thousand dollars
41 (\$1,147,000); and for the Syracuse city school district, eight hundred
42 nine thousand dollars (\$809,000). All funds made available to a school
43 district pursuant to this section shall be distributed among teachers
44 including prekindergarten teachers and teachers of adult vocational and
45 academic subjects in accordance with this section and shall be in addi-
46 tion to salaries heretofore or hereafter negotiated or made available;
47 provided, however, that all funds distributed pursuant to this section
48 for the current year shall be deemed to incorporate all funds distrib-
49 uted pursuant to former subdivision 27 of section 3602 of the education
50 law for prior years. In school districts where the teachers are repres-
51 ented by certified or recognized employee organizations, all salary
52 increases funded pursuant to this section shall be determined by sepa-
53 rate collective negotiations conducted pursuant to the provisions and
54 procedures of article 14 of the civil service law, notwithstanding the
55 existence of a negotiated agreement between a school district and a
56 certified or recognized employee organization.

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

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

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

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

1. Sections one, ten-a, ten-b, twelve-b, thirteen-a, fourteen-a, twenty-three, twenty-six, thirty-seven-a, thirty-seven-b, thirty-seven-c, forty-one, forty-three, forty-four, forty-five, forty-eight and forty-nine of this act shall take effect July 1, 2021;

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

3. The amendments to paragraph (d) of subdivision 1 of section 2856 of the education law made by section thirty-six-c of this act shall be subject to the expiration and reversion of such subdivision pursuant to subdivision d of section 27 of chapter 378 of the laws of 2007, as amended, when upon such date the provisions of section thirty-six-d of this act shall take effect; and

4. The amendments to chapter 756 of the laws of 1992 made by sections thirty-nine and forty of this act shall not affect the repeal of such chapter and shall be deemed repealed therewith.

PART B

Intentionally Omitted

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PART C

Intentionally Omitted

PART D

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

§ 4. This act shall take effect immediately and shall expire and be deemed repealed June 30, ~~2021~~ 2026.

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

§ 4. This act shall take effect immediately and shall expire and be deemed repealed June 30, ~~2021~~ 2026.

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

§ 3. This act shall take effect immediately, and shall expire and be deemed repealed June 30, ~~2021~~ 2026.

§ 4. This act shall take effect immediately.

PART E

Intentionally Omitted

PART F

Section 1. Notwithstanding any provision of law or regulation to the contrary, for purposes of an award made pursuant to subparts 2 through 4 of part 2 of article 14 of the education law in the 2019--2020 or 2020--2021 academic years, any semester, quarter or term that a recipient of such an award is unable to complete as a result of the COVID-19 pandemic state disaster emergency declared March 7, 2020, as certified by a college or university and approved by the New York state higher education services corporation, shall not be considered for purposes of determining the maximum duration of such award for that recipient, and provided further that no such recipient shall suffer a reduction in the original award amount granted pursuant to such subparts in such academic years solely due to inability to complete any semester, quarter or term as a result of the COVID-19 pandemic state disaster emergency declared March 7, 2020, as certified by a college or university and approved by the New York state higher education services corporation.

§ 2. This act shall take effect immediately.

PART G

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

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

39 PART H

40 Section 1. Subdivision 1 of section 504 of the executive law, as added
41 by chapter 465 of the laws of 1992, is amended to read as follows:

42 1. The ~~[division]~~ office of children and family services shall operate
43 and maintain secure, limited secure and non-secure facilities for the
44 care, custody, treatment, housing, education, rehabilitation and guid-
45 ance of youth placed with or committed to the ~~[division]~~ office of chil-
46 dren and family services.

47 § 2. (a) Notwithstanding the time period required for notice pursuant
48 to subdivision 15 of section 501 of the executive law, the office of
49 children and family services is authorized to close the Red Hook Resi-
50 dential Center and the Columbia Girls Secure Center. At least six months
51 prior to taking any such action, the commissioner of such office shall
52 provide notice of such action to the speaker of the assembly and the
53 temporary president of the senate and shall post such notice upon its
54 public website.

(b) The commissioner of the office of children and family services shall be authorized to conduct any and all preparatory actions which may be required to effectuate such closures. A permanent class employee affected by such closures shall be placed upon a transfer list pursuant to section 78 of the civil service law.

§ 3. This act shall take effect immediately.

PART I

Section 1. Section 3 of part N of chapter 56 of the laws of 2020 amending the social services law relating to restructuring financing for residential school placements, is amended to read as follows:

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

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2022.

PART J

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

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

§ 2. This act shall take effect immediately.

PART K

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

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

§ 2. This act shall take effect immediately.

PART L

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

(g) (i) In any case in which an order has been issued pursuant to this section approving a foster care placement instrument, the social services official or authorized agency charged with custody or care of the child shall report the initial placement and any anticipated change in placement to the court and the attorneys for the parties, including the attorney for the child, forthwith, but not later than one business day following either the decision to make the initial placement or to

1 change the placement or the actual date the initial placement or place-
2 ment change occurred, whichever is sooner. Such notice shall indicate
3 the date that the placement change is anticipated to occur or the date
4 the placement change occurred, as applicable. Provided, however, if such
5 notice lists an anticipated date for the initial placement or placement
6 change, the local social services district or authorized agency shall
7 subsequently notify the court and attorneys for the parties, including
8 the attorney for the child, of the date the placement or placement
9 change occurred; such notice shall occur no later than one business day
10 following the placement or placement change.

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

24 § 1-a. Section 371 of the social services law is amended by adding a
25 new subdivision 22 to read as follows:

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

34 § 1-b. Paragraph (c) of subdivision 2 of section 383-a of the social
35 services law, as added by section 5 of part M of chapter 54 of the laws
36 of 2016, is amended to read as follows:

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

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

42 § 393. Court review of placement in a qualified residential treatment
43 program. 1. The provisions of this section shall apply when a child is
44 placed on or after September twenty-ninth, two thousand twenty-one and
45 resides in a qualified residential treatment program, as defined in
46 section four hundred nine-h of this article, and whose care and custody
47 were transferred to the commissioner of a local social services district
48 in accordance with section three hundred fifty-eight-a of this chapter,
49 or whose custody and guardianship were transferred to the commissioner
50 of a local social services district in accordance with section three
51 hundred eighty-three-c, or three hundred eighty-four-b of this title.

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

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

4 (ii) Determine whether the needs of the child can be met through
5 placement in a foster family home and, if not, whether placement of the
6 child in a qualified residential treatment program provides the most
7 effective and appropriate level of care for the child in the least
8 restrictive environment and whether that placement is consistent with
9 the short-term and long-term goals for the child, as specified in the
10 child's permanency plan; and

11 (iii) Approve or disapprove the placement of the child in a qualified
12 residential treatment program. Provided that, where the qualified indi-
13 vidual determines that the placement of the child in a qualified resi-
14 dential treatment program is not appropriate in accordance with the
15 assessment required pursuant to section four hundred nine-h of this
16 article, the court may only approve the placement of the child in the
17 qualified residential treatment program if:

18 (A) the court finds, and states in the written order that:

19 (1) circumstances exist that necessitate the continued placement of
20 the child in the qualified residential treatment program;

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

23 (3) that continued placement in the qualified residential treatment
24 program is in the child's best interest; and

25 (B) the court's written order states the specific reasons why the
26 court has made the findings required pursuant to clause (A) of this
27 subparagraph.

28 (iv) Nothing herein shall prohibit the court from considering other
29 relevant and necessary information to make a determination.

30 (b) At the conclusion of the review, if the court disapproves place-
31 ment of the child in a qualified residential treatment program the court
32 shall, on its own motion, determine a schedule for the return of the
33 child and direct the local social services district to make such other
34 arrangements for the child's care and welfare that is in the best inter-
35 est of the child and in the most effective and least restrictive setting
36 as the facts of the case may require. If a new placement order is neces-
37 sary due to restrictions in the existing governing placement order, the
38 court may issue a new order.

39 3. The court may, on its own motion, or the motion of any of the
40 parties or the attorney for the child, proceed with the court review
41 required pursuant to this section on the basis of the written records
42 received and without a hearing. Provided however, the court may only
43 proceed with the court review without a hearing pursuant to this subdi-
44 vision upon the consent of all parties. Provided further, in the event
45 that the court conducts the court review requirement pursuant to this
46 section but does not conduct it in a hearing, the court shall issue a
47 written order specifying any determinations made pursuant to clause (A)
48 of subparagraph (iii) of paragraph (a) of subdivision two of this
49 section and provide such written order to the parties and the attorney
50 for the child expeditiously, but no later than five days.

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

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

1 not limited to the child's permanency hearing, provided such approval is
2 completed within sixty days of the start of such placement.

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

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

41 10. Any provision of this chapter or any other law notwithstanding,
42 where a foster child for whom a social services official has been making
43 foster care payments is in attendance at a college or university away
44 from his or her foster family boarding home, group home, agency boarding
45 home or institution, and residing in a supervised setting or other
46 approved location, a social services official may make foster payments,
47 ~~[not to exceed the amount which would have been paid to a foster parent~~
48 ~~on behalf of said child had the child been cared for in a foster family~~
49 ~~boarding home]~~ at a rate to be developed by the office of children and
50 family services, to such college or university, provider of room and
51 board, or youth, as appropriate, in lieu of payment to the foster
52 parents or authorized agency, for the purpose of room and board, if not
53 otherwise provided. Such rate shall be no lower than the rate paid for a
54 child's care in a foster family boarding home.

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

1 § 409-h. Assessment of appropriateness of placement in a qualified
2 residential treatment program. 1. (a) Prior to a child's placement in a
3 qualified residential treatment program, as defined in subdivision four
4 of this section, but at least within thirty days of the start of a
5 placement in a qualified residential treatment program of a child in the
6 care and custody or the custody and guardianship of the commissioner of
7 a local social services district or the office of children and family
8 services that occurs on or after September twenty-ninth, two thousand
9 twenty-one, a qualified individual as defined in subdivision five of
10 this section shall complete an assessment as to the appropriateness of
11 such placement utilizing an age-appropriate, evidence-based, validated,
12 functional assessment tool approved by the federal government for such
13 purpose. Such assessment shall be in accordance with 42 United States
14 Code sections 672 and 675a and the state's approved title IV-E state
15 plan and shall include, but not be limited to: (i) an assessment of the
16 strengths and needs of the child; and (ii) a determination of the most
17 effective and appropriate level of care for the child in the least
18 restrictive setting, including whether the needs of the child can be met
19 with family members or through placement in a foster family home, or in
20 a setting specified in paragraph (c) of this subdivision, consistent
21 with the short-term and long-term goals for the child as specified in
22 the child's permanency plan. Such assessment shall be completed in
23 conjunction with the family and permanency team established pursuant to
24 paragraph (b) of this subdivision.

25 (b) The family and permanency team shall consist of all appropriate
26 biological family members, relatives, and fictive kin of the child, as
27 well as, as appropriate, professionals who are a resource to the family
28 of the child, including but not limited to, the attorney for the child
29 or the attorney for the parent if applicable, teachers, medical or
30 mental health providers who have treated the child, or clergy. In the
31 case of a child who has attained the age of fourteen, the family and
32 permanency team shall include the members of the permanency planning
33 team for the child in accordance with 42 United States Code section 675
34 and the state's approved title IV-E state plan.

35 (c) Where the qualified individual determines that the child may not
36 be placed in a foster family home, the qualified individual must specify
37 in writing the reasons why the needs of the child cannot be met by the
38 child's family or in a foster family home. A shortage or lack of foster
39 family homes shall not constitute circumstances warranting a determi-
40 nation that the needs of the child cannot be met in a foster family
41 home. The qualified individual shall also include why such a placement
42 is not the most effective and appropriate level of care for such child.
43 Such determination shall include whether the needs of the child can be
44 met through placement in:

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

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

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

53 (iv) A qualified residential treatment program.

54 2. The qualified individual or their designee shall promptly, but no
55 later than five days following the completion of the assessment, provide
56 the assessment, determination and documentation pursuant to subdivision

1 one of this section to the court, the parent or guardian of the child,
2 and to the attorney for the child and the attorney for the parent, if
3 applicable, and a written summary detailing the assessment findings
4 required pursuant to subdivision one of this section to either the local
5 social services district or the office of children and family services
6 that has care and custody or custody and guardianship of the child, as
7 applicable, and the parties to the proceeding, redacting any information
8 necessary to comply with federal and state confidentiality laws.

9 3. Where the qualified individual determines that the placement of the
10 child in a qualified residential treatment program is not appropriate
11 after the assessment conducted pursuant to subdivision one of this
12 section, the child's placement shall continue until the court has an
13 opportunity to hold a hearing to consider the qualified individual's
14 assessment and make an independent determination required pursuant to
15 section three hundred ninety-three of this article or sections 353.7,
16 seven hundred fifty-six-b, one thousand fifty-five-c, one thousand nine-
17 ty-one-a or one thousand ninety-seven of the family court act, as appli-
18 cable. Provided however, nothing herein shall prohibit a motion from
19 being filed pursuant to sections 355.1, seven hundred sixty-four or one
20 thousand eighty-eight of the family court act, as applicable. If the
21 appropriate party files such motion, the court shall hold a hearing, as
22 required, and also complete the assessment required pursuant to section
23 three hundred ninety-three of this article or sections 353.7, seven
24 hundred fifty-six-b, one thousand fifty-five-c, one thousand
25 ninety-one-a or one thousand ninety-seven of the family court act, as
26 applicable, at the same time. The court shall consider all relevant and
27 necessary information as required and make a determination about the
28 appropriateness of the child's placement based on standards required
29 pursuant to the applicable sections.

30 4. "Qualified residential treatment program" means a program that is a
31 non-foster family residential program in accordance with 42 United State
32 Code sections 672 and 675a and the state's approved title IV-E state
33 plan.

34 5. "Qualified individual" shall mean a trained professional or
35 licensed clinician acting within their scope of practice who shall have
36 current or previous relevant experience in the child welfare field.
37 Provided however, such individual shall not be an employee of the office
38 of children and family services, nor shall such person have a direct
39 role in case management or case planning decision making authority for
40 the child for whom such assessment is being conducted, in accordance
41 with 42 United States Code sections 672 and 675a and the state's
42 approved title IV-E state plan.

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

45 § 353.7. Placement in qualified residential treatment programs. 1. The
46 provisions of this section shall apply when a respondent is placed on or
47 after September twenty-ninth, two thousand twenty-one and resides in a
48 non-secure setting that is a qualified residential treatment program, as
49 defined in section four hundred nine-h of the social services law, and
50 whose care and custody were transferred to a local social services
51 district or the office of children and family services in accordance
52 with this article.

53 2. (a) When a respondent is in the care and custody of a local social
54 services district or the office of children and family services pursuant
55 to this article, such social services district or office shall report
56 any anticipated placement of the respondent into a qualified residential

1 treatment program as defined in section four hundred nine-h of the
2 social services law to the court and the attorneys for the parties,
3 including the attorney for the respondent, forthwith, but not later than
4 one business day following either the decision to place the respondent
5 in the qualified residential treatment program or the actual date the
6 placement change occurred, whichever is sooner. Such notice shall indi-
7 cate the date that the initial placement or change in placement is
8 anticipated to occur or the date the placement change occurred, as
9 applicable. Provided, however, if such notice lists an anticipated date
10 for the placement change, the local social services district or office
11 shall subsequently notify the court and the attorneys for the parties,
12 including the attorney for the respondent, of the date the placement
13 change occurred, such notice shall occur no later than one business day
14 following the placement change.

15 (b) When a respondent whose legal custody was transferred to a local
16 social services district or the office of children and family services
17 in accordance with this article resides in a qualified residential
18 treatment program as defined in section four hundred nine-h of the
19 social services law, and where such respondent's initial placement or
20 change in placement in such qualified residential treatment program
21 commenced on or after September twenty-ninth, two thousand twenty-one,
22 upon receipt of notice required pursuant to paragraph (a) of this subdi-
23 vision and motion of the local social services district or the office of
24 children and family services with legal custody of the respondent, the
25 court shall schedule a court review to make an assessment and determi-
26 nation of such placement in accordance with subdivision three of this
27 section. Notwithstanding any other provision of law to the contrary,
28 such court review shall occur no later than sixty days from the date the
29 placement of the respondent in the qualified residential treatment
30 program commenced.

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

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

37 (ii) Determine whether the needs of the respondent can be met through
38 placement in a foster family home and, if not, whether placement of the
39 respondent in a qualified residential treatment program provides the
40 most effective and appropriate level of care for the respondent in the
41 least restrictive environment and whether that placement is consistent
42 with the short-term and long-term goals for the respondent as specified
43 in the respondent's permanency plan; and

44 (iii) Approve or disapprove the placement of the respondent in a qual-
45 ified residential treatment program. Provided that, where a qualified
46 individual determines that the placement of the respondent in a quali-
47 fied residential treatment program is not appropriate in accordance with
48 the assessment required pursuant to section four hundred nine-h of the
49 social services law, the court may only approve the placement of the
50 respondent in the qualified residential treatment program if:

51 (A) the court finds, and states in the written order that:

52 (1) circumstances exist that necessitate the continued placement of
53 the respondent in the qualified residential treatment program;

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

1 (3) that continued placement in the qualified residential treatment
2 program serves the respondent's needs and best interests or the need for
3 protection of the community; and

4 (B) the court's written order states the specific reasons why the
5 court has made the findings required pursuant to clause (A) of this
6 subparagraph.

7 (iv) Nothing herein shall prohibit the court from considering other
8 relevant and necessary information to make a determination.

9 (b) At the conclusion of the review, if the court disapproves place-
10 ment of the respondent in a qualified residential treatment program the
11 court shall, on its own motion, determine a schedule for the return of
12 the respondent and direct the local social services district or office
13 of children and family services, as applicable, to make such other
14 arrangements for the respondent's care and welfare that is in the best
15 interest of the respondent and in the most effective and least restric-
16 tive setting as the facts of the case may require. If a new placement
17 order is necessary due to restrictions in the existing governing place-
18 ment order, the court may issue a new order.

19 4. The court may, on its own motion, or the motion of any of the
20 parties or the attorney for the respondent, proceed with the court
21 review required pursuant to this section on the basis of the written
22 records received and without a hearing. Provided however, the court may
23 only proceed with the court review without a hearing pursuant to this
24 subdivision upon the consent of all parties. Provided further, in the
25 event that the court conducts the court review requirement pursuant to
26 this section but does not conduct it in a hearing, the court shall issue
27 a written order specifying any determinations made pursuant to clause
28 (A) of subparagraph (iii) of paragraph (a) of subdivision three of this
29 section and provide such written order to the parties and the attorney
30 for the respondent expeditiously, but no later than five days.

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

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

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

41 10. Where the respondent remains placed in a qualified residential
42 treatment program, as defined in section four hundred nine-h of the
43 social services law, the commissioner of the local social services
44 district or the office of children and family services with legal custo-
45 dy of the respondent shall submit evidence at the permanency hearing
46 with respect to the respondent:

47 (a) demonstrating that ongoing assessment of the strengths and needs
48 of the respondent cannot be met through placement in a foster family
49 home, that the placement in a qualified residential treatment program
50 provides the most effective and appropriate level of care for the
51 respondent in the least restrictive environment, and that the placement
52 is consistent with the short-term and long-term goals for the respond-
53 ent, as specified in the respondent's permanency plan;

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

1 (c) documenting the efforts made by the local social services district
2 or the office of children and family services with legal custody of the
3 respondent to prepare the respondent to return home, or to be placed
4 with a fit and willing relative, legal guardian or adoptive parent, or
5 in a foster family home.

6 § 6. Section 756-a of the family court act is amended by adding a new
7 subdivision (h) to read as follows:

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

13 (i) demonstrating that ongoing assessment of the strengths and needs
14 of the respondent continues to support the determination that the needs
15 of the respondent cannot be met through placement in a foster family
16 home, that the placement in a qualified residential treatment program
17 provides the most effective and appropriate level of care for the
18 respondent in the least restrictive environment, and that the placement
19 is consistent with the short-term and long-term goals of the respondent,
20 as specified in the respondent's permanency plan;

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

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

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

30 § 756-b. Court review of placement in a qualified residential treat-
31 ment program. 1. The provisions of this section shall apply when a
32 respondent is placed on or after September twenty-ninth, two thousand
33 twenty-one and resides in a qualified residential treatment program, as
34 defined in section four hundred nine-h of the social services law, and
35 whose care and custody were transferred to a local social services
36 district in accordance with this part.

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

54 (b) When a respondent whose legal custody was transferred to a local
55 social services district in accordance with this part resides in a qual-
56 ified residential treatment program, as defined in section four hundred

1 nine-h of the social services law, and where such respondent's initial
2 placement or change in placement in such qualified residential treatment
3 program commenced on or after September twenty-ninth, two thousand twen-
4 ty-one, upon receipt of notice required pursuant to paragraph (a) of
5 this subdivision and motion of the local social services district, the
6 court shall schedule a court review to make an assessment and determi-
7 nation of such placement in accordance with subdivision three of this
8 section. Notwithstanding any other provision of law to the contrary,
9 such court review shall occur no later than sixty days from the date the
10 placement of the respondent in the qualified residential treatment
11 program commenced.

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

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

18 (ii) Determine whether the needs of the respondent can be met through
19 placement in a foster family home and, if not, whether placement of the
20 respondent in a qualified residential treatment program provides the
21 most effective and appropriate level of care for the respondent in the
22 least restrictive environment and whether that placement is consistent
23 with the short-term and long-term goals for the respondent as specified
24 in the respondent's permanency plan; and

25 (iii) Approve or disapprove the placement of the respondent in a qual-
26 ified residential treatment program. Provided that, where the qualified
27 individual determines that the placement of the respondent in a quali-
28 fied residential treatment program is not appropriate in accordance with
29 the assessment required pursuant to section four hundred nine-h of the
30 social services law, the court may only approve the placement of the
31 respondent in the qualified residential treatment program if:

32 (A) the court finds, and states in the written order that:

33 (1) circumstances exist that necessitate the continued placement of
34 the respondent in the qualified residential treatment program;

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

37 (3) that it would be contrary to the welfare of the respondent to be
38 placed in a less restrictive setting and that continued placement in the
39 qualified residential treatment program is in the respondent's best
40 interest; and

41 (B) the court's written order states the specific reasons why the
42 court has made the findings required pursuant to clause (A) of this
43 subparagraph.

44 (iv) Nothing herein shall prohibit the court from considering other
45 relevant and necessary information to make a determination.

46 (b) At the conclusion of the review, if the court disapproves place-
47 ment of the respondent in a qualified residential treatment program the
48 court shall, on its own motion, determine a schedule for the return of
49 the respondent and direct the local social services district to make
50 such other arrangements for the respondent's care and welfare that is in
51 the best interest of the respondent and in the most effective and least
52 restrictive setting as the facts of the case may require. If a new
53 placement order is necessary due to restrictions in the existing govern-
54 ing placement order, the court may issue a new order.

55 4. The court may, on its own motion, or the motion of any of the
56 parties or the attorney for the respondent, proceed with the court

1 review required pursuant to this section on the basis of the written
2 records received and without a hearing. Provided however, the court may
3 only proceed with the court review without a hearing pursuant to this
4 subdivision upon the consent of all parties. Provided further, in the
5 event that the court conducts the court review requirement pursuant to
6 this section but does not conduct it in a hearing, the court shall issue
7 a written order specifying any determinations made pursuant to clause
8 (A) of subparagraph (iii) of paragraph (a) of subdivision three of this
9 section and provide such written order to the parties and the attorney
10 for the respondent expeditiously, but no later than five days.

11 5. Documentation of the court's determination pursuant to this section
12 shall be recorded in the respondent's case record.

13 6. Nothing in this section shall prohibit the court's review of a
14 placement in a qualified residential treatment program from occurring at
15 the same time as another hearing scheduled for such respondent, includ-
16 ing but not limited to the respondent's permanency hearing, provided
17 such approval is completed within sixty days of the start of such place-
18 ment.

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

22 (b) When a child whose legal custody was transferred to the commis-
23 sioner of a local social services district in accordance with this
24 section resides in a qualified residential treatment program, as defined
25 in section four hundred nine-h of the social services law, and where
26 such child's initial placement or change in placement in such program
27 commenced on or after September twenty-ninth, two thousand twenty-one,
28 upon receipt of notice required pursuant to paragraph (a) of this subdi-
29 vision and motion of the local social services district, the court shall
30 schedule a court review to make an assessment and determination of such
31 placement in accordance with section one thousand fifty-five-c of this
32 article. Notwithstanding any other provision of law to the contrary,
33 such court review shall occur no later than sixty days from the date the
34 placement of the child in the qualified residential treatment program
35 commenced.

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

39 (ii) When a child whose legal custody was transferred to the commis-
40 sioner of a local social services district in accordance with this
41 section resides in a qualified residential treatment program, as defined
42 in section four hundred nine-h of the social services law, and where
43 such child's initial placement or change in placement in such program
44 commenced on or after September twenty-ninth, two thousand twenty-one,
45 upon receipt of notice required pursuant to paragraph (i) of this subdi-
46 vision and motion of the local social services district, the court shall
47 schedule a court review to make an assessment and determination of such
48 placement in accordance with section one thousand fifty-five-c of this
49 part. Notwithstanding any other provision of law to the contrary, such
50 court review shall occur no later than sixty days from the date the
51 placement of the child in the qualified residential treatment program
52 commenced.

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

55 § 1055-c. Court review of placement in a qualified residential treat-
56 ment program. 1. The provisions of this section shall apply when a child

1 is placed on or after September twenty-ninth, two thousand twenty-one
2 and resides in a qualified residential treatment program, as defined in
3 section four hundred nine-h of the social services law, and whose care
4 and custody were transferred to the commissioner of a local social
5 services district in accordance with this article.

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

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

12 (b) Determine whether the needs of the child can be met through place-
13 ment in a foster family home and, if not, whether placement of the child
14 in a qualified residential treatment program provides the most effective
15 and appropriate level of care for the child in the least restrictive
16 environment and whether that placement is consistent with the short-term
17 and long-term goals for the child, as specified in the child's permanen-
18 cy plan; and

19 (c) Approve or disapprove the placement of the child in a qualified
20 residential treatment program. Provided that, where the qualified indi-
21 vidual determines that the placement of the child in a qualified resi-
22 dential treatment program is not appropriate in accordance with the
23 assessment required pursuant to section four hundred nine-h of the
24 social services law, the court may only approve the placement of the
25 child in the qualified residential treatment program if:

26 (i) the court finds, and states in the written order that:

27 (A) circumstances exist that necessitate the continued placement of
28 the child in the qualified residential treatment program;

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

31 (C) that continued placement in the qualified residential treatment
32 program is in the child's best interest; and

33 (ii) the court's written order states the specific reasons why the
34 court has made the findings required pursuant to subparagraph (i) of
35 this paragraph.

36 (d) Nothing herein shall prohibit the court from considering other
37 relevant and necessary information to make a determination.

38 3. At the conclusion of the review, if the court disapproves placement
39 of the child in a qualified residential treatment program the court
40 shall, on its own motion, determine a schedule for the return of the
41 child and direct the local social services district to make such other
42 arrangements for the child's care and welfare that is in the best inter-
43 est of the child and in the most effective and least restrictive setting
44 as the facts of the case may require. If a new placement order is neces-
45 sary due to restrictions in the existing governing placement order, the
46 court may issue a new order.

47 4. The court may, on its own motion, or the motion of any of the
48 parties or the attorney for the child, proceed with the court review
49 required pursuant to this section on the basis of the written records
50 received and without a hearing. Provided however, the court may only
51 proceed with the court review without a hearing pursuant to this subdivi-
52 sion upon the consent of all parties. Provided further, in the event
53 that the court conducts the court review requirement pursuant to this
54 section but does not conduct it in a hearing, the court shall issue a
55 written order specifying any determinations made pursuant to subpara-
56 graph (i) of paragraph (c) of subdivision two of this section and

1 provide such written order to the parties and the attorney for the child
2 expeditiously, but no later than five days.

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

5 6. Nothing in this section shall prohibit the court's review of a
6 placement in a qualified residential treatment program from occurring at
7 the same time as another hearing scheduled for such child, including but
8 not limited to the child's permanency hearing, provided such approval is
9 completed within sixty days of the start of such placement.

10 § 11. Clause (C) of subparagraph (ix) of paragraph 5 of subdivision
11 (c) of section 1089 of the family court act, as added by section 27 of
12 part A of chapter 3 of the laws of 2005, is amended, and a new paragraph
13 6 is added to read as follows:

14 (C) if the child is over age fourteen and has voluntarily withheld his
15 or her consent to an adoption, the facts and circumstances regarding the
16 child's decision to withhold consent and the reasons therefor[~~-~~]; and

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

22 (i) demonstrating that ongoing assessment of the strengths and needs
23 of the child continues to support the determination that the needs of
24 the child cannot be met through placement in a foster family home, that
25 the placement in a qualified residential treatment program provides the
26 most effective and appropriate level of care for the child in the least
27 restrictive environment, and that the placement is consistent with the
28 short-term and long-term goals for the child, as specified in the
29 child's permanency plan;

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

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

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

40 (II) When a child whose legal custody was transferred to the commis-
41 sioner of a local social services district in accordance with this
42 section resides in a qualified residential treatment program as defined
43 in section four hundred nine-h of the social services law and where such
44 child's initial placement or change in placement in such program
45 commenced on or after September twenty-ninth, two thousand twenty-one,
46 upon receipt of notice required pursuant to item (I) of this clause and
47 motion of the local social services district, the court shall schedule a
48 court review to make an assessment and determination of such placement
49 in accordance with section three hundred ninety-three of the social
50 services law or section one thousand fifty-five-c, one thousand ninety-
51 one-a or one thousand ninety-seven of this chapter. Notwithstanding any
52 other provision of law to the contrary, such court review shall occur no
53 later than sixty days from the date the placement of the child in the
54 qualified residential treatment program commenced.

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

1 § 1091-a. Court review of placement in a qualified residential treat-
2 ment program. 1. The provisions of this section shall apply when a
3 former foster care youth is placed on or after September twenty-ninth,
4 two thousand twenty-one, and resides in a qualified residential treat-
5 ment program, as defined in section four hundred nine-h of the social
6 services law, and whose care and custody were transferred to a local
7 social services district or the office of children and family services
8 in accordance with this article.

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

28 (b) When a former foster care youth whose legal custody was trans-
29 ferred to a local social services district or the office of children and
30 family services in accordance with this article resides in a qualified
31 residential treatment program, as defined in section four hundred nine-h
32 of the social services law, and where such former foster care youth's
33 initial placement or change in placement in such qualified residential
34 treatment program commenced on or after September twenty-ninth, two
35 thousand twenty-one, upon receipt of notice required pursuant to para-
36 graph (a) of this subdivision and motion of the local social services
37 district, the court shall schedule a court review to make an assessment
38 and determination of such placement in accordance with subdivision three
39 of this section. Notwithstanding any other provision of law to the
40 contrary, such court review shall occur no later than sixty days from
41 the date the placement of the former foster care youth in the qualified
42 residential treatment program commenced.

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

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

49 (b) Determine whether the needs of the former foster care youth can be
50 met through placement in a foster family home and, if not, whether
51 placement of the former foster care youth in a qualified residential
52 treatment program provides the most effective and appropriate level of
53 care for the former foster care youth in the least restrictive environ-
54 ment and whether that placement is consistent with the short-term and
55 long-term goals for the former foster care youth, as specified in the
56 former foster care youth's permanency plan; and

1 (c) Approve or disapprove the placement of the former foster care
2 youth in a qualified residential treatment program. Provided that, where
3 the qualified individual determines that the placement of the former
4 foster care youth in a qualified residential treatment program is not
5 appropriate in accordance with the assessment required pursuant to
6 section four hundred nine-h of the social services law, the court may
7 only approve the placement of the former foster care youth in the quali-
8 fied residential treatment program if:

9 (i) the court finds, and states in the written order that:

10 (A) circumstances exist that necessitate the continued placement of
11 the former foster care youth in the qualified residential treatment
12 program;

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

15 (C) that continued placement in the qualified residential treatment
16 program is in the former foster care youth's best interest; and

17 (ii) the court's written order states the specific reasons why the
18 court has made the findings required pursuant to subparagraph (i) of
19 this paragraph.

20 (d) Nothing herein shall prohibit the court from considering other
21 relevant and necessary information to make a determination.

22 4. At the conclusion of the review, if the court disapproves placement
23 of the former foster care youth in a qualified residential treatment
24 program the court shall, on its own motion, determine a schedule for the
25 return of the former foster care youth and direct the local social
26 services district or office of children and family services, as applica-
27 ble, to make such other arrangements for the former foster care youth's
28 care and welfare that is in the best interest of the former foster care
29 youth and in the most effective and least restrictive setting as the
30 facts of the case may require. If a new placement order is necessary due
31 to restrictions in the existing governing placement order, the court may
32 issue a new order.

33 5. The court may, on its own motion, or the motion of any of the
34 parties or the attorney for the former foster care youth, proceed with
35 the court review required pursuant to this section on the basis of the
36 written records received and without a hearing. Provided however, the
37 court may only proceed with the court review without a hearing pursuant
38 to this subdivision upon the consent of all parties. Provided further,
39 in the event that the court conducts the court review requirement pursu-
40 ant to this section but does not conduct it in a hearing, the court
41 shall issue a written order specifying any determinations made pursuant
42 to subparagraph (i) of paragraph (c) of subdivision three of this
43 section and provide such written order to the parties and the attorney
44 for the former foster care youth expeditiously, but no later than five
45 days.

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

48 7. Nothing in this section shall prohibit the court's review of a
49 placement in a qualified residential treatment program from occurring at
50 the same time as another hearing scheduled for such former foster care
51 youth, including but not limited to the former foster care youth's
52 permanency hearing, provided such approval is completed within sixty
53 days of the start of such placement.

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

1 § 1097. Court review of placement in a qualified residential treatment
2 program. 1. The provisions of this section shall apply when a child is
3 placed on or after September twenty-ninth, two thousand twenty-one, and
4 resides in a qualified residential treatment program, as defined in
5 section four hundred nine-h of the social services law, and whose care
6 and custody were transferred to a local social services district in
7 accordance with this article.

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

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

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

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

44 (b) Determine whether the needs of the child can be met through place-
45 ment in a foster family home and, if not, whether placement of the child
46 in a qualified residential treatment program provides the most effective
47 and appropriate level of care for the child in the least restrictive
48 environment and whether that placement is consistent with the short-term
49 and long-term goals for the child, as specified in the child's permanen-
50 cy plan; and

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

1 social services law, the court may only approve the placement of the
2 child in the qualified residential treatment program if:

3 (i) the court finds, and states in the written order that:

4 (A) circumstances exist that necessitate the continued placement of
5 the child in the qualified residential treatment program;

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

8 (C) that continued placement in the qualified residential treatment
9 program is in the child's best interest; and

10 (ii) the court's written order states the specific reasons why the
11 court has made the findings required pursuant to subparagraph (i) of
12 this paragraph.

13 (d) Nothing herein shall prohibit the court from considering other
14 relevant and necessary information to make a determination.

15 4. At the conclusion of the review, if the court disapproves placement
16 of the child in a qualified residential treatment program the court
17 shall, on its own motion, determine a schedule for the return of the
18 child and direct the local social services district to make such other
19 arrangements for the child's care and welfare that is in the best inter-
20 est of the child and in the most effective and least restrictive setting
21 as the facts of the case may require. If a new placement order is neces-
22 sary due to restrictions in the existing governing placement order, the
23 court may issue a new order.

24 5. The court may, on its own motion, or the motion of any of the
25 parties or the attorney for the child, proceed with the court review
26 required pursuant to this section on the basis of the written records
27 received and without a hearing. Provided however, the court may only
28 proceed with the court review without a hearing pursuant to this subdi-
29 vision upon the consent of all parties. Provided further, in the event
30 that the court conducts the court review requirement pursuant to this
31 section but does not conduct it in a hearing, the court shall issue a
32 written order specifying any determinations made pursuant to subpara-
33 graph (i) of paragraph (c) of subdivision three of this section and
34 provide such written order to the parties and the attorney for the child
35 expeditiously, but no later than five days.

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

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

43 § 15. The office of children and family services, beginning one year
44 after the effective date of this act and annually thereafter, shall make
45 the following information publicly available on its website:

46 1. the total number of youth placed in a qualified residential treat-
47 ment program whose placement was determined to be inappropriate;

48 2. the total number of youth placed in a qualified residential treat-
49 ment program whose placement was determined to be appropriate; and

50 3. any other information the office deems appropriate to assess the
51 effectiveness of the implementation of the family first prevention
52 services act.

53 § 16. Severability. If any clause, sentence, paragraph, section or
54 part of this act shall be adjudged by any court of competent jurisdic-
55 tion to be invalid and after exhaustion of all further judicial review,
56 the judgment shall not affect, impair or invalidate the remainder there-

1 of, but shall be confined in its operation to the clause, sentence,
2 paragraph, section or part of this act directly involved in the contro-
3 versy in which the judgment shall have been rendered.

4 § 17. This act shall take effect September 29, 2021; provided, howev-
5 er, that the provisions of section fifteen of this act shall expire and
6 be deemed repealed December 31, 2026; and provided, further, that:

7 (a) (i) notwithstanding any other provision of law, provisions in this
8 act shall not take effect unless and until the state title IV-E agency
9 submits to the United States Department of Health and Human Services,
10 Administration for Children, Youth and Families, an amendment to the
11 title IV-E state plan and the United States Department of Health and
12 Human Services, Administration for Children, Youth and Families approves
13 said title IV-E state plan amendment regarding when a child is placed in
14 a qualified residential treatment program in relation to the following
15 components: (1) the qualified individual and the establishment of the
16 assessment by the qualified individual to be completed prior to or with-
17 in 30-days of the child's placement as established by section three of
18 this act; (2) the 60 day court reviews, including the ability to conduct
19 at the same time as another hearing scheduled for the child, as estab-
20 lished by sections one, two, four, seven, eight, nine, ten, twelve,
21 thirteen and fourteen of this act; and (3) permanency hearing require-
22 ments as established by sections five, six and eleven of this act;

23 (ii) provided however, that if the United States Department of Health
24 and Human Services, Administration for Children, Youth and Families
25 fails to approve or disapproves any of the components listed in para-
26 graph (i) of this subdivision, such action shall not impact the effec-
27 tive date for the remaining components listed therein;

28 (b) the office of children and family services shall inform the legis-
29 lative bill drafting commission upon the occurrence of the submission
30 set forth in subdivision (a) of this section and any approval related
31 thereto in order that the commission may maintain an effective and time-
32 ly database of the official texts of the state of laws of New York in
33 furtherance of effectuating the provisions of section 44 of the legisla-
34 tive law and section 70-b of the public officers law;

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

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

44 PART M

45 Intentionally Omitted

46 PART N

47 Intentionally Omitted

48 PART O

49 Section 1. Notwithstanding any other provision of law, the housing
50 trust fund corporation may provide, for purposes of the neighborhood

1 preservation program, a sum not to exceed \$12,830,000 for the fiscal
2 year ending March 31, 2022. Within this total amount, \$150,000 shall be
3 used for the purpose of entering into a contract with the neighborhood
4 preservation coalition to provide technical assistance and services to
5 companies funded pursuant to article 16 of the private housing finance
6 law. Notwithstanding any other provision of law, and subject to the
7 approval of the New York state director of the budget, the board of
8 directors of the state of New York mortgage agency shall authorize the
9 transfer to the housing trust fund corporation, for the purposes of
10 reimbursing any costs associated with neighborhood preservation program
11 contracts authorized by this section, a total sum not to exceed
12 \$12,830,000, such transfer to be made from (i) the special account of
13 the mortgage insurance fund created pursuant to section 2429-b of the
14 public authorities law, in an amount not to exceed the actual excess
15 balance in the special account of the mortgage insurance fund, as deter-
16 mined and certified by the state of New York mortgage agency for the
17 fiscal year 2020-2021 in accordance with section 2429-b of the public
18 authorities law, if any, and/or (ii) provided that the reserves in the
19 project pool insurance account of the mortgage insurance fund created
20 pursuant to section 2429-b of the public authorities law are sufficient
21 to attain and maintain the credit rating (as determined by the state of
22 New York mortgage agency) required to accomplish the purposes of such
23 account, the project pool insurance account of the mortgage insurance
24 fund, such transfer to be made as soon as practicable but no later than
25 June 30, 2021.

26 § 2. Notwithstanding any other provision of law, the housing trust
27 fund corporation may provide, for purposes of the rural preservation
28 program, a sum not to exceed \$5,360,000 for the fiscal year ending March
29 31, 2022. Within this total amount, \$150,000 shall be used for the
30 purpose of entering into a contract with the rural housing coalition to
31 provide technical assistance and services to companies funded pursuant
32 to article 17 of the private housing finance law. Notwithstanding any
33 other provision of law, and subject to the approval of the New York
34 state director of the budget, the board of directors of the state of New
35 York mortgage agency shall authorize the transfer to the housing trust
36 fund corporation, for the purposes of reimbursing any costs associated
37 with rural preservation program contracts authorized by this section, a
38 total sum not to exceed \$5,360,000, such transfer to be made from (i)
39 the special account of the mortgage insurance fund created pursuant to
40 section 2429-b of the public authorities law, in an amount not to exceed
41 the actual excess balance in the special account of the mortgage insur-
42 ance fund, as determined and certified by the state of New York mortgage
43 agency for the fiscal year 2020-2021 in accordance with section 2429-b
44 of the public authorities law, if any, and/or (ii) provided that the
45 reserves in the project pool insurance account of the mortgage insurance
46 fund created pursuant to section 2429-b of the public authorities law
47 are sufficient to attain and maintain the credit rating (as determined
48 by the state of New York mortgage agency) required to accomplish the
49 purposes of such account, the project pool insurance account of the
50 mortgage insurance fund, such transfer to be made as soon as practicable
51 but no later than June 30, 2021.

52 § 3. Notwithstanding any other provision of law, the homeless housing
53 and assistance corporation may provide, for services and expenses
54 related to homeless housing and preventative services programs including
55 but not limited to the New York state supportive housing program, the
56 solutions to end homelessness program or the operational support for

1 AIDS housing program, or to qualified grantees under such programs, in
2 accordance with the requirements of such programs, a sum not to exceed
3 \$45,181,000 for the fiscal year ending March 31, 2022. The homeless
4 housing and assistance corporation may enter into an agreement with the
5 office of temporary and disability assistance to administer such sum in
6 accordance with the requirements of such programs. Notwithstanding any
7 other provision of law, and subject to the approval of the New York
8 state director of the budget, the board of directors of the state of New
9 York mortgage agency shall authorize the transfer to the homeless hous-
10 ing and assistance corporation, a total sum not to exceed \$45,181,000,
11 such transfer to be made from (i) the special account of the mortgage
12 insurance fund created pursuant to section 2429-b of the public authori-
13 ties law, in an amount not to exceed the actual excess balance in the
14 special account of the mortgage insurance fund, as determined and certi-
15 fied by the state of New York mortgage agency for the fiscal year 2020-
16 2021 in accordance with section 2429-b of the public authorities law, if
17 any, and/or (ii) provided that the reserves in the project pool insur-
18 ance account of the mortgage insurance fund created pursuant to section
19 2429-b of the public authorities law are sufficient to attain and main-
20 tain the credit rating as determined by the state of New York mortgage
21 agency, required to accomplish the purposes of such account, the project
22 pool insurance account of the mortgage insurance fund, such transfer
23 shall be made as soon as practicable but no later than March 31, 2022.

24 § 4. Notwithstanding any other provision of law, the homeless housing
25 and assistance corporation may provide, for purposes of reimbursing New
26 York city expenditures for adult shelters, a sum not to exceed
27 \$65,568,000 for the fiscal year ending March 31, 2022. Notwithstanding
28 any other inconsistent provision of law, such funds shall be available
29 for eligible costs incurred on or after January 1, 2021, and before
30 January 1, 2022, that are otherwise reimbursable by the state on or
31 after April 1, 2021, and that are claimed by March 31, 2022. Such
32 reimbursement shall constitute total state reimbursement for activities
33 funded herein in state fiscal year 2021-2022, and shall include
34 reimbursement for costs associated with a court mandated plan to improve
35 shelter conditions for medically frail persons and additional costs
36 incurred as part of a plan to reduce over-crowding in congregate shel-
37 ters. The homeless housing and assistance corporation may enter into an
38 agreement with the office of temporary and disability assistance to
39 administer such sum in accordance with the laws, rules or regulations
40 relating to public assistance and care or the administration thereof.
41 Notwithstanding any other provision of law, and subject to the approval
42 of the New York state director of the budget, and the authorization by
43 the members of the state of New York housing finance agency, the state
44 of New York housing finance agency shall transfer to the homeless hous-
45 ing and assistance corporation, a total sum not to exceed \$65,568,000,
46 such transfer to be made from excess funds of the housing finance agen-
47 cy, not pledged to the payment of the agency's outstanding bonds. Such
48 transfer shall be made as soon as practicable but no later than March
49 31, 2022.

50 § 5. This act shall take effect immediately.

51 PART P

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

part K of chapter 56 of the laws of 2020, are amended to read as follows:

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

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

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

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

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

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

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

(a) On and after January first, two thousand ~~[twenty]~~ twenty-one, for an eligible individual living alone, ~~[\$870.00]~~ \$881.00; and for an eligible couple living alone, ~~[\$1,270.00]~~ \$1,295.00.

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

(c) On and after January first, two thousand ~~[twenty]~~ twenty-one, (i) for an eligible individual receiving family care, ~~[\$1,049.48]~~ \$1,060.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, ~~[\$1,011.48]~~ \$1,022.48; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

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

(e) On and after January first, two thousand ~~[twenty]~~ twenty-one, (i) for an eligible individual receiving enhanced residential care,

1 [~~\$1,477.00~~] \$1,488.00; and (ii) for an eligible couple receiving
2 enhanced residential care, two times the amount set forth in subpara-
3 graph (i) of this paragraph.

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

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

10

PART Q

11 Section 1. Section 82 of the state finance law, as added by chapter
12 375 of the laws of 2018, is amended to read as follows:

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

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

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

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

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

46 6. On or before the first day of February each year, the commissioner
47 of [~~the office of temporary and disability assistance~~] health shall
48 provide a written report to the temporary president of the senate,
49 speaker of the assembly, chair of the senate finance committee, chair of
50 the assembly ways and means committee, chair of the senate committee on
51 social services, chair of the assembly social services committee, and
52 the public. Such report shall include how the monies of the fund were
53 utilized during the preceding calendar year and shall include:

54 (a) the amount of money [~~dispersed~~] disbursed from the fund;

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

8 § 2. This act shall take effect immediately.

9 PART R

10 Intentionally Omitted

11 PART S

12 Intentionally Omitted

13 PART T

14 Intentionally Omitted

15 PART U

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

18 2-a. Notwithstanding any inconsistent provision of law to the contra-
19 ry, a project of a housing development fund company incorporated pursu-
20 ant to the not-for-profit corporation law and this article shall be
21 exempt from the sales and compensating use taxes imposed pursuant to
22 article twenty-eight or twenty-nine of the tax law, provided that such
23 housing development fund company has entered into a regulatory agreement
24 with respect to the provision of affordable housing with the commission-
25 er, a state agency or authority as defined in this chapter, the New York
26 city department of housing preservation and development, or the New York
27 city housing development corporation, and such tax exemption shall
28 continue only so long as such agreement is in force and effect.

29 § 2. This act shall take effect immediately and shall apply to
30 projects that are the subject of regulatory agreements that have been
31 entered into with the commissioner, a state agency or authority as
32 defined in this chapter, the New York city department of housing preser-
33 vation and development, or the New York city housing development corpo-
34 ration on or after January 1, 2019.

35 PART V

36 Intentionally Omitted

37 PART W

38 Intentionally Omitted

1 PART X

2 Intentionally Omitted

3 PART Y

4 Intentionally Omitted

5 PART Z

6 Section 1. Subdivision 8 of section 410-w of the social services law,
7 as added by chapter 144 of the laws of 2015, is amended to read as
8 follows:

9 8. Notwithstanding any other provision of law, rule or regulations to
10 the contrary, a social services district that implements a plan amend-
11 ment to the child care portion of its child and family services plan,
12 either as part of an annual plan update, or through a separate plan
13 amendment process, where such amendment reduces eligibility for, or
14 increases the family share percentage of, families receiving child care
15 services, or that implements the process for closing child care cases as
16 set forth in the district's approved child and family services plan, due
17 to the district determining that it cannot maintain its current caseload
18 because all of the available funds are projected to be needed for open
19 cases, shall provide all families whose eligibility for child care
20 assistance or family share percentage will be impacted by such action
21 with at least thirty days prior written notice of the action. Provided,
22 however, that a family receiving assistance pursuant to this title shall
23 not be required to contribute more than ten percent of their income
24 exceeding the federal poverty level.

25 § 2. Subdivision 6 of section 410-x of the social services law, as
26 added by section 52 of part B of chapter 436 of the laws of 1997, is
27 amended to read as follows:

28 6. Pursuant to department regulations, child care assistance shall be
29 provided on a sliding fee basis based upon the family's ability to pay;
30 provided, however, that a family receiving assistance pursuant to this
31 title shall not be required to contribute more than ten percent of their
32 income exceeding the federal poverty level.

33 § 3. This act shall take effect immediately and shall expire and be
34 deemed repealed three years after such date.

35 PART AA

36 Section 1. Legislative findings and intent. The legislature finds that
37 the transition to the green economy and creating good paying jobs are
38 not mutually exclusive priorities for New York State. In order to make
39 this transition and achieve the ambitious goals set forth in the Climate
40 Leadership and Community Protection Act, a clear focus on prioritizing
41 renewable energy sources is necessary. However, the workers who will
42 build the infrastructure of the green economy must not be left behind.
43 Setting clear standards for job quality will ensure the creation of good
44 jobs, protect workers in the ongoing transition of our energy sector,
45 and result in positive economic impacts. In addition to workers engaged
46 directly in the renewable energy sector, New Yorkers have experienced
47 widespread unemployment as a result of the pandemic. According to the

1 New York State Department of Labor, as of January 2021 New York has paid
2 over \$61 billion in unemployment benefits to 4 million workers. New
3 manufacturing and supply chain jobs are a necessary element of any
4 pandemic recovery. Due to such findings, the legislature hereby
5 declares that the mandate of prevailing wage or project labor agreements
6 for construction work performed in connection with the installation of
7 renewable energy systems and its Buy American preference provided in
8 this bill will ensure that workers are central to New York State's tran-
9 sition to the green economy and its pandemic recovery plan.

10 § 2. The labor law is amended by adding a new section 224-d to read as
11 follows:

12 § 224-d. Wage requirements for certain renewable energy systems. 1.
13 For purposes of this section, a "covered renewable energy system" means
14 a renewable energy system, as such term is defined in section
15 sixty-six-p of the public service law, with a capacity of greater than
16 five megawatts alternating current and which involves the procurement of
17 renewable energy credits by a public entity, or a third party acting on
18 behalf and for the benefit of a public entity.

19 2. Notwithstanding the provisions of section two hundred twenty-four-a
20 of this article, a covered renewable energy system shall be subject to
21 prevailing wage requirements in accordance with sections two hundred
22 twenty and two hundred twenty-b of this article. Provided that a renewa-
23 ble energy system defined in section sixty-six-p of the public service
24 law which is not considered to be covered by this section, may still
25 otherwise be considered a "covered project" pursuant to section two
26 hundred twenty-four-a of this article if it meets such definition.

27 3. For purposes of this section, a covered renewable energy system
28 shall exclude construction work performed under a pre-hire collective
29 bargaining agreement between an owner or contractor and a bona fide
30 building and construction trade labor organization which has established
31 itself, and/or its affiliates, as the collective bargaining represen-
32 tative for all persons who will perform work on such a project, and
33 which provides that only contractors and subcontractors who sign a pre-
34 negotiated agreement with the labor organization can perform work on
35 such a project, or construction work performed under a labor peace
36 agreement, project labor agreement, or any other construction work
37 performed under an enforceable agreement between an owner or contractor
38 and a bona fide building and construction trade labor organization.

39 4. For purposes of this section, the "fiscal officer" shall be deemed
40 to be the commissioner. The enforcement of any covered renewable energy
41 system pursuant to this section shall be subject to the requirements of
42 sections two hundred twenty, two hundred twenty-a, two hundred twenty-b,
43 two hundred twenty-three, two hundred twenty-four-b, and two hundred
44 twenty-seven of this chapter and within the jurisdiction of the fiscal
45 officer; provided, however, nothing contained in this section shall be
46 deemed to construe any covered renewable energy system as otherwise
47 being considered public work pursuant to this article.

48 5. The fiscal officer may issue rules and regulations governing the
49 provisions of this section. Violations of this section shall be grounds
50 for determinations and orders pursuant to section two hundred twenty-b
51 of this article.

52 6. Each owner and developer subject to the requirements of this
53 section shall comply with the objectives and goals of certified minority
54 and women-owned business enterprises pursuant to article fifteen-A of
55 the executive law and certified service-disabled veteran-owned busi-
56 nesses pursuant to article seventeen-B of the executive law. The depart-

1 ment in consultation with the directors of the division of minority and
2 women's business development and of the division of service-disabled
3 veterans' business development shall make training and resources avail-
4 able to assist minority and women-owned business enterprises and
5 service-disabled veteran-owned business enterprises on covered renewable
6 energy systems to achieve and maintain compliance with prevailing wage
7 requirements. The department shall make such training and resources
8 available online and shall afford minority and women-owned business
9 enterprises and service-disabled veteran-owned business enterprises an
10 opportunity to submit comments on such training.

11 7. a. The fiscal officer shall report to the governor, the temporary
12 president of the senate, and the speaker of the assembly by July first,
13 two thousand twenty-two, and annually thereafter, on the participation
14 of minority and women-owned business enterprises in relation to covered
15 renewable energy systems subject to the provisions of this section as
16 well as the diversity practices of contractors and subcontractors
17 employing laborers, workers, and mechanics on such projects.

18 b. Such reports shall include aggregated data on the utilization and
19 participation of minority and women-owned business enterprises, the
20 employment of minorities and women in construction-related jobs on such
21 projects, and the commitment of contractors and subcontractors on such
22 projects to adopting practices and policies that promote diversity with-
23 in the workforce. The reports shall also examine the compliance of
24 contractors and subcontractors with other equal employment opportunity
25 requirements and anti-discrimination laws, in addition to any other
26 employment practices deemed pertinent by the commissioner.

27 c. The fiscal officer may require any owner or developer to disclose
28 information on the participation of minority and women-owned business
29 enterprises and the diversity practices of contractors and subcontrac-
30 tors involved in the performance of any covered renewable energy system.
31 It shall be the duty of the fiscal officer to consult and to share such
32 information in order to effectuate the requirements of this section.

33 § 2-a. The public service law is amended by adding a new section 66-r
34 to read as follows:

35 § 66-r. Requirements for certain renewable energy systems. 1. For the
36 purposes of this section, a "covered renewable energy system" means
37 a renewable energy system, as such term is defined in section
38 sixty-six-p of this article, with a capacity of greater than five mega-
39 watts alternating current and which involves the procurement of renewa-
40 ble energy credits by a public entity, or a third party acting on behalf
41 and for the benefit of a public entity.

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

54 3. The commission shall require that the owner of the covered renewa-
55 ble energy system, or a third party acting on the owner's behalf, as an
56 ongoing condition of any renewable energy credits agreement with a

1 public entity, shall stipulate to the fiscal officer that it will enter
2 into a labor peace agreement with at least one bona fide labor organiza-
3 tion either where such bona fide labor organization is actively repres-
4 enting employees providing necessary operations and maintenance services
5 for the renewable energy system at the time of such agreement or upon
6 notice by a bona fide labor organization that is attempting to represent
7 employees who will provide necessary operations and maintenance services
8 for the renewable energy system employed in the state. The maintenance
9 of such a labor peace agreement shall be an ongoing material condition
10 of any continuation of payments under a renewable energy credits agree-
11 ment. For purposes of this section "labor peace agreement" means an
12 agreement between an entity and labor organization that, at a minimum,
13 protects the state's proprietary interests by prohibiting labor organ-
14 izations and members from engaging in picketing, work stoppages,
15 boycotts, and any other economic interference with the relevant renewa-
16 ble energy system. "Renewable energy credits agreement" shall mean any
17 public entity contract that provides production-based payments to a
18 renewable energy project as defined in this section.

19 4.(a) Any public entity, in each contract for construction, recon-
20 struction, alteration, repair, improvement or maintenance of a covered
21 renewable energy system which involves the procurement of a renewable
22 energy credits agreement by a public entity, or a third party acting on
23 behalf and for the benefit of a public entity, the "public work" for the
24 purposes of this subdivision, shall ensure that such contract shall
25 contain a provision that the iron and structural steel used or supplied
26 in the performance of the contract or any subcontract thereto and that
27 is permanently incorporated into the public work, shall be produced or
28 made in whole or substantial part in the United States, its territories
29 or possessions. In the case of a structural iron or structural
30 steel product all manufacturing must take place in the United States,
31 from the initial melting stage through the application of coatings,
32 except metallurgical processes involving the refinement of steel addi-
33 tives. For the purposes of this subdivision, "permanently incorpo-
34 rated" shall mean an iron or steel product that is required to remain in
35 place at the end of the project contract, in a fixed location,
36 affixed to the public work to which it was incorporated. Iron and steel
37 products that are capable of being moved from one location to another
38 are not permanently incorporated into a public work.

39 (b) The provisions of paragraph (a) of this subdivision shall not
40 apply if the head of the department or agency constructing the public
41 works, in his or her sole discretion, determines that the provisions
42 would not be in the public interest, would result in unreasonable costs,
43 or that obtaining such steel or iron in the United States would increase
44 the cost of the contract by an unreasonable amount, or such iron or
45 steel, including without limitation structural iron and structural steel
46 cannot be produced or made in the United States in sufficient and
47 reasonably available quantities and of satisfactory quality. The head of
48 the department or agency constructing the public works shall include
49 this determination in an advertisement or solicitation of a request for
50 proposal, invitation for bid, or solicitation of proposal, or any other
51 method provided for by law or regulation for soliciting a response from
52 offerors intending to result in a contract pursuant to this subdivision.
53 The provisions of paragraph (a) of this subdivision shall not apply for
54 equipment purchased by a covered renewable energy system prior to the
55 effective date of this chapter.

(c) The head of the department or agency constructing the public works may, at his or her sole discretion, provide for a solicitation of a request for proposal, invitation for bid, or solicitation of proposal, or any other method provided for by law or regulation for soliciting a response from offerors intending to result in a contract pursuant to this paragraph involving a competitive process in which the evaluation of competing bids gives significant consideration in the evaluation process to the procurement of equipment and supplies from businesses located in New York state.

5. Whenever changes are proposed to any public procurement process involving the program described in subdivision two of this section, the commission shall make simultaneous recommendations to the temporary president of the senate and speaker of the assembly, regarding necessary changes to this section, if any, in meeting the goals outlined in the legislative findings and intent of the chapter by which this section was enacted.

§ 2-b. Section 66-p of the public service law, as added by chapter 705 of the laws of 2019, is renumbered section 66-q.

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

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

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

§ 5. This act shall take effect on October 1, 2021 and shall apply to any covered renewable energy project awarded a contract from an advertisement or a solicitation of a request for proposal, invitation for bid, or solicitation of proposal, or any other method provided for by law or regulation for soliciting a response from offerors intending to result in a contract that is issued on or after the effective date of this act; provided, however, that section three of this act shall take effect on the same date and in the same manner as section 1 of part FFF of chapter 58 of the laws of 2020, takes effect.

PART BB

Section 1. This Part enacts into law major components of legislation in relation to establishing a COVID-19 emergency rental assistance program. Each component is wholly contained within a Subpart identified as Subparts A and B. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes reference to a

1 section of "this act", when used in connection with that particular
2 component, shall be deemed to mean and refer to the corresponding
3 section of the Subpart in which it is found. Section two contains a
4 severability clause for all provisions contained in each Subpart of this
5 Part. Section three of this act sets forth the general effective date of
6 this Part.

7 SUBPART A

8 Section 1. The COVID-19 emergency rental assistance program of 2021 is
9 enacted to read as follows:

10 COVID-19 EMERGENCY RENTAL ASSISTANCE PROGRAM OF 2021

- 11 Section 1. Short title.
12 2. Definitions.
13 3. Authority to implement emergency rental and utility assist-
14 ance.
15 4. Distribution.
16 5. Eligibility.
17 6. Application.
18 7. Documentation.
19 8. Restrictions on eviction.
20 9. Payments.
21 10. No repayment and assistance not considered income.
22 11. Notice to tenants in eviction proceedings.
23 12. Outreach.
24 13. Fair housing obligations.
25 14. Reports by the commissioner.

26 Section 1. Short title. This act shall be known and may be cited as
27 the "COVID-19 emergency rental assistance program of 2021".

28 § 2. Definitions. For the purposes of this act, the following terms
29 shall have the following meanings:

30 1. "Commissioner" shall mean the commissioner of the state office of
31 temporary and disability assistance.

32 2. "Federal emergency rental assistance program" shall mean the emer-
33 gency rental assistance funding issued pursuant to section 501 of the
34 Consolidated Appropriations Act of 2021, Pub L. 116-260 § 501, and
35 section 3201 of the American Rescue Plan Act of 2021, Pub.L. 117-2 §
36 3201 as well as any other federal funds made available for the purposes
37 defined herein.

38 3. "Rent burdened household" shall mean a household for which the
39 monthly rental obligation is 30% or more of the household's gross month-
40 ly income.

41 4. "Income", unless otherwise required by federal law or policies,
42 shall mean income from all sources of each member of the household,
43 including all wages, tips, overtime, salary, recurring gifts, returns on
44 investments, social security payments, child support payments, unemploy-
45 ment benefits, any benefit, payment or cash grant whose purpose is to
46 assist with rental payments, any payments whose purpose is to replace
47 lost income, and any other government benefit or cash grant. The term
48 shall not include: income from children under 18 years of age, employ-
49 ment income from individuals 18 years of age or older who are full-time
50 students and are eligible to be claimed as dependents pursuant to inter-
51 nal revenue service regulations, foster care payments, public assist-
52 ance, sporadic gifts, groceries provided by persons not living in the
53 household, supplemental nutrition assistance program benefits, home
54 energy assistance program benefits, the earned income tax credit, other

1 income required to be excluded by law, or designated by the commission-
2 er.

3 5. "Manufactured home tenant" shall have the same meaning as defined
4 by section 233 of the real property law.

5 6. "Municipal corporation" shall mean a municipal corporation, as
6 defined in section 2 of the general municipal law, that has received
7 federal allocations from the United States treasury for emergency rental
8 assistance authorized pursuant to the Consolidated Appropriations Act of
9 2021 and the American Rescue Plan Act of 2021, and any other federal
10 funds made available for the purposes defined herein.

11 7. "Occupant" shall have the same meaning as defined in section 235-f
12 of the real property law.

13 8. "Office" shall mean the state office of temporary and disability
14 assistance.

15 9. "Rent" shall mean rent as defined by section 702 of the real prop-
16 erty actions and proceedings law.

17 10. "Rental arrears" shall mean unpaid rent owed to the landlord that
18 accrued on or after March 13, 2020.

19 11. "Utility arrears" shall mean unpaid payments to providers of
20 utility services accrued on or after March 13, 2020, for separately-
21 stated electricity and gas costs.

22 12. "Small landlord" shall mean any person or entity that owns a
23 building of twenty or fewer units.

24 § 3. Authority to implement emergency rental and utility assistance.

25 1. The commissioner is hereby authorized and directed to implement, as
26 soon as practicable, a program of rental and utility assistance for
27 those eligible pursuant to section five of this act.

28 2. Such program shall be funded with: (a) emergency rental assistance
29 funds received by the state from the Federal Emergency Rental Assistance
30 Program and any other federal funds made available for that purpose; and
31 (b) any state funds appropriated for such program.

32 3. The commissioner shall develop and promulgate a form outlining the
33 obligations of each municipal corporation that chooses to participate in
34 the statewide program. Those municipal corporations who choose to
35 participate shall remit such form to the office of temporary and disa-
36 bility assistance within 10 business days from the date of issuance. At
37 such time that the municipal corporation has affirmed their partic-
38 ipation, upon receipt of the completed form by the office of temporary
39 and disability assistance and the director of the budget, and the feder-
40 al department of the treasury, the municipal corporation shall remit
41 their allocation of funds to the state in such manner as determined by
42 the division of the budget. Provided, after the office has acknowledged
43 receipt of the completed form, residents of such municipality shall be
44 entitled to benefit from funds made available for this purpose, subject
45 to the continued availability of funds.

46 4. The commissioner may adopt, on an emergency basis pursuant to
47 subdivision 6 of section 220 of the state administrative procedure act,
48 any rules necessary to carry out the provisions of this article.

49 5. The commissioner may delegate the administration of any portions of
50 this program to any state agency, city, county, town, contractor or
51 non-profit organization in accordance with the provisions of this arti-
52 cle and applicable federal requirements.

53 § 4. Distribution. The commissioner shall work to ensure an equitable
54 distribution of funds throughout the state, excluding administrative
55 funds. For the first 30 days beginning with the first day that the
56 office begins accepting applications, the commissioner shall ensure, to

1 the extent practicable, that the allocation of funds from this program
2 for households outside the city of New York is no less than 35% of emer-
3 gency rental assistance funds available to the state of New York. After
4 the 30 day priority period has ended, all applications shall be proc-
5 essed on a rolling basis.

6 § 5. Eligibility. The commissioner shall establish standards for
7 determining eligibility for such program, consistent with the following:

8 1. (a) A household, regardless of immigration status, shall be eligi-
9 ble for emergency rental assistance, or both rental assistance and util-
10 ity assistance. Such household shall be eligible if it:

11 (i) is a tenant or occupant obligated to pay rent in their primary
12 residence in the state of New York, including both tenants and occupants
13 of dwelling units and manufactured home tenants, provided however that
14 occupants of federal or state funded subsidized public housing authori-
15 ties or other federal or state funded subsidized housing that limits the
16 household's share of the rent to a set percentage of income shall only
17 be eligible to the extent that funds are remaining after serving all
18 other eligible populations;

19 (ii) includes an individual who has qualified for unemployment or
20 experienced a reduction in household income, incurred significant costs,
21 or experienced other financial hardship due, directly or indirectly, to
22 the COVID-19 outbreak;

23 (iii) demonstrates a risk of experiencing homelessness or housing
24 instability; and

25 (iv) has a household income at or below 80% of the area median income,
26 adjusted for household size.

27 (b) Nothing in this subdivision shall preclude a recipient of public
28 assistance from being eligible for emergency rental or utility assist-
29 ance under this program.

30 2. For the purposes of this program, income may be considered:

31 (a) the household's total income for calendar year 2020; or

32 (b) the household's monthly income at the time of application for such
33 assistance.

34 3. The commissioner shall establish priority in processing applica-
35 tions and allocating funds under this program. Such priority shall at a
36 minimum prioritize households whose income does not exceed 50% of the
37 area median income adjusted for household size and households who have
38 one or more individuals who are unemployed as of the date of the appli-
39 cation for assistance and have not been employed for the 90 days preced-
40 ing such date.

41 4. The commissioner shall also grant priority for those who meet any
42 of the following criteria:

43 (a) households who are tenants of mobile homes or mobile home parks
44 whose arrears have accrued for the land on which the mobile home is
45 located;

46 (b) households who include one or more individuals from a vulnerable
47 population, including, but not limited to, victims of domestic violence,
48 survivors of human trafficking, or veterans;

49 (c) households who have eviction cases that are pending;

50 (d) households who are residing in communities that were dispropor-
51 tionately impacted by the COVID-19 pandemic in a methodology to be
52 determined by the commissioner;

53 (e) households who reside in a building or development of twenty or
54 fewer units owned by a small landlord as defined in section one of this
55 act; and

(f) provided further that any priority granted pursuant to this subdivision shall not supersede the priority granted pursuant to subdivision three of this section.

5. Pursuant to subdivisions three and four of this section, the commissioner shall prioritize applications received by the date and time of application for 30 days beginning the first day the office accepts rental assistance applications in the following sequence:

(a) households with income that does not exceed 50% of area median income for the household and have a member in one of the priority groups in subdivision 4 of this section;

(b) households with income that does not exceed 50% of area median income for the household and does not have a member in one of the priority groups in subdivision 4 of this section;

(c) households with income that does not exceed 80% of area median income for the household and have a member in one of the priority groups in subdivision 4 of this section; and

(d) households with income that does not exceed 80% of area median income for the household and does not have a member in one of the priority groups in subdivision 4 of this section.

6. After the 30 day priority period has ended, all applications shall be processed on a rolling basis.

7. To the extent feasible, no rental assistance provided pursuant to this act shall be duplicative of assistance for rent or rental arrears previously received or currently being received by the household.

8. An individual full-time college student or a household consisting exclusively of full-time college students is ineligible for this program unless each individual in the household shall not be claimed as a dependent by their parents or legal guardians pursuant to internal revenue service regulations in the most recent tax year.

9. (a) Those households who have been determined eligible for rental and utility arrears assistance through the emergency rental assistance program and who have not received a corresponding benefit through the home energy assistance program are eligible for utility arrears relief in accordance with procedures established by the state public service commission in consultation with the office of temporary and disability assistance. Notwithstanding any provision of law to the contrary, employees, agents, contractors and officers of the office of temporary and disability assistance and employees and officers of the department of public service shall be allowed and are directed to share and exchange information regarding utility arrears assistance pursuant to this section, including information regarding households seeking such assistance and the information used by the department of public service to determine the amount of utility arrears that has been waived.

(b) Any documentation or information provided to the department of public service employees, its agents, contractors and officers in accordance with this subdivision shall be upon the consent of the applicant.

§ 6. Application. 1. As soon as practicable, the commissioner shall make an application for the program available on the office of temporary and disability assistance's website. The application shall be available online in English, Spanish, Chinese, Russian, Korean, Yiddish, Haitian (French Creole), Bengali, and, to the extent practicable, other commonly used languages. The commissioner shall enable application assistance to be offered via telephone and make accommodations for those who are hearing or visually impaired, with referral to a community based organization as deemed necessary.

1 2. Each municipal corporation shall designate not-for-profit organiza-
2 tions or local government staff that shall assist households in applying
3 for assistance. Such organizations and staff shall be permitted to file
4 applications on behalf of such households.

5 3. Any party, or their designee, that may be eligible to receive funds
6 under this program may initiate an application. Regardless of whether a
7 landlord, owner, tenant or occupant initiates an application, such land-
8 lord or owner shall be required to:

9 (a) use any payments received pursuant to this article solely to
10 satisfy the tenant's full rental obligations to the landlord or owner
11 for the time period covered by the payment;

12 (b) provide the office of temporary and disability assistance with
13 necessary information and documentation to facilitate payments; and

14 (c) keep confidential any information or documentation from or about
15 the tenant or occupant acquired pursuant to this application process.

16 4. (a) Documentation of immigration status shall not be requested as
17 part of the emergency rental assistance program.

18 (b) Any documentation or information provided to the statewide appli-
19 cation, eligibility worker, hotline or community based organization, or
20 obtained in the course of administering the emergency rental assistance
21 program or any other assistance program shall be kept confidential and
22 shall only be used for the purposes of determining eligibility, for
23 program administration, avoiding duplication of assistance, and other
24 uses consistent with State and federal law.

25 (c) Any portion of any record retained by the commissioner in relation
26 to an application pursuant to this chapter that contains the photo image
27 or identifies the social security number, telephone number, place of
28 birth, country of origin, place of employment, school or educational
29 institution attended, source of income, status as a recipient of public
30 benefits, the customer identification number associated with a public
31 utilities account, medical information or disability information of the
32 holder of, or applicant for, is not a public record and shall not be
33 disclosed in response to any request for records except: (i) to the
34 person who is the subject of such records; or (ii) where necessary to
35 comply with State and federal law.

36 5. Upon receipt of an application and to the extent practicable, the
37 commissioner shall make available a means by which an application
38 submitted by a tenant, a landlord, or both jointly can be tracked by
39 either the tenant or the landlord, regardless of who submitted such
40 application.

41 6. Self-attestation shall be considered to be acceptable documentation
42 to the extent permissible by federal law and relevant guidance; provided
43 further that attestation of a person with knowledge of the household's
44 circumstances shall be considered to be acceptable documentation to the
45 extent permissible by federal law and relevant guidance.

46 § 7. Documentation. The commissioner shall establish procedures that
47 are appropriate and necessary to assure that information necessary to
48 determine eligibility provided by households applying for or receiving
49 assistance under this article is complete and accurate. Additionally,
50 the commissioner shall establish procedures to ensure flexibility when
51 determining acceptable documentation.

52 § 8. Restrictions on eviction. Eviction proceedings for a holdover or
53 expired lease, or non-payment of rent or utilities that would be eligi-
54 ble for coverage under this program shall not be commenced against a
55 household who has applied for this program unless or until a determi-
56 nation of ineligibility is made. If such eviction proceedings are

1 commenced against a household who subsequently applies for benefits
2 under this program, all proceedings shall be stayed pending a determi-
3 nation of eligibility. Evidence of a payment received pursuant to this
4 act may be presented in such proceeding and create a presumption that
5 the tenant's or occupant's rent or utility obligation for the time peri-
6 od covered by the payment has been fully satisfied.

7 § 9. Payments. 1. Payments shall be made for rental payments or rental
8 and utility arrears accrued on or after March 13, 2020. No more than 12
9 months of rental and/or utility assistance for arrears and 3 months of
10 prospective rental assistance may be paid on behalf of any eligible
11 household. Provided, however that only rent burdened households shall be
12 eligible to receive prospective rent payments.

13 2. (a) The rental assistance shall be paid directly to the landlord of
14 the dwelling unit or manufactured home park occupied by the household
15 for the total amount of qualified rental arrears and prospective rental
16 assistance pursuant to subdivision one of this section. Utility assist-
17 ance shall be paid directly to the utility provider.

18 (b) Prior to making an eligibility determination, the commissioner or
19 the commissioner's designee shall undertake reasonable efforts to obtain
20 the cooperation of landlords and utility providers to accept payments
21 from this program. Such outreach may be considered complete if: (i) a
22 request for participation has been sent in writing, by mail, to the
23 landlord or utility provider and the addressee has not responded to the
24 request within 14 calendar days after mailing; or (ii) at least 3
25 attempts by phone, text, or e-mail have been made over a 10 calendar day
26 period to request the landlord's or utility provider's participation; or
27 (iii) a landlord or utility provider confirms in writing that the land-
28 lord or utility provider does not wish to participate. The outreach
29 attempts or notices to the landlord or utility provider shall be docu-
30 mented and shall be made available to the tenant.

31 (c) If a payment cannot be made directly to a landlord or owner after
32 the outreach efforts described in paragraph (b) of this subdivision,
33 funds in the amount approved for rental assistance to an otherwise
34 eligible applicant shall be available for a period of 180 days; exten-
35 sion may be provided upon determination by the commissioner of good
36 cause. When possible, both landlord or owner and tenant shall be noti-
37 fied of the provisional determination of eligibility and the landlord or
38 owner shall have a final opportunity to participate. If the landlord or
39 owner does not provide necessary information or documentation to effec-
40 tuate payment as directed before 180 days, the commissioner may reallo-
41 cate the set aside funds to serve other rental assistance program appli-
42 cants. The tenant may use such provisional determination as an
43 affirmative defense in any proceeding seeking a monetary judgment or
44 eviction brought by a landlord for the non-payment of rent accrued
45 during the same time period covered by the provisional payment for a
46 period of twelve months from the determination of provisional eligibil-
47 ity. If the landlord has not accepted such provisional payment within
48 twelve months of the determination the landlord shall be deemed to have
49 waived the amount of rent covered by such provisional payment, and shall
50 be prevented from initiating a monetary action or proceeding, or
51 collecting a judgment premised on the nonpayment of the amount of rent
52 covered by such provisional payment.

53 (d) Acceptance of payment for rent or rental arrears from this program
54 shall constitute agreement by the recipient landlord or property owner:
55 (i) that the arrears covered by this payment are satisfied and will not
56 be used as the basis for a non-payment eviction; (ii) to waive any late

1 fees due on any rental arrears paid pursuant to this program; (iii) to
2 not increase the monthly rent due for the dwelling unit such that it
3 shall not be greater than the amount that was due at the time of appli-
4 cation to the program for any and all months for which rental assistance
5 is received and for one year after the first rental assistance payment
6 is received; (iv) not to evict for reason of expired lease or holdover
7 tenancy any household on behalf of whom rental assistance is received
8 for 12 months after the first rental assistance payment is received,
9 unless the dwelling unit that is the subject of the lease or rental
10 agreement is located in a building that contains 4 or fewer units, in
11 which case the landlord may decline to extend the lease or tenancy if
12 the landlord intends to immediately occupy the unit for the landlord's
13 personal use as a primary residence or the use of an immediate family
14 member as a primary residence; and (v) to notify the tenant of the
15 protections established under this subdivision.

16 § 10. No repayment and assistance not considered income. Eligible
17 households shall not be expected or required to repay any assistance
18 granted through this program, except in instances of fraud perpetrated
19 by such household. Landlords shall not be expected or required to repay
20 any funds paid through this program except in instances of duplicate
21 payments or fraud perpetrated by the landlord. Assistance granted
22 through this program shall not be considered income for purposes of
23 eligibility for public benefits or other public assistance to the extent
24 allowed by law, but shall be considered a "source of income" for
25 purposes of the protections against housing discrimination provided
26 under section 296 of the human rights law. There shall be no requirement
27 for applicants to seek assistance from other sources, including charita-
28 ble contributions, in order to be eligible for assistance under this
29 program.

30 § 11. Notice to tenants in eviction proceedings. In any eviction
31 proceeding pending as of the effective date of this article and any
32 eviction proceeding filed while applications are being accepted for
33 assistance pursuant to this article, the court shall promptly make
34 available to the respondent information regarding how the respondent may
35 apply for such assistance in English, and, to the extent practicable, in
36 the respondent's primary language, if other than English.

37 § 12. Outreach. The commissioner shall ensure that extensive outreach
38 is conducted to increase awareness of this program among tenants and
39 landlords or owners. The commissioner shall require each municipal
40 corporation to target for outreach communities where the median income
41 of residents is less than 50% of the area median income for the region,
42 communities with the highest unemployment rates, and communities that
43 experienced the highest rates of COVID-19 infections during the pandem-
44 ic. The commissioner shall, to the extent practicable, partner with
45 municipal corporations in an effort to provide outreach materials in the
46 languages commonly spoken by residents of New York state as per the
47 American Community Survey from the United States Census Bureau. Munici-
48 pal recipients shall contract with community based organizations to
49 supplement the state's outreach program, providing additional applica-
50 tion assistance and outreach activities specific to their geographic
51 location. Such community based organizations shall deliver their
52 services in multiple languages and in a culturally competent manner to
53 vulnerable and/or low income populations, including populations prior-
54 itized by this program pursuant to section five of this act.

55 § 13. Fair housing obligations. Nothing in this act shall lessen or
56 abridge any fair housing obligations promulgated by the federal govern-

ment, state, municipalities, localities, or any other applicable jurisdiction.

§ 14. Reports by the commissioner. The office shall be required to report and post information on their website, and update such information at least monthly beginning 30 days from when the commissioner makes an application for the program available. Such information shall include but not be limited to:

(a) the number of municipal recipients that choose to participate in the statewide program;

(b) the number of eligible households that received assistance under this title, including the particular category of assistance which was provided;

(c) the average amount of funding provided per eligible household receiving assistance; and

(d) the number of households that applied for assistance.

§ 2. The state finance law is amended by adding a new section 99-mm to read as follows:

§ 99-mm. Emergency rental assistance municipal corporation allocation fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a trust and agency fund known as the "emergency rental assistance municipal corporation allocation fund." Municipal corporations, as defined in section two of the general municipal law, that have received a federal allocation from the United States treasury for emergency rental assistance authorized pursuant to section 501 of the Consolidated Appropriations Act of 2021, Pub.L. 116-260 § 501 and section 3201 of the American Rescue Plan Act of 2021, Pub.L. 117-2 § 3201, and any other federal funds made available for the same purpose and that choose to participate in the statewide emergency rental assistance program pursuant to a plan approved by the office of temporary and disability assistance and the division of the budget, may deposit such allocations into the emergency rental assistance municipal corporation fund as directed by the director of the budget.

2. The monies of the fund shall be paid, without appropriation, to provide authorized benefits to eligible households of the respective municipal corporation from which monies were received in accordance with subdivision one of this section.

§ 3. This act shall take effect immediately and shall expire and be deemed repealed September 30, 2025.

SUBPART B

Section 1. The tax law is amended by adding a new section 187-q to read as follows:

§ 187-q. Utility COVID-19 debt relief credit. 1. Allowance of credit. A taxpayer doing business in this state that is subject to the supervision of the public service commission shall be allowed a credit against the taxes imposed by this article, to be computed as hereinafter provided, for the amount of debt that the taxpayer has waived in accordance with procedures established by the public service commission that was owed to the taxpayer by customers who received utility arrears assistance pursuant to the chapter of the laws of two thousand twenty-one that enacted this section. Provided, however, that if the taxpayer is subject to tax under both sections one hundred eighty-three and one hundred eighty-four of this article the amount of such credit allowable against the tax imposed by such section one hundred eighty-four shall be

1 the excess of the amount of such credit over the amount of any credit
2 allowed by this section against the tax imposed by section one hundred
3 eighty-three of this article.

4 2. Application of credit. In no event shall the credit under this
5 section be allowed in an amount that will reduce the tax payable to less
6 than the applicable minimum tax fixed by section one hundred eighty-
7 three of this article. If, however, the amount of credit allowable under
8 this section for any taxable year reduces the tax to such amount, any
9 amount of credit not deductible in such taxable year shall be treated as
10 an overpayment of tax to be refunded in accordance with the provisions
11 of section one thousand eighty-six of this chapter. Provided, however,
12 the provisions of subsection (c) of section one thousand eighty-eight of
13 this chapter notwithstanding, no interest shall be paid thereon.

14 3. Certification. No amount of waived customer debt may be the basis
15 for the credit herein unless such amount is certified by the public
16 service commission as provided herein. After consulting with the commis-
17 sioner, the public service commission shall establish procedures for
18 determining the amount of waived customer debt that may be used as a
19 basis for the tax credit allowed by this section. Such procedures shall
20 include provisions describing the application process, application due
21 dates, the documentation that will be provided by taxpayers to substan-
22 tiate the amount of customer debt that was waived by such taxpayers, the
23 process by which the public service commission shall certify to a
24 taxpayer and to the commissioner the amount of waived customer debt that
25 qualifies for the credit, and such other provisions as deemed necessary
26 and appropriate.

27 4. Timing of credit. The credit allowed by this section shall be
28 claimed in the taxable year in which the public service commission
29 certifies the amount of customer debt waived by the taxpayer that quali-
30 fies for the credit allowed by this section.

31 5. Credit recapture. If the certification made by the public service
32 commission under subdivision three of this section is revoked by the
33 public service commission, the amount of credit described in this
34 section and claimed by the taxpayer prior to that revocation shall be
35 added back to the tax in the taxable year in which such revocation
36 becomes final.

37 6. Information sharing. Notwithstanding any provision of this chapter,
38 employees and officers of the public service commission and the depart-
39 ment shall be allowed and are directed to share and exchange information
40 regarding the credits allowed, or claimed, pursuant to this section, and
41 the taxpayers who are applying for credits or who are claiming credits,
42 including information contained in or derived from credit claim forms
43 submitted to the department, and the information of the taxpayer used by
44 the department of public service to determine the amount of waived
45 customer debt.

46 § 2. This act shall take effect immediately and shall apply to taxable
47 years beginning on or after January 1, 2021.

48 § 2. Severability. If any clause, sentence, paragraph, subdivision,
49 section or subpart contained in any part of this act shall be adjudged
50 by any court of competent jurisdiction to be invalid, such judgment
51 shall not affect, impair, or invalidate the remainder thereof, but shall
52 be confined in its operation to the clause, sentence, paragraph, subdivi-
53 sion, section or subpart contained in any part thereof directly
54 involved in the controversy in which such judgment shall have been
55 rendered. It is hereby declared to be the intent of the legislature that

1 this act would have been enacted even if such invalid provisions had not
2 been included herein.

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

6 PART CC

7 Section 1. Subdivisions 3 and 4 of section 581-a of the labor law, as
8 amended by chapter 21 of the laws of 2021, are amended to read as
9 follows:

10 3. Notwithstanding the provisions of section five hundred eighty-one
11 of this title to the contrary, and for the purpose of responding to the
12 COVID-19 pandemic, any employer whose employees receive payments under
13 this article [~~and whose claims for unemployment insurance arise due to~~
14 ~~the closure of the employer or a reduction in the workforce of the~~
15 ~~employer for reasons related to the COVID-19 pandemic, or due to a~~
16 ~~mandatory order of a government entity duly authorized to issue such~~
17 ~~order to close such employer due to the COVID-19 pandemic,~~] for unem-
18 ployment claims made on or after March [~~twelfth~~] ninth, two thousand
19 twenty and through the duration of the state disaster emergency declared
20 by executive order number two hundred two of two thousand twenty and any
21 further amendments or modifications thereto, or December thirty-first
22 two thousand twenty-one, whichever is later, shall not have included in
23 their experience rating charges the amounts so paid to the employees
24 from the fund. Such charges, if not reimbursed, in whole or in part by
25 the federal government, shall be made to the general account for the
26 fund created by section five hundred fifty of this article.

27 4. The provisions of this section shall apply to an employer liable
28 for contributions or payments in lieu of contributions, but if the
29 secretary of labor of the United States finds that their application to
30 such employer does not meet the requirements of the Federal Unemployment
31 Tax Act, such provisions shall be inoperative with respect to such
32 employer, unless and until such finding has been set aside pursuant to a
33 final decision issued in accordance with such judicial review
34 proceedings as may be instituted and completed under the provisions of
35 section thirty-three hundred ten of the Federal Unemployment Tax Act.

36 § 2. Section 2 of chapter 21 of the laws of 2021, amending the labor
37 law relating to prohibiting the inclusion of claims for unemployment
38 insurance arising from the closure of an employer due to COVID-19 from
39 being included in such employer's experience rating charges, is amended
40 to read as follows:

41 § 2. This act shall take effect immediately [~~and shall expire December~~
42 ~~31, 2021, when upon such date the provisions of this act shall be deemed~~
43 ~~repealed~~].

44 § 3. This act shall take effect immediately.

45 PART DD

46 Section 1. Clause (A) of subparagraph (i) of paragraph a of subdivi-
47 sion 3 of section 667 of the education law, as amended by section 1 of
48 part B of chapter 60 of the laws of 2000, item 1 as amended by section 1
49 and item 2 as amended by section 2 of part H and subitem (d) of item 1
50 as added by section 1 of part E of chapter 58 of the laws of 2011, the
51 opening paragraph of item 1 as amended by section 2 of part X of chapter
52 56 of the laws of 2014, subitem (a) of item 1 as amended by section 2,

1 subitem (b) of item 1 as amended by section 3 and subitem (c) of item 1
2 as amended by section 1 of part U of chapter 56 of the laws of 2014, is
3 amended to read as follows:

4 (A) (1) In the case of students who have not been granted an exclusion
5 of parental income, who have qualified as an orphan, foster child, or
6 ward of the court for the purposes of federal student financial aid
7 programs authorized by Title IV of the Higher Education Act of 1965, as
8 amended, or had a dependent for income tax purposes during the tax year
9 next preceding the academic year for which application is made, except
10 for those students who have been granted exclusion of parental income
11 who have a spouse but no other dependent:

12 ~~(a) [For students first receiving aid after nineteen hundred ninety-~~
13 ~~three--nineteen hundred ninety-four and before two thousand--two thou-~~
14 ~~sand one, four thousand two hundred ninety dollars; or~~

15 ~~(b) For students first receiving aid in nineteen hundred ninety three-~~
16 ~~nineteen hundred ninety-four or earlier, three thousand seven hundred~~
17 ~~forty dollars; or~~

18 ~~(c) For students first receiving aid in two thousand--two thousand one~~
19 ~~and thereafter, five] Five thousand dollars, except starting in two~~
20 ~~thousand fourteen--two thousand fifteen [and thereafter] such students~~
21 ~~shall receive five thousand one hundred sixty-five dollars, and except~~
22 ~~starting in two thousand twenty-one--two thousand twenty-two and there-~~
23 ~~after such students shall receive five thousand six hundred sixty-five~~
24 ~~dollars, provided however that nothing herein shall be construed as~~
25 ~~increasing any award made pursuant to this section for an academic year~~
26 ~~prior to two thousand twenty-one--two thousand twenty-two; or~~

27 ~~[(d)] (b)~~ For undergraduate students enrolled in a program of study at
28 a non-public degree-granting institution that does not offer a program
29 of study that leads to a baccalaureate degree, or at a registered not-
30 for-profit business school qualified for tax exemption under section
31 501(c)(3) of the internal revenue code for federal income tax purposes
32 that does not offer a program of study that leads to a baccalaureate
33 degree, four thousand dollars, except starting in two thousand twenty-
34 one--two thousand twenty-two and thereafter such students shall receive
35 four thousand five hundred dollars. Provided, however, that this subitem
36 shall not apply to students enrolled in a program of study leading to a
37 certificate or degree in nursing.

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

41 ~~(a) For students first receiving aid in nineteen hundred ninety four~~
42 ~~--nineteen hundred ninety five and nineteen hundred ninety five nine-~~
43 ~~teen hundred ninety six and thereafter, three thousand twenty-five~~
44 ~~dollars, or~~

45 ~~(b) For students first receiving aid in nineteen hundred ninety two--~~
46 ~~nineteen hundred ninety three and nineteen hundred ninety three nine-~~
47 ~~teen hundred ninety four, two thousand five hundred seventy-five~~
48 ~~dollars, or~~

49 ~~(c) For students first receiving aid in nineteen hundred ninety one--~~
50 ~~nineteen hundred ninety two or earlier, two thousand four hundred fifty~~
51 ~~dollars] beginning in the two thousand twenty-one--two thousand twenty-~~
52 ~~two academic year and thereafter, three thousand five hundred twenty-~~
53 ~~five dollars, provided that nothing herein shall be construed as~~
54 ~~increasing any award made for any prior academic year; or~~

55 § 2. Subparagraphs (i) and (ii) of paragraph b of subdivision 3 of
56 section 667 of the education law, as amended by chapter 309 of the laws

of 1996, clause (B) of subparagraph (i) as amended by section 2 of part B of chapter 60 of the laws of 2000, are amended to read as follows:

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

(A) (1) ~~[eight]~~ one thousand three hundred dollars, or

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

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

(2) For the two thousand one--two thousand two academic year and thereafter one hundred percent of the amount of tuition (exclusive of educational fees).

(ii) Except for students as noted in subparagraph (iii) of this paragraph, the base amount as determined in subparagraph (i) of this paragraph, shall be reduced in relation to income as follows:

Amount of income	Schedule of reduction of base amount
------------------	---

(A) Less than seven thousand dollars	None
--------------------------------------	------

(B) Seven thousand dollars or more, but less than eleven thousand dollars	Seven per centum of the excess over seven thousand dollars
---	--

~~[(C) For students first receiving aid:~~

~~(1) for the first time in academic years nineteen hundred eighty nine--nineteen hundred ninety, nineteen hundred ninety two--nineteen hundred ninety three and nineteen hundred ninety three--nineteen hundred ninety four;~~

Amount of income	Schedule of reduction of base amount
-----------------------------	---

Eleven thousand dollars or more but not more than forty two thousand five hundred dollars	Two hundred eighty dollars plus ten per centum of the excess over eleven thousand dollars
--	--

~~(2) for the first time in academic years nineteen hundred ninety--nineteen hundred ninety one, nineteen hundred ninety one--nineteen hundred ninety two, nineteen hundred ninety four--nineteen hundred ninety five and thereafter;~~

Amount of income	Schedule of reduction of base amount
-----------------------------	---

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

~~(3) for the first time in academic years prior to academic year nineteen hundred eighty nine--nineteen hundred ninety;~~

Amount of income	Schedule of reduction of
-----------------------------	-------------------------------------

1 ~~base amount~~
2 ~~Eleven thousand dollars or~~ ~~Two hundred eighty dollars plus~~
3 ~~more but not more than thirty~~ ~~ten per centum of the excess over~~
4 ~~four thousand two hundred fifty~~ ~~eleven thousand dollars~~
5 ~~dollars]~~

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

8 § 689-a. Tuition credits. 1. The New York state higher education
9 services corporation shall calculate a tuition credit for each resident
10 undergraduate student who has filed an application with such corporation
11 for a tuition assistance program award pursuant to section six hundred
12 sixty-seven of this article, and is determined to be eligible to receive
13 such award, and is also enrolled in a program of undergraduate study at
14 a state operated or senior college of the state university of New York
15 or the city university of New York where the annual resident undergradu-
16 ate tuition rate will exceed [~~five thousand dollars~~] the maximum tuition
17 assistance program award pursuant to subitem (a) of item one of clause
18 (A) of subparagraph (i) of paragraph a of subdivision three of section
19 six hundred sixty-seven of this article. Such tuition credit shall be
20 calculated for each semester, quarter or term of study that tuition is
21 charged and tuition for the corresponding semester, quarter or term
22 shall not be due for any student eligible to receive such tuition credit
23 until such credit is calculated, the student and school where the
24 student is enrolled is notified of the tuition credit amount, and such
25 tuition credit is applied toward the tuition charged.

26 2. Each tuition credit pursuant to this section shall be an amount
27 equal to the product of the total annual resident undergraduate tuition
28 rate minus [~~five thousand dollars~~] the maximum tuition assistance
29 program award pursuant to subitem (a) of item one of clause (A) of
30 subparagraph (i) of paragraph a of subdivision three of section six
31 hundred sixty-seven of this article then multiplied by an amount equal
32 to the product of the total annual award for the student pursuant to
33 section six hundred sixty-seven of this article divided by an amount
34 equal to the maximum amount the student qualifies to receive pursuant to
35 clause (A) of subparagraph (i) of paragraph a of subdivision three of
36 section six hundred sixty-seven of this article.

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

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

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

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

3 (6) (a) Any federal paycheck protection program loan forgiveness fund-
4 ing or other extraordinary federal funding, as determined by the office
5 of children and family services, received by an authorized agency as
6 defined in subdivision ten of section three hundred seventy-one of this
7 article, to the extent consistent with federal law, shall be disregarded
8 when calculating the maximum state aid rate when such funding is
9 utilized for allowable costs or expenses incurred due to the state of
10 emergency that was declared in executive order two hundred two on March
11 seventh, two thousand twenty. Allowable costs or expenses shall include
12 costs incurred due to the pandemic, as allowable pursuant to the program
13 through which such funding was received or, to the extent permitted by
14 federal law, expenses related to offsetting lost revenue due to a
15 reduction in placements that can be directly attributed to the novel
16 coronavirus (COVID-19) pandemic.

17 (b) The office of children and family services shall hold harmless the
18 prospective maximum state aid rate to the extent that extraordinary
19 federal revenue was disregarded in accordance with paragraph (a) of this
20 subdivision for the two thousand twenty-one--two thousand twenty-two
21 rate year and subsequent applicable rate years.

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

24 PART FF

25 Section 1. Notwithstanding any provision of law to the contrary, in
26 accordance with section 4 of Division X of the federal Consolidated
27 Appropriations Act of 2021 (P.L. 116-260) or any successor legislation,
28 a youth may not be required to leave foster care or be found to be inel-
29 igible for title IV-E foster care maintenance payments solely due to
30 such youth's age or such youth being deemed to not have met a condition
31 of section 475(8)(B)(iv) of the federal social security act; and
32 provided further that, notwithstanding any other provision of law to the
33 contrary and in accordance with section 4 of Division X of the federal
34 Consolidated Appropriations Act of 2021 (P.L. 116-260) or any successor
35 legislation, until October 1, 2021, a youth who was previously in foster
36 care and was discharged from foster care after obtaining the age of 18,
37 on or after April 1, 2020, shall be permitted to voluntarily return to
38 and remain in foster care, as authorized by section 4 of Division X of
39 the federal Consolidated Appropriations Act of 2021 (P.L. 116-260), or
40 any such date as may be authorized pursuant to successor legislation.

41 § 2. Notwithstanding the age limitations for foster care contained in
42 articles 3, 7, 10, or 10-A of the family court act and in accordance
43 with section 4 of Division X of the federal Consolidated Appropriations
44 Act of 2021 (P.L. 116-260) or any successor legislation, youth who stay
45 in foster care beyond age 21 pursuant to this chapter shall continue to
46 have permanency hearings at the same intervals as such hearings would
47 otherwise occur if such youth remained in care and had not obtained the
48 age of 21.

49 § 3. Notwithstanding any provision of law to the contrary, in accord-
50 ance with section 4 of Division X of the federal Consolidated Appropri-
51 ations Act of 2021 (P.L. 116-260) or any successor legislation, the
52 family court shall be authorized to conduct proceedings and issue deter-
53 minations pursuant to article 10-B of the family court act without
54 regard to the youth's age or such youth being deemed to not have met a

1 condition of section 475(8)(B)(iv) of the federal social security act
2 until October 1, 2021, or any such date as may be authorized pursuant to
3 successor legislation. Provided further, any such motions shall be
4 heard and determined on an expedited basis.

5 § 4. This act shall take effect immediately and shall expire and be
6 deemed repealed on the same date and in the same manner as the termi-
7 nation of the provisions of section 4 of Division X of the federal
8 Consolidated Appropriations Act of 2021 (P.L. 116-260), or on such later
9 date as may be provided in any successor legislation; provided that the
10 commissioner of the office of children and family services shall notify
11 the legislative bill drafting commission upon the occurrence of the
12 termination of the provisions of section 4 of Division X of the federal
13 Consolidated Appropriations Act of 2021 (P.L. 116-260) or of a later
14 date provided by successor legislation in order that the commission may
15 maintain an accurate and timely effective database of the official text
16 of the laws of the state of New York in furtherance of effectuating the
17 provisions of section 44 of the legislative law and section 70-b of the
18 public officers law.

19 PART GG

20 Section 1. Paragraph h of subdivision 2 of section 355 of the educa-
21 tion law is amended by adding a new subparagraph 4-b to read as follows:

22 (4-b) (i) In state fiscal year two thousand twenty-two--two thousand
23 twenty-three, the state shall appropriate and make available general
24 fund operating support in the amount of thirty-three percent of the
25 tuition credit calculated pursuant to section six hundred eighty-nine-a
26 of this chapter for the two thousand twenty-two--two thousand twenty-
27 three academic year.

28 (ii) In state fiscal year two thousand twenty-three--two thousand
29 twenty-four, the state shall appropriate and make available general fund
30 operating support in the amount of sixty-seven percent of the tuition
31 credit calculated pursuant to section six hundred eighty-nine-a of this
32 chapter for the two thousand twenty-three--two thousand twenty-four
33 academic year.

34 (iii) Beginning in state fiscal year two thousand twenty-four--two
35 thousand twenty-five and thereafter, the state shall appropriate and
36 make available general fund operating support in the amount of the
37 tuition credit calculated pursuant to section six hundred eighty-nine-a
38 of this chapter annually.

39 § 2. Subdivision 7 of section 6206 of the education law is amended by
40 adding a new paragraph (f) to read as follows:

41 (f) (i) In state fiscal year two thousand twenty-two--two thousand
42 twenty-three, the state shall appropriate and make available general
43 fund operating support in the amount of thirty-three percent of the
44 tuition credit calculated pursuant to section six hundred eighty-nine-a
45 of this chapter for the two thousand twenty-two--two thousand twenty-
46 three academic year.

47 (ii) In state fiscal year two thousand twenty-three--two thousand
48 twenty-four, the state shall appropriate and make available general fund
49 operating support in the amount of sixty-seven percent of the tuition
50 credit calculated pursuant to section six hundred eighty-nine-a of this
51 chapter for the two thousand twenty-three--two thousand twenty-four
52 academic year.

53 (iii) Beginning in state fiscal year two thousand twenty-four--two
54 thousand twenty-five and thereafter, the state shall appropriate and

make available general fund operating support in the amount of the tuition credit calculated pursuant to section six hundred eighty-nine-a of this chapter annually.

§ 3. This act shall take effect immediately.

PART HH

Section 1. Subdivision 11 of section 17 of the public officers law, as added by chapter 499 of the laws of 1992, is amended to read as follows:

11. The provisions of this section shall not apply to physicians who are subject to the provisions of the plan for the management of clinical practice income as set forth in the policies of the board of trustees, title 8, New York codes, rules and regulations, regarding any civil action or proceeding alleging some professional malpractice in any state or federal court arising out of the physician's involvement in clinical practice as defined in that plan, provided however, that the provisions of this section shall apply when a claim or proceeding arises while the physician was acting on behalf of the state within the scope of such physician's public employment or duties.

§ 2. This act shall take effect immediately and shall apply to all claims pending or filed on or after such date.

PART II

Section 1. Subdivision 2 of section 2805-i of the public health law, as added by section 2 of part HH of chapter 57 of the laws of 2018, is amended to read as follows:

2. Sexual offense evidence shall be collected and maintained as follows:

(a) All sexual offense evidence shall be kept in a locked, separate and secure area for twenty years from the date of collection; provided that such evidence shall be transferred to a new location(s) pursuant to this subdivision.

(b) Sexual offense evidence shall include, but not be limited to, slides, cotton swabs, clothing and other items. Where appropriate, such items shall be refrigerated and the clothes and swabs shall be dried, stored in paper bags, and labeled. Each item of evidence shall be marked and logged with a code number corresponding to the alleged sexual offense victim's medical record.

(c) Upon collection, the hospital shall notify the alleged sexual offense victim that, after twenty years, the sexual offense evidence will be discarded in compliance with state and local health codes and that the alleged sexual offense victim's clothes or personal effects will be returned to the alleged sexual offense victim at any time upon request. The alleged sexual offense victim shall be given the option of providing contact information for purposes of receiving notice of the planned destruction of such evidence after the expiration of the twenty-year period.

(d) Until ~~[April first]~~ September thirtieth, two thousand ~~[twenty-one]~~ twenty-two, or earlier if determined feasible by the director of budget ~~[pursuant to paragraph (g) of this subdivision]~~, hospitals shall be responsible for securing long-term sexual offense evidence pursuant to this section, after which such storage shall be the responsibility of the ~~[custodian(s) identified in the plan approved by the director of budget pursuant to paragraph (g) of this subdivision]~~ office of victim services. Hospitals may enter into contracts with other entities that

1 will ensure appropriate and secure long-term storage of sexual offense
2 evidence pursuant to this section until [~~April first~~] September thirti-
3 eth, two thousand [~~twenty-one~~] twenty-two.

4 (e) Beginning April first, two thousand eighteen, the department, the
5 office of victim services, the division of criminal justice services and
6 the division of state police shall jointly study, evaluate and make
7 recommendations concerning the storage and monitoring of sexual offense
8 evidence for twenty years, including studying options for the use of:
9 state-owned or operated facilities; facilities owned or operated by
10 local government or law enforcement agencies; and facilities owned or
11 operated by private entities.

12 (~~f~~) [~~On or before December first, two thousand nineteen, such agencies~~
13 ~~shall submit a joint plan to the director of budget, speaker of the~~
14 ~~assembly, and president pro tempore of the senate, which shall at a~~
15 ~~minimum include: recommended storage location(s) for sexual offense~~
16 ~~evidence; a schedule for sexual offense evidence held by hospitals~~
17 ~~pursuant to this section to be transferred to such storage location(s)~~
18 ~~by April first, two thousand twenty-one; and tracking, monitoring and~~
19 ~~notification option(s).~~

20 (~~g~~) ~~On or before January first, two thousand twenty, the director of~~
21 ~~budget shall approve a plan that, at a minimum, establishes: storage~~
22 ~~location(s) for sexual offense evidence by no later than April first,~~
23 ~~two thousand twenty-one; a reasonable schedule for sexual offense~~
24 ~~evidence maintained by hospitals pursuant to this section to be trans-~~
25 ~~ferred to such storage location(s); and tracking, monitoring and notifi-~~
26 ~~cation system(s).~~

27 (~~h~~) Between thirty and ten days prior to the transfer of sexual
28 offense evidence to the [~~storage location(s) identified in the plan~~
29 ~~approved by the director of budget pursuant to paragraph (g) of this~~
30 ~~subdivision~~] office of victim services, hospitals shall make diligent
31 efforts to notify the alleged sexual offense victim of the transfer of
32 custody for the remainder of the twenty-year storage period.

33 [~~(i)~~] (~~g~~) On [~~April first~~] September thirtieth, two thousand [~~twenty-~~
34 ~~one~~] twenty-two, or earlier if determined feasible by the director of
35 budget, responsibility for long-term storage of sexual offense evidence
36 shall transfer to the [~~custodian(s) identified in the plan approved by~~
37 ~~the director of budget pursuant to paragraph (g) of this subdivision~~]
38 office of victim services.

39 [~~(j)~~] (~~h~~) After [~~April first~~] September thirtieth, two thousand [~~twen-~~
40 ~~ty-one~~] twenty-two, or earlier if determined feasible by the director of
41 budget, hospitals shall ensure transfer of sexual offense evidence
42 collected pursuant to this section to the [~~custodian(s) identified in~~
43 ~~the plan approved by the director of budget pursuant to paragraph (g) of~~
44 ~~this subdivision~~] office of victim services within ten days of
45 collection of such evidence, while maintaining chain of custody.

46 [~~(k)~~] (~~i~~) At least ninety days prior to the expiration of the twenty-
47 year storage period for any sexual offense evidence, the [~~custodian(s)~~
48 ~~of the sexual offense evidence~~] office of victim services shall make
49 diligent efforts to contact the alleged sexual offense victim to notify
50 the alleged sexual offense victim that the sexual offense evidence will
51 be discarded in compliance with state and local health codes and that
52 the alleged sexual offense victim's clothes and personal effects will be
53 returned to the alleged sexual offense victim upon request.

54 [~~(l)~~] (~~j~~) Notwithstanding any other provision in this section, sexual
55 offense evidence shall not continue to be stored where: (i) such
56 evidence is not privileged and law enforcement requests its release, in

1 which case the custodian(s) shall comply with such request; or (ii) such
2 evidence is privileged and either (A) the alleged sexual offense victim
3 gives permission to release the evidence to law enforcement, or (B) the
4 alleged sexual offense victim signs a statement directing the
5 custodian(s) to dispose of the evidence, in which case the sexual
6 offense evidence will be discarded in compliance with state and local
7 health codes.

8 § 2. This act shall take effect April 1, 2021.

9 PART JJ

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

23 SUBPART A

24 Section 1. The social services law is amended by adding a new section
25 131-aaa to read as follows:

26 § 131-aaa. Availability of adverse childhood experiences services.
27 Each local social services district shall be required to make available
28 to applicants and recipients of public assistance who are a parent,
29 guardian, custodian or otherwise responsible for a child's care, educa-
30 tional materials developed pursuant to subdivision two of section three
31 hundred seventy-c of this article to educate them about adverse child-
32 hood experiences, the importance of protective factors and the avail-
33 ability of services for children at risk for or suffering from adverse
34 childhood experiences. The educational materials may be made available
35 electronically and shall be offered at the time of application and
36 recertification.

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

39 TITLE 12-A

40 SUPPORTS AND SERVICES FOR YOUTH SUFFERING FROM ADVERSE
41 CHILDHOOD EXPERIENCES

42 Section 370-c. Supports and services for youth suffering from adverse
43 childhood experiences.

44 § 370-c. Supports and services for youth suffering from adverse child-
45 hood experiences. 1. Youth suffering from or at risk of adverse child-
46 hood experiences, as defined in paragraph (c) of subdivision one of
47 section twenty-d of this chapter, may be eligible for a range of appro-
48 priate services and supports that enhance protective factors, or are
49 culturally competent, evidence based and trauma informed and beneficial
50 to the overall health and well-being of the youth, including but not
51 necessarily limited to available: (i) appropriate health and behavioral
52 health services provided to youth who are otherwise eligible under

1 subdivision seven of section twenty-five hundred ten of the public
2 health law and subdivision two of section three hundred sixty-five-a of
3 this article; (ii) preventive services provided to youth who are other-
4 wise eligible pursuant to section four hundred nine-a of this article;
5 (iii) services provided to youth who are otherwise eligible pursuant to
6 subdivision two of section four hundred fifty-eight-m of this chapter;
7 or (iv) to the extent funds are specifically appropriated therefor, any
8 other services necessary to serve youth suffering from adverse childhood
9 experiences.

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

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

25 (c) The office of children and family services shall implement a
26 statewide campaign to educate parents and other consumers of child day
27 care programs about adverse childhood experiences, the importance of
28 protective factors, and the availability of services for children at
29 risk for or experiencing adverse childhood experiences as defined in
30 paragraph (c) of subdivision one of section twenty-d of this chapter.
31 Such statewide campaign, shall include but is not limited to, providing
32 all licensed, registered and enrolled child care providers with educa-
33 tional materials developed pursuant to subdivision two of section three
34 hundred seventy-c of this chapter. The educational materials may be made
35 available electronically and shall be offered to parents and other
36 consumers at the time of enrollment.

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

39 59. The commissioner shall make available educational materials devel-
40 oped pursuant to subdivision two of section three hundred seventy-c of
41 the social services law to every school district, charter school,
42 nonpublic school, approved preschool, approved preschool special educa-
43 tion program, approved private residential or non-residential school for
44 the education of students with disabilities, state-supported school in
45 accordance with article eighty-five of this chapter, and board of coop-
46 erative educational services for the purpose of educating parents, guar-
47 dians and other authorized individuals responsible for the child's care
48 about adverse childhood experiences, the importance of protective
49 factors, and the availability of services for children at risk for or
50 experiencing adverse childhood experiences. The commissioner shall
51 provide that such educational materials are made available online pursu-
52 ant to subdivision two of section three hundred seventy-c of the social
53 services law.

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

1 § 2509-c. Availability of adverse childhood experiences services.
2 Every pediatrics health care provider licensed pursuant to article one
3 hundred thirty-one of the education law shall be required to provide the
4 parent, guardian, custodian or other authorized individual of a child
5 that the pediatrician sees in their official capacity, with educational
6 materials developed pursuant to subdivision two of section three hundred
7 seventy-c of the social services law. Such materials may be provided
8 electronically and shall be used to inform and educate them about
9 adverse childhood experiences, the importance of protective factors and
10 the availability of services for children at risk for or experiencing
11 adverse childhood experiences.

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

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

1 six months of any other two reports that were indicated, or may still be
2 pending, involving the same child, sibling, or other children in the
3 household or the subject of the report, the office of children and fami-
4 ly services shall identify the report as such and note any prior reports
5 when transmitting the report to the local child protective services for
6 investigation.

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

10 (c) issue guidelines to assist local child protective services in the
11 interpretation and assessment of reports of abuse and maltreatment made
12 to the statewide central register described in section four hundred
13 twenty-two of this article. Such guidelines shall include information,
14 standards and criteria for the identification of evidence of alleged
15 abuse and maltreatment as required to determine whether a report may be
16 indicated pursuant to this article. Provided further, the office of
17 children and family services shall update such guidelines, standards and
18 criteria issued to the local child protective services to include
19 protocols to reduce implicit bias in the decision-making processes,
20 strategies for identifying adverse childhood experiences as defined in
21 paragraph (c) of subdivision one of section twenty-d of this chapter,
22 and guidelines to assist in recognizing signs of abuse or maltreatment
23 while interacting virtually. The office may utilize existing programs
24 or materials established pursuant to section twenty-d of this chapter.

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

27 5. The office of children and family services shall update training
28 issued to persons and officials required to report cases of suspected
29 child abuse or maltreatment to include protocols to reduce implicit bias
30 in the decision-making processes, strategies for identifying adverse
31 childhood experiences as defined in paragraph (c) of subdivision one of
32 section twenty-d of this chapter, and guidelines to assist in recogniz-
33 ing signs of abuse or maltreatment while interacting virtually. Such
34 persons and officials shall have three years from the effective date of
35 the chapter of the laws of two thousand twenty-one that added this
36 subdivision to receive such updated mandated reported training.

37 § 9. This act shall take effect April 1, 2022, provided, however, that
38 section eight of this act shall expire and be deemed repealed three
39 years after the effective date of this act.

40 SUBPART B

41 Intentionally Omitted.

42 § 2. Severability. If any clause, sentence, paragraph, subdivision,
43 section or part contained in any subpart of this act shall be adjudged
44 by any court of competent jurisdiction to be invalid, such judgment
45 shall not affect, impair, or invalidate the remainder thereof, but shall
46 be confined in its operation to the clause, sentence, paragraph, subdi-
47 vision, section or part contained in any subpart thereof directly
48 involved in the controversy in which such judgment shall have been
49 rendered. It is hereby declared to be the intent of the legislature that
50 this act would have been enacted even if such invalid provisions had not
51 been included herein.

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

PART KK

Section 1. Electronic service of process authorized by the provisions of this act is an optional program. Any corporation, association, limited liability company, or partnership will continue to receive service of process by mail unless such corporation, association, limited liability company, or partnership makes an affirmative choice to receive service of process through electronic means. The department of state's division of corporations, state records and uniform commercial code shall conspicuously display on their website a description of each available method of submitting a copy of process to the department of state along with the disclosure that using any such method of submission will not result in any extra cost to the consumer.

§ 1-a. Paragraph (d) of section 304 of the business corporation law is amended to read as follows:

(d) Any designated ~~[post-office]~~ post office address to which the secretary of state shall mail a copy of process served upon him or her as agent of a domestic corporation or a foreign corporation, shall continue until the filing of a certificate or other instrument under this chapter directing the mailing to a different ~~[post-office]~~ post office address and any designated email address to which the secretary of state shall email notice of the fact that process has been electronically served upon him or her as agent of a domestic corporation or foreign corporation shall continue until the filing of a certificate or other instrument under this chapter changing or deleting the email address.

§ 1-b. The business corporation law is amended by adding a new section 304-a to read as follows:

§ 304-a. Electronic service of process.

The secretary of state shall advise any corporation subject to the laws of this chapter in prominent written form as follows: (a) electronic service of process authorized by the provisions of this chapter is an optional program at no additional cost to the user; (b) any corporation subject to the laws of this chapter will continue to receive service of process by mail unless such corporation notifies the secretary of an affirmative choice to receive service of process by way of the program through electronic means, in which case digital copies will be made accessible but paper documents will not be mailed; and (c) such choice may be reversed by the corporation at any time and, thereafter, service by mail will resume.

§ 2. Subparagraph 1 of paragraph (b) of section 306 of the business corporation law, as amended by chapter 419 of the laws of 1990, is amended to read as follows:

(1) Service of process on the secretary of state as agent of a domestic or authorized foreign corporation shall be made ~~[by personally]~~ in the manner provided by clause (i) or (ii) of this subparagraph. Either option of service authorized pursuant to this subparagraph shall be available at no extra cost to the consumer. (i) Personally delivering to and leaving with the secretary of state or a deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, duplicate copies of such process together with the statutory fee, which fee shall

1 be a taxable disbursement. Service of process on such corporation shall
2 be complete when the secretary of state is so served. The secretary of
3 state shall promptly send one of such copies by certified mail, return
4 receipt requested, to such corporation, at the post office address, on
5 file in the department of state, specified for the purpose. If a domes-
6 tic or authorized foreign corporation has no such address on file in the
7 department of state, the secretary of state shall so mail such copy, in
8 the case of a domestic corporation, in care of any director named in its
9 certificate of incorporation at the director's address stated therein
10 or, in the case of an authorized foreign corporation, to such corpo-
11 ration at the address of its office within this state on file in the
12 department. (ii) Electronically submitting a copy of the process to the
13 department of state together with the statutory fee, which fee shall be
14 a taxable disbursement, through an electronic system operated by the
15 department of state, provided the domestic or authorized foreign corpo-
16 ration has an email address on file in the department of state to which
17 the secretary of state shall email a notice of the fact that process has
18 been served electronically on the secretary of state. Service of process
19 on such corporation shall be complete when the secretary of state has
20 reviewed and accepted service of such process. The secretary of state
21 shall promptly send a notice of the fact that process has been served to
22 such corporation at the email address on file in the department of
23 state, specified for the purpose and shall make a copy of the process
24 available to such corporation.

25 § 3. The opening paragraph of paragraph (b) of section 307 of the
26 business corporation law is amended to read as follows:

27 Service of such process upon the secretary of state shall be made [~~by~~
28 ~~personally~~] in the manner provided by subparagraph one or two of this
29 paragraph. Either option of service authorized pursuant to this para-
30 graph shall be available at no extra cost to the consumer. (1)
31 Personally delivering to and leaving with him or his deputy, or with any
32 person authorized by the secretary of state to receive such service, at
33 the office of the department of state in the city of Albany, a copy of
34 such process together with the statutory fee, which fee shall be a taxa-
35 ble disbursement. (2) Electronically submitting a copy of the process to
36 the department of state together with the statutory fee, which fee shall
37 be a taxable disbursement, through an electronic system operated by the
38 department of state. Such service shall be sufficient if notice thereof
39 and a copy of the process are:

40 § 4. Subparagraph 7 of paragraph (a) of section 402 of the business
41 corporation law is amended to read as follows:

42 (7) A designation of the secretary of state as agent of the corpo-
43 ration upon whom process against it may be served and the post office
44 address within or without this state to which the secretary of state
45 shall mail a copy of any process against it served upon him or her. The
46 corporation may include an email address to which the secretary of state
47 shall email a notice of the fact that process against it has been elec-
48 tronically served upon him or her.

49 § 5. Paragraph (b) of section 801 of the business corporation law is
50 amended by adding a new subparagraph 15 to read as follows:

51 (15) To specify, change or delete the email address to which the
52 secretary of state shall email a notice of the fact that process against
53 the corporation has been electronically served upon him or her.

54 § 6. Paragraph (b) of section 803 of the business corporation law is
55 amended by adding a new subparagraph 4 to read as follows:

1 (4) To specify, change or delete the email address to which the secre-
2 tary of state shall email a notice of the fact that process against the
3 corporation has been electronically served upon him or her.

4 § 7. Paragraph (b) of section 805-A of the business corporation law,
5 as added by chapter 725 of the laws of 1964, is amended to read as
6 follows:

7 (b) A certificate of change which changes only the post office address
8 to which the secretary of state shall mail a copy of any process against
9 a corporation served upon him or her, and/or the email address to which
10 the secretary of state shall email a notice of the fact that process
11 against it has been electronically served upon the secretary of state
12 and/or the address of the registered agent, provided such address being
13 changed is the address of a person, partnership or other corporation
14 whose address, as agent, is the address to be changed, and/or the email
15 address being changed is the email address of a person, partnership or
16 corporation whose email address, as agent, is the email address to be
17 changed, or who has been designated as registered agent for such corpo-
18 ration, may be signed[~~, verified~~] and delivered to the department of
19 state by such agent. The certificate of change shall set forth the
20 statements required under subparagraphs (a) (1), (2) and (3) of this
21 section; that a notice of the proposed change was mailed to the corpo-
22 ration by the party signing the certificate not less than thirty days
23 prior to the date of delivery to the department and that such corpo-
24 ration has not objected thereto; and that the party signing the certif-
25 icate is the agent of such corporation to whose address the secretary of
26 state is required to mail copies of process [~~or~~], and/or the agent of
27 the corporation to whose email address the secretary of state is
28 required to mail a notice of the fact that process against it has been
29 electronically served upon the secretary of state, and/or the registered
30 agent, if such be the case. A certificate signed[~~, verified~~] and deliv-
31 ered under this paragraph shall not be deemed to effect a change of
32 location of the office of the corporation in whose behalf such certif-
33 icate is filed.

34 § 8. Subparagraph 8 of paragraph (a) of section 904-a of the business
35 corporation law, as amended by chapter 177 of the laws of 2008, is
36 amended to read as follows:

37 (8) If the surviving or resulting entity is a foreign corporation or
38 other business entity, a designation of the secretary of state as its
39 agent upon whom process against it may be served in the manner set forth
40 in paragraph (b) of section three hundred six of this chapter, in any
41 action or special proceeding, and a post office address, within or with-
42 out this state, to which the secretary of state shall mail a copy of any
43 process against it served upon him or her. The corporation may include
44 an email address to which the secretary of state shall email a notice of
45 the fact that process against it has been electronically served upon him
46 or her. Such post office address shall supersede any prior address
47 designated as the address to which process shall be mailed and such
48 email address shall supersede any prior email address designated as the
49 email address to which a notice shall be sent;

50 § 9. Clause (G) of subparagraph 2 of paragraph (e) of section 907 of
51 the business corporation law, as amended by chapter 494 of the laws of
52 1997, is amended to read as follows:

53 (G) A designation of the secretary of state as its agent upon whom
54 process against it may be served in the manner set forth in paragraph
55 (b) of section 306 (Service of process), in any action or special
56 proceeding, and a post office address, within or without this state, to

1 which the secretary of state shall mail a copy of any process against it
2 served upon him or her. The corporation may include an email address to
3 which the secretary of state shall email a notice of the fact that proc-
4 ess against it has been electronically served upon him or her. Such
5 post office address shall supersede any prior address designated as the
6 address to which process shall be mailed and such email address shall
7 supersede any prior email address designated as the email address to
8 which a notice shall be sent.

9 § 10. Subparagraph 6 of paragraph (a) of section 1304 of the business
10 corporation law, as amended by chapter 684 of the laws of 1963 and as
11 renumbered by chapter 590 of the laws of 1982, is amended to read as
12 follows:

13 (6) A designation of the secretary of state as its agent upon whom
14 process against it may be served and the post office address within or
15 without this state to which the secretary of state shall mail a copy of
16 any process against it served upon him or her. The corporation may
17 include an email address to which the secretary of state shall email a
18 notice of the fact that process against it has been electronically
19 served upon him or her.

20 § 11. Paragraph (a) of section 1308 of the business corporation law is
21 amended by adding a new subparagraph 10 to read as follows:

22 (10) To specify, change or delete the email address to which the
23 secretary of state shall email a notice of the fact that process against
24 the corporation has been electronically served upon him or her.

25 § 12. Paragraph (c) of section 1309-A of the business corporation law,
26 as amended by chapter 172 of the laws of 1999, is amended and a new
27 subparagraph 4 is added to paragraph (a) to read as follows:

28 (4) To specify, change or delete the email address to which the secre-
29 tary of state shall email a notice of the fact that process against the
30 corporation has been electronically served upon him or her.

31 (c) A certificate of change of application for authority which changes
32 only the post office address to which the secretary of state shall mail
33 a copy of any process against an authorized foreign corporation served
34 upon him or her, and/or the email address to which the secretary of
35 state shall email a notice of the fact that process against it has been
36 electronically served upon the secretary of state and/or which changes
37 the address of its registered agent, provided such address is the
38 address of a person, partnership or other corporation whose address, as
39 agent, is the address to be changed ~~[or]~~, and/or the email address being
40 changed is the email address of a person, partnership or corporation
41 whose email address, as agent, is the email address to be changed,
42 and/or who has been designated as registered agent for such authorized
43 foreign corporation, may be signed and delivered to the department of
44 state by such agent. The certificate of change of application for
45 authority shall set forth the statements required under subparagraphs
46 (1), (2), (3) and (4) of paragraph (b) of this section; that a notice of
47 the proposed change was mailed by the party signing the certificate to
48 the authorized foreign corporation not less than thirty days prior to
49 the date of delivery to the department and that such corporation has not
50 objected thereto; and that the party signing the certificate is the
51 agent of such foreign corporation to whose address the secretary of
52 state is required to mail copies of process ~~[or]~~, and/or the agent of
53 such foreign corporation to whose email address the secretary of state
54 is required to mail a notice of the fact that process against it has
55 been electronically served on the secretary of state and/or the regis-
56 tered agent, if such be the case. A certificate signed and delivered

1 under this paragraph shall not be deemed to effect a change of location
2 of the office of the corporation in whose behalf such certificate is
3 filed.

4 § 13. Subparagraph 6 of paragraph (a) and paragraph (d) of section
5 1310 of the business corporation law, the opening paragraph of paragraph
6 (d) as amended by chapter 172 of the laws of 1999, are amended to read
7 as follows:

8 (6) A post office address within or without this state to which the
9 secretary of state shall mail a copy of any process against it served
10 upon him or her. The corporation may include an email address to which
11 the secretary of state shall email a notice of the fact that process
12 against it has been electronically served upon him or her.

13 (d) The post office address and/or the email address specified under
14 subparagraph (6) of paragraph (a) of this section may be changed. A
15 certificate, entitled "Certificate of amendment of certificate of
16 surrender of authority of (name of corporation) under section
17 1310 of the Business Corporation Law", shall be signed as provided in
18 paragraph (a) of this section and delivered to the department of state.
19 It shall set forth:

20 (1) The name of the foreign corporation.

21 (2) The jurisdiction of its incorporation.

22 (3) The date its certificate of surrender of authority was filed by
23 the department of state.

24 (4) The changed post office address, within or without this state, to
25 which the secretary of state shall mail a copy of any process against it
26 served upon him or her and/or the changed email address to which the
27 secretary of state shall email a notice of the fact that process against
28 it has been electronically served upon him or her.

29 § 14. Section 1311 of the business corporation law, as amended by
30 chapter 375 of the laws of 1998, is amended to read as follows:

31 § 1311. Termination of existence.

32 When an authorized foreign corporation is dissolved or its authority
33 or existence is otherwise terminated or cancelled in the jurisdiction of
34 its incorporation or when such foreign corporation is merged into or
35 consolidated with another foreign corporation, a certificate of the
36 secretary of state, or official performing the equivalent function as to
37 corporate records, of the jurisdiction of incorporation of such foreign
38 corporation attesting to the occurrence of any such event or a certified
39 copy of an order or decree of a court of such jurisdiction directing the
40 dissolution of such foreign corporation, the termination of its exist-
41 ence or the cancellation of its authority shall be delivered to the
42 department of state. The filing of the certificate, order or decree
43 shall have the same effect as the filing of a certificate of surrender
44 of authority under section 1310 (Surrender of authority). The secretary
45 of state shall continue as agent of the foreign corporation upon whom
46 process against it may be served in the manner set forth in paragraph
47 (b) of section 306 (Service of process), in any action or special
48 proceeding based upon any liability or obligation incurred by the
49 foreign corporation within this state prior to the filing of such
50 certificate, order or decree and he or she shall promptly cause a copy
51 of any such process to be mailed by [~~registered~~] certified mail, return
52 receipt requested, to such foreign corporation at the post office
53 address on file in his or her office specified for such purpose or a
54 notice of the fact that process against such foreign corporation has
55 been served on him or her to be emailed to the foreign corporation at
56 the email address on file in his or her office specified for such

1 purpose. The post office address and/or email address may be changed by
2 signing and delivering to the department of state a certificate of
3 change setting forth the statements required under section 1309-A
4 (Certificate of change; contents) to effect a change in the post office
5 address and/or email address under subparagraph (a) [~~(4)~~] (7) or (10) of
6 section 1308 (Amendments or changes).

7 § 15. Subdivisions 2 and 3 of section 18 of the general associations
8 law, as amended by chapter 13 of the laws of 1938, are amended to read
9 as follows:

10 2. Every association doing business within this state shall file in
11 the department of state a certificate in its associate name, signed and
12 acknowledged by its president, or a vice-president, or secretary, or
13 treasurer, or managing director, or trustee, designating the secretary
14 of state as an agent upon whom process in any action or proceeding
15 against the association may be served within this state, and setting
16 forth an address to which the secretary of state shall mail a copy of
17 any process against the association which may be served upon him or her
18 pursuant to law. The association may include an email address to which
19 the secretary of state shall email a notice of the fact that process
20 against it has been electronically served upon him or her. Annexed to
21 the certificate of designation shall be a statement, executed in the
22 same manner as the certificate is required to be executed under this
23 section, which shall set forth:

24 (a) the names and places of residence of its officers and trustees

25 (b) its principal place of business

26 (c) the place where its office within this state is located and if
27 such place be in a city, the location thereof by street and number or
28 other particular description.

29 3. Any association, from time to time, may change the address to which
30 the secretary of state is directed to mail copies of process or specify,
31 change or delete the email address to which the secretary of state shall
32 email a notice of the fact that process against the association has been
33 electronically served upon him or her, by filing a statement to that
34 effect, executed, signed and acknowledged in like manner as a certifi-
35 cate of designation as herein provided.

36 § 15-a. The general associations law is amended by adding a new
37 section 18-a to read as follows:

38 § 18-a. Electronic service of process. The secretary of state shall
39 advise any association subject to the laws of this chapter in prominent
40 written form as follows: (a) electronic service of process authorized by
41 the provisions of this chapter is an optional program at no additional
42 cost to the user; (b) any association subject to the laws of this chap-
43 ter will continue to receive service of process by mail unless such
44 association notifies the secretary of an affirmative choice to receive
45 service of process by way of the program through electronic means, in
46 which case digital copies will be made accessible but paper documents
47 will not be mailed; and (c) such choice may be reversed by the associ-
48 ation at any time and, thereafter, service by mail will resume.

49 § 16. Section 19 of the general associations law, as amended by chap-
50 ter 166 of the laws of 1991, is amended to read as follows:

51 § 19. Service of process. Service of process against an association
52 upon the secretary of state shall be made [~~by personally~~] in the manner
53 provided by subdivision one or two of this section. Either option of
54 service authorized pursuant to this section shall be available at no
55 extra cost to the consumer. (1) Personally delivering to and leaving
56 with him [~~or a deputy secretary of state or an associate attorney,~~

~~senior attorney or attorney in the corporation division of the department of state]~~ or her or with a person authorized by the secretary of state to receive such service, duplicate copies of such process at the office of the department of state in the city of Albany. At the time of such service the plaintiff shall pay a fee of forty dollars to the secretary of state which shall be a taxable disbursement. ~~[If the cost of registered mail for transmitting a copy of the process shall exceed two dollars, an additional fee equal to such excess shall be paid at the time of the service of such process.]~~ The secretary of state shall ~~[forthwith]~~ promptly send by ~~[registered]~~ certified mail one of such copies to the association at the address fixed for that purpose, as herein provided. (2) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state, provided the association has an email address on file in the department of state to which the secretary of state shall email a notice of the fact that process has been served electronically on the secretary of state. Service of process on such association shall be complete when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly send a notice of the fact that process against such association has been served electronically upon him or her, to such association at the email address on file in the department of state, specified for the purpose and shall make a copy of the process available to such association. If the action or proceeding is instituted in a court of limited jurisdiction, service of process may be made in the manner provided in this section if the cause of action arose within the territorial jurisdiction of the court and the office of the defendant, as set forth in its statement filed pursuant to section eighteen of this chapter, is within such territorial jurisdiction.

§ 17. Paragraph 4 of subdivision (e) of section 203 of the limited liability company law, as added by chapter 470 of the laws of 1997, is amended to read as follows:

(4) a designation of the secretary of state as agent of the limited liability company upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against the limited liability company served upon him or her. The limited liability company may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her;

§ 18. Subdivision (d) of section 211 of the limited liability company law is amended by adding a new paragraph 10 to read as follows:

(10) to specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the limited liability company has been electronically served upon him or her.

§ 19. Section 211-A of the limited liability company law, as added by chapter 448 of the laws of 1998, is amended to read as follows:

§ 211-A. Certificate of change. (a) A limited liability company may amend its articles of organization from time to time to (i) specify or change the location of the limited liability company's office; (ii) specify or change the post office address to which the secretary of state shall mail a copy of any process against the limited liability company served upon him or her; ~~[and]~~ (iii) specify, change or delete the email address to which the secretary of state shall email a notice

1 of the fact that process against the limited liability company has been
2 electronically served upon him or her; and (iv) make, revoke or change
3 the designation of a registered agent, or specify or change the address
4 of the registered agent. Any one or more such changes may be accom-
5 plished by filing a certificate of change which shall be entitled
6 "Certificate of Change of (name of limited liability company)
7 under section 211-A of the Limited Liability Company Law" and shall be
8 signed and delivered to the department of state. It shall set forth:

9 (1) the name of the limited liability company, and if it has been
10 changed, the name under which it was formed;

11 (2) the date the articles of organization were filed by the department
12 of state; and

13 (3) each change effected thereby.

14 (b) A certificate of change which changes only the post office address
15 to which the secretary of state shall mail a copy of any process against
16 a limited liability company served upon him or her, and/or the email
17 address to which the secretary of state shall email a notice of the fact
18 that process against it has been electronically served upon the secre-
19 tary of state and/or the address of the registered agent, provided such
20 address being changed, and/or the email address being changed is the
21 email address of a person, partnership or other corporation whose email
22 address, as agent, is the email address to be changed, is the address of
23 a person, partnership or corporation whose address, as agent, is the
24 address to be changed or who has been designated as registered agent for
25 such limited liability company may be signed and delivered to the
26 department of state by such agent. The certificate of change shall set
27 forth the statements required under subdivision (a) of this section;
28 that a notice of the proposed change was mailed to the domestic limited
29 liability company by the party signing the certificate not less than
30 thirty days prior to the date of delivery to the department of state and
31 that such domestic limited liability company has not objected thereto;
32 and that the party signing the certificate is the agent of such limited
33 liability company to whose address the secretary of state is required to
34 mail copies of process, and/or the agent of the limited liability compa-
35 ny to whose email address of the secretary of state is required to
36 email a notice of the fact that process against it has been electron-
37 ically served upon the secretary of state, or the registered agent, if
38 such be the case. A certificate signed and delivered under this subdivi-
39 sion shall not be deemed to effect a change of location of the office of
40 the limited liability company in whose behalf such certificate is filed.

41 § 20. Subdivision (c) of section 301 of the limited liability company
42 law is amended to read as follows:

43 (c) Any designated post office address to which the secretary of state
44 shall mail a copy of process served upon him or her as agent of a domes-
45 tic limited liability company or a foreign limited liability company
46 shall continue until the filing of a certificate or other instrument
47 under this chapter directing the mailing to a different post office
48 address and any designated email address to which the secretary of state
49 shall email a notice of the fact that process has been electronically
50 served upon him or her as agent of a domestic limited liability company
51 or foreign limited liability company, shall continue until the filing of
52 a certificate or other instrument under this chapter changing or delet-
53 ing such email address.

54 § 20-a. The limited liability company law is amended by adding a new
55 section 301-b to read as follows:

1 § 301-b. Electronic service of process. The secretary of state shall
2 advise any limited liability company subject to the laws of this chapter
3 in prominent written form as follows: (a) electronic service of process
4 authorized by the provisions of this chapter is an optional program at
5 no additional cost to the user; (b) any limited liability company
6 subject to the laws of this chapter will continue to receive service of
7 process by mail unless such limited liability company notifies the
8 secretary of an affirmative choice to receive service of process by way
9 of the program through electronic means, in which case digital copies
10 will be made accessible but paper documents will not be mailed; and (c)
11 such choice may be reversed by the limited liability company at any time
12 and, thereafter, service by mail will resume.

13 § 21. Subdivision (a) of section 303 of the limited liability company
14 law, as relettered by chapter 341 of the laws of 1999, is amended to
15 read as follows:

16 (a) Service of process on the secretary of state as agent of a domes-
17 tic limited liability company or authorized foreign limited liability
18 company shall be made [~~by personally~~] in the manner provided by para-
19 graph one or two of this subdivision. Either option of service author-
20 ized pursuant to this subdivision shall be available at no extra cost to
21 the consumer. (1) Personally delivering to and leaving with the secre-
22 tary of state or his or her deputy, or with any person authorized by the
23 secretary of state to receive such service, at the office of the depart-
24 ment of state in the city of Albany, duplicate copies of such process
25 together with the statutory fee, which fee shall be a taxable disburse-
26 ment. Service of process on such limited liability company shall be
27 complete when the secretary of state is so served. The secretary of
28 state shall promptly send one of such copies by certified mail, return
29 receipt requested, to such limited liability company at the post office
30 address on file in the department of state specified for that purpose.
31 (2) Electronically submitting a copy of the process to the department of
32 state together with the statutory fee, which fee shall be a taxable
33 disbursement, through an electronic system operated by the department of
34 state, provided the domestic or authorized foreign limited liability
35 company has an email address on file in the department of state to which
36 the secretary of state shall email a notice of the fact that process has
37 been served electronically on the secretary of state. Service of process
38 on such limited liability company shall be complete when the secretary
39 of state has reviewed and accepted service of such process. The secre-
40 tary of state shall promptly send a notice of the fact that process
41 against such limited liability company has been served electronically on
42 him or her to such limited liability company at the email address on
43 file in the department of state, specified for the purpose and shall
44 make a copy of the process available to such limited liability company.

45 § 22. Subdivision (b) of section 304 of the limited liability company
46 law is amended to read as follows:

47 (b) Service of such process upon the secretary of state shall be made
48 [~~by personally~~] in the manner provided by paragraph one or two of this
49 subdivision. Either option of service authorized pursuant to this subdivi-
50 sion shall be available at no extra cost to the consumer.

51 (1) Personally delivering to and leaving with the secretary of state
52 or his or her deputy, or with any person authorized by the secretary of
53 state to receive such service, at the office of the department of state
54 in the city of Albany, a copy of such process together with the statuto-
55 ry fee, which fee shall be a taxable disbursement.

1 (2) Electronically submitting a copy of the process to the department
2 of state together with the statutory fee, which fee shall be a taxable
3 disbursement, through an electronic system operated by the department of
4 state.

5 § 23. Paragraph 4 of subdivision (a) of section 802 of the limited
6 liability company law, as amended by chapter 470 of the laws of 1997, is
7 amended to read as follows:

8 (4) a designation of the secretary of state as its agent upon whom
9 process against it may be served and the post office address within or
10 without this state to which the secretary of state shall mail a copy of
11 any process against it served upon him or her. The limited liability
12 company may include an email address to which the secretary of state
13 shall email a notice of the fact that process against it has been elec-
14 tronically served upon him or her;

15 § 24. Section 804-A of the limited liability company law, as added by
16 chapter 448 of the laws of 1998, is amended to read as follows:

17 § 804-A. Certificate of change. (a) A foreign limited liability compa-
18 ny may amend its application for authority from time to time to (i)
19 specify or change the location of the limited liability company's
20 office; (ii) specify or change the post office address to which the
21 secretary of state shall mail a copy of any process against the limited
22 liability company served upon him or her; ~~[and]~~ (iii) specify, change or
23 delete the email address to which the secretary of state shall email a
24 notice of the fact that process against the limited liability company
25 has been electronically served upon him or her; and (iv) to make, revoke
26 or change the designation of a registered agent, or to specify or change
27 the address of a registered agent. Any one or more such changes may be
28 accomplished by filing a certificate of change which shall be entitled
29 "Certificate of Change of (name of limited liability company)
30 under section 804-A of the Limited Liability Company Law" and shall be
31 signed and delivered to the department of state. It shall set forth:

32 (1) the name of the foreign limited liability company and, if applica-
33 ble, the fictitious name the limited liability company has agreed to use
34 in this state pursuant to section eight hundred two of this article;

35 (2) the date its application for authority was filed by the department
36 of state; and

37 (3) each change effected thereby,

38 (b) A certificate of change which changes only the post office address
39 to which the secretary of state shall mail a copy of any process against
40 a foreign limited liability company served upon him or her, and/or the
41 email address to which the secretary of state shall email a notice of
42 the fact that process against it has been electronically served upon the
43 secretary of state, and/or the address of the registered agent, provided
44 such address being changed is the address of a person, partnership or
45 corporation whose address, as agent, is the address to be changed,
46 and/or the email address being changed is the email address of a person,
47 partnership or other corporation whose email address, as agent, is the
48 email address to be changed, or who has been designated as registered
49 agent for such limited liability company may be signed and delivered to
50 the department of state by such agent. The certificate of change shall
51 set forth the statements required under subdivision (a) of this section;
52 that a notice of the proposed change was mailed to the foreign limited
53 liability company by the party signing the certificate not less than
54 thirty days prior to the date of delivery to the department of state and
55 that such foreign limited liability company has not objected thereto;
56 and that the party signing the certificate is the agent of such foreign

1 limited liability company to whose address the secretary of state is
2 required to mail copies of process, and/or the agent of such foreign
3 limited liability company to whose email address the secretary of state
4 is required to email a notice of the fact that process against it has
5 been electronically served upon the secretary of state, or the regis-
6 tered agent, if such be the case. A certificate signed and delivered
7 under this subdivision shall not be deemed to effect a change of
8 location of the office of the foreign limited liability company in whose
9 behalf such certificate is filed.

10 § 25. Paragraph 6 of subdivision (b) of section 806 of the limited
11 liability company law is amended to read as follows:

12 (6) a post office address within or without this state to which the
13 secretary of state shall mail a copy of any process against it served
14 upon him or her. The limited liability company may include an email
15 address to which the secretary of state shall email a notice of the fact
16 that process against it has been electronically served upon him or her.

17 § 26. Section 807 of the limited liability company law is amended to
18 read as follows:

19 § 807. Termination of existence. When a foreign limited liability
20 company that has received a certificate of authority is dissolved or its
21 authority to conduct its business or existence is otherwise terminated
22 or canceled in the jurisdiction of its formation or when such foreign
23 limited liability company is merged into or consolidated with another
24 foreign limited liability company, (a) a certificate of the secretary of
25 state or official performing the equivalent function as to limited
26 liability company records in the jurisdiction of organization of such
27 limited liability company attesting to the occurrence of any such event
28 or (b) a certified copy of an order or decree of a court of such juris-
29 diction directing the dissolution of such foreign limited liability
30 company, the termination of its existence or the surrender of its
31 authority shall be delivered to the department of state. The filing of
32 the certificate, order or decree shall have the same effect as the
33 filing of a certificate of surrender of authority under section eight
34 hundred six of this article. The secretary of state shall continue as
35 agent of the foreign limited liability company upon whom process against
36 it may be served in the manner set forth in article three of this chap-
37 ter, in any action or proceeding based upon any liability or obligation
38 incurred by the foreign limited liability company within this state
39 prior to the filing of such certificate, order or decree. The post
40 office address and/or email address may be changed by filing with the
41 department of state a certificate of amendment under section eight
42 hundred four of this article.

43 § 27. Paragraph 11 of subdivision (a) of section 1003 of the limited
44 liability company law, as amended by chapter 374 of the laws of 1998, is
45 amended to read as follows:

46 (11) a designation of the secretary of state as its agent upon whom
47 process against it may be served in the manner set forth in article
48 three of this chapter in any action or special proceeding, and a post
49 office address, within or without this state, to which the secretary of
50 state shall mail a copy of any process served upon him or her. The
51 limited liability company may include an email address to which the
52 secretary of state shall email a notice of the fact that process against
53 it has been electronically served upon him or her. Such post office
54 address or email address shall supersede any prior address designated as
55 the address to which process shall be mailed or a notice emailed;

1 § 28. Paragraph 6 of subdivision (a) of section 1306 of the limited
2 liability company law is amended to read as follows:

3 (6) a designation of the secretary of state as its agent upon whom
4 process against it may be served and the post office address within or
5 without this state to which the secretary of state shall mail a copy of
6 any process against it served upon him or her. The limited liability
7 company may include an email address to which the secretary of state
8 shall email a notice of the fact that process against it has been elec-
9 tronically served upon him or her; and

10 § 29. Paragraph (d) of section 304 of the not-for-profit corporation
11 law, as amended by chapter 358 of the laws of 2015, is amended to read
12 as follows:

13 (d) Any designated post-office address to which the secretary of state
14 shall mail a copy of process served upon him or her as agent of a domes-
15 tic corporation formed under article four of this chapter or foreign
16 corporation, shall continue until the filing of a certificate or other
17 instrument under this chapter directing the mailing to a different post-
18 office address and any designated email address to which the secretary
19 of state shall email a notice of the fact that process has been elec-
20 tronically served upon him or her as agent of a domestic corporation or
21 foreign corporation, shall continue until the filing of a certificate or
22 other instrument under this chapter changing or deleting the email
23 address.

24 § 30. Paragraph (b) of section 306 of the not-for-profit corporation
25 law, as amended by chapter 23 of the laws of 2014, is amended to read as
26 follows:

27 (b) Service of process on the secretary of state as agent of a domes-
28 tic corporation formed under article four of this chapter or an author-
29 ized foreign corporation shall be made ~~[by personally]~~ in the manner
30 provided by subparagraph one or two of this paragraph. (1) Personally
31 delivering to and leaving with the secretary of state or his or her
32 deputy, or with any person authorized by the secretary of state to
33 receive such service, at the office of the department of state in the
34 city of Albany, duplicate copies of such process together with the stat-
35 utory fee, which fee shall be a taxable disbursement. Service of process
36 on such corporation shall be complete when the secretary of state is so
37 served. The secretary of state shall promptly send one of such copies
38 by certified mail, return receipt requested, to such corporation, at the
39 post office address, on file in the department of state, specified for
40 the purpose. If a domestic corporation formed under article four of this
41 chapter or an authorized foreign corporation has no such address on file
42 in the department of state, the secretary of state shall so mail such
43 copy to such corporation at the address of its office within this state
44 on file in the department. (2) Electronically submitting a copy of the
45 process to the department of state together with the statutory fee,
46 which fee shall be a taxable disbursement, through an electronic system
47 operated by the department of state, provided the domestic or authorized
48 foreign corporation has an email address on file in the department of
49 state to which the secretary of state shall email a notice of the fact
50 that process has been served electronically on the secretary of state.
51 Service of process on such corporation shall be complete when the secre-
52 tary of state has reviewed and accepted service of such process. The
53 secretary of state shall promptly send a notice of the fact that process
54 against such corporation has been served electronically on him or her to
55 such corporation at the email address on file in the department of

1 state, specified for the purpose and shall make a copy of the process
2 available to such corporation.

3 § 30-a. The not-for-profit corporation law is amended by adding a new
4 section 306-a to read as follows:

5 § 306-a. Electronic service of process.

6 The secretary shall advise any corporation subject to the laws of this
7 chapter in prominent written form as follows: (a) electronic service of
8 process authorized by the provisions of this chapter is an optional
9 program at no additional cost to the user; (b) any corporation subject
10 to the laws of this chapter will continue to receive service of process
11 by mail unless such corporation notifies the secretary of an affirmative
12 choice to receive service of process by way of the program through elec-
13 tronic means, in which case digital copies will be made accessible but
14 paper documents will not be mailed; and (c) such choice may be reversed
15 by the corporation at any time and, thereafter, service by mail will
16 resume.

17 § 31. Paragraph (b) of section 307 of the not-for-profit corporation
18 law is amended to read as follows:

19 (b) (1) Service of such process upon the secretary of state shall be
20 made ~~[by personally]~~ in the manner provided by items (i) or (ii) of this
21 subparagraph. Either option of service authorized pursuant to this para-
22 graph shall be available at no extra cost to the consumer. (i)
23 Personally delivering to and leaving with him or his deputy, or with any
24 person authorized by the secretary of state to receive such service, at
25 the office of the department of state in the city of Albany, a copy of
26 such process together with the statutory fee, which fee shall be a taxa-
27 ble disbursement. ~~[Such service]~~ (ii) Electronically submitting a copy
28 of the process to the department of state together with the statutory
29 fee, which fee shall be a taxable disbursement, through an electronic
30 system operated by the department of state.

31 (2) Service under this paragraph shall be sufficient if notice thereof
32 and a copy of the process are:

33 ~~[(1)]~~ (i) Delivered personally without this state to such foreign
34 corporation by a person and in the manner authorized to serve process by
35 law of the jurisdiction in which service is made, or

36 ~~[(2)]~~ (ii) Sent by or on behalf of the plaintiff to such foreign
37 corporation by registered mail with return receipt requested, at the
38 post office address specified for the purpose of mailing process, on
39 file in the department of state, or with any official or body performing
40 the equivalent function, in the jurisdiction of its incorporation, or if
41 no such address is there specified, to its registered or other office
42 there specified, or if no such office is there specified, to the last
43 address of such foreign corporation known to the plaintiff.

44 § 32. Subparagraph 6 of paragraph (a) of section 402 of the not-for-
45 profit corporation law, as added by chapter 564 of the laws of 1981 and
46 as renumbered by chapter 132 of the laws of 1985, is amended to read as
47 follows:

48 (6) A designation of the secretary of state as agent of the corpo-
49 ration upon whom process against it may be served and the post office
50 address within or without this state to which the secretary of state
51 shall mail a copy of any process against it served upon him or her. The
52 corporation may include an email address to which the secretary of state
53 shall email a notice of the fact that process against it has been elec-
54 tronically served upon him or her.

55 § 33. Paragraph (b) of section 801 of the not-for-profit corporation
56 law is amended by adding a new paragraph 10 to read as follows:

1 (10) To specify, change or delete the email address to which the
2 secretary of state shall email a notice that process against the corpo-
3 ration has been electronically served upon him or her.

4 § 34. Paragraph (c) of section 802 of the not-for-profit corporation
5 law is amended by adding a new paragraph 4 to read as follows:

6 (4) To specify, change or delete the email address to which the secre-
7 tary of state shall email a notice of the fact that process against the
8 corporation has been electronically served upon him or her.

9 § 35. Subparagraph 6 of paragraph (a) of section 803 of the not-for-
10 profit corporation law, as amended by chapter 23 of the laws of 2014, is
11 amended to read as follows:

12 (6) A designation of the secretary of state as agent of the corpo-
13 ration upon whom process against it may be served and the post office
14 address within or without this state to which the secretary of state
15 shall mail a copy of any process against it served upon the secretary.
16 The corporation may include an email address to which the secretary of
17 state shall email a notice of the fact that process against it has been
18 electronically served upon him or her.

19 § 36. Paragraph (b) of section 803-A of the not-for-profit corporation
20 law, as amended by chapter 172 of the laws of 1999, is amended to read
21 as follows:

22 (b) A certificate of change which changes only the post office address
23 to which the secretary of state shall mail a copy of any process against
24 the corporation served upon him or her, and/or the email address to
25 which the secretary of state shall email a notice of the fact that proc-
26 ess against it has been electronically served upon the secretary of
27 state, and/or the address of the registered agent, provided such address
28 being changed is the address of a person, partnership or other corpo-
29 ration whose address, as agent, is the address to be changed ~~[or]~~,
30 and/or the email address being changed is the email address of a person,
31 partnership or other corporation, whose email address, as agent, is the
32 email address to be changed, and/or who has been designated as regis-
33 tered agent for such corporation, may be signed and delivered to the
34 department of state by such agent. The certificate of change shall set
35 forth the statements required under subparagraphs (1), (2) and (3) of
36 paragraph (a) of this section; that a notice of the proposed change was
37 mailed to the corporation by the party signing the certificate not less
38 than thirty days prior to the date of delivery to the department and
39 that such corporation has not objected thereto; and that the party sign-
40 ing the certificate is the agent of such corporation to whose address
41 the secretary of state is required to mail copies of any process against
42 the corporation served upon him or her, and/or the agent of the corpo-
43 ration to whose the email address the secretary of state is required to
44 email a notice of the fact that process against the corporation has been
45 electronically served upon him or her, and/or the registered agent, if
46 such be the case. A certificate signed and delivered under this para-
47 graph shall not be deemed to effect a change of location of the office
48 of the corporation in whose behalf such certificate is filed.

49 § 37. Paragraph (c) of section 1310 of the not-for-profit corporation
50 law, as amended by chapter 172 of the laws of 1999, is amended and a new
51 subparagraph 4 is added to paragraph (a) to read as follows:

52 (4) To specify, change or delete the email address to which the secre-
53 tary of state shall email a notice of the fact that process against the
54 corporation has been electronically served upon him or her.

55 (c) A certificate of change of application for authority which changes
56 only the post office address to which the secretary of state shall mail

1 a copy of any process against an authorized foreign corporation served
2 upon him or her, the email address to which the secretary of state shall
3 email a notice of the fact that process against it has been electron-
4 ically served upon the secretary of state and/or which changes the
5 address of its registered agent, provided such address is the address of
6 a person, partnership or other corporation whose address, as agent, is
7 the address to be changed, and/or the email address being changed is the
8 email address of a person, partnership or other corporation whose email
9 address, as agent, is the email address to be changed, or who has been
10 designated as registered agent for such authorized foreign corporation,
11 may be signed and delivered to the department of state by such agent.
12 The certificate of change of application for authority shall set forth
13 the statements required under subparagraphs (1), (2), (3) and (4) of
14 paragraph (b) of this section; that a notice of the proposed change was
15 mailed by the party signing the certificate to the authorized foreign
16 corporation not less than thirty days prior to the date of delivery to
17 the department and that such corporation has not objected thereto; and
18 that the party signing the certificate is the agent of such foreign
19 corporation to whose address the secretary of state is required to mail
20 copies of process [~~or~~], and/or the agent of such foreign corporation to
21 whose email address the secretary of state is required to email a notice
22 of the fact that process against it has been electronically served upon
23 the secretary of state, and/or the registered agent, if such be the
24 case. A certificate signed and delivered under this paragraph shall not
25 be deemed to effect a change of location of the office of the corpo-
26 ration in whose behalf such certificate is filed.

27 § 38. Subparagraph 6 of paragraph (a) of section 1311 of the not-for-
28 profit corporation law is amended to read as follows:

29 (6) A post office address within or without this state to which the
30 secretary of state shall mail a copy of any process against it served
31 upon him or her. The corporation may include an email address to which
32 the secretary of state shall email a notice of the fact that process
33 against it has been electronically served upon him or her.

34 § 39. Section 1312 of the not-for-profit corporation law, as amended
35 by chapter 375 of the laws of 1998, is amended to read as follows:

36 § 1312. Termination of existence.

37 When an authorized foreign corporation is dissolved or its authority
38 or existence is otherwise terminated or cancelled in the jurisdiction of
39 its incorporation or when such foreign corporation is merged into or
40 consolidated with another foreign corporation, a certificate of the
41 secretary of state, or official performing the equivalent function as to
42 corporate records, of the jurisdiction of incorporation of such foreign
43 corporation attesting to the occurrence of any such event or a certified
44 copy of an order or decree of a court of such jurisdiction directing the
45 dissolution of such foreign corporation, the termination of its exist-
46 ence or the cancellation of its authority shall be delivered to the
47 department of state. The filing of the certificate, order or decree
48 shall have the same effect as the filing of a certificate of surrender
49 of authority under section 1311 (Surrender of authority). The secretary
50 of state shall continue as agent of the foreign corporation upon whom
51 process against it may be served in the manner set forth in paragraph
52 (b) of section 306 (Service of process), in any action or special
53 proceeding based upon any liability or obligation incurred by the
54 foreign corporation within this state prior to the filing of such
55 certificate, order or decree and he shall promptly cause a copy of any
56 such process to be mailed by [~~registered~~] certified mail, return receipt

1 requested, to such foreign corporation at the post office address on
2 file in his or her office specified for such purpose or a notice of the
3 fact that process against the corporation has been served on him or her
4 to be emailed to the foreign corporation at the email address on file in
5 his or her office specified for such purpose. The post office address
6 and/or email address may be changed by signing and delivering to the
7 department of state a certificate of change setting forth the statements
8 required under section 1310 (Certificate of change[~~7~~]; contents) to
9 effect a change in the post office address and/or email address under
10 subparagraph (a) [~~(4)~~] (7) of section 1308 (Amendments or changes).

11 § 40. Subdivision (c) of section 121-104 of the partnership law, as
12 added by chapter 950 of the laws of 1990, is amended to read as follows:

13 (c) Any designated post office address to which the secretary of state
14 shall mail a copy of process served upon him as agent of a domestic
15 limited partnership or foreign limited partnership shall continue until
16 the filing of a certificate or other instrument under this article
17 directing the mailing to a different post office address and any desig-
18 nated email address to which the secretary of state shall email a notice
19 of the fact that process against such domestic limited partnership or
20 foreign limited partnership has been electronically served upon him or
21 her as agent of a domestic limited partnership or foreign limited part-
22 nership, shall continue until the filing of a certificate or other
23 instrument under this chapter changing or deleting the email address.

24 § 41. Subdivision (a) and the opening paragraph of subdivision (b) of
25 section 121-109 of the partnership law, as added by chapter 950 of the
26 laws of 1990 and as relettered by chapter 341 of the laws of 1999, are
27 amended to read as follows:

28 (a) Service of process on the secretary of state as agent of a domes-
29 tic or authorized foreign limited partnership shall be made [~~as~~
30 ~~follows:~~] in the manner provided by paragraph one or two of this subdi-
31 vision. Either option of service authorized pursuant to this subdivision
32 shall be available at no extra cost to the consumer.

33 (1) By personally delivering to and leaving with him or her or his or
34 her deputy, or with any person authorized by the secretary of state to
35 receive such service, at the office of the department of state in the
36 city of Albany, duplicate copies of such process together with the stat-
37 utory fee, which fee shall be a taxable disbursement.

38 [~~(2)~~] The service on the limited partnership is complete when the
39 secretary of state is so served.

40 [~~(3)~~] The secretary of state shall promptly send one of such copies by
41 certified mail, return receipt requested, addressed to the limited part-
42 nership at the post office address, on file in the department of state,
43 specified for that purpose.

44 (2) Electronically submitting a copy of the process to the department
45 of state together with the statutory fee, which fee shall be a taxable
46 disbursement, through an electronic system operated by the department of
47 state, provided the domestic or authorized foreign limited partnership
48 has an email address on file in the department of state to which the
49 secretary of state shall email a notice of the fact that process has
50 been served electronically on the secretary of state as agent of such
51 domestic or authorized foreign limited partnership. Service of process
52 on such limited partnership or authorized foreign limited partnership
53 shall be complete when the secretary of state has reviewed and accepted
54 service of such process. The secretary of state shall promptly send a
55 notice of the fact that process has been served to such limited partner-
56 ship at the email address on file in the department of state, specified

1 for the purpose and shall make a copy of the process available to such
2 limited partnership or authorized foreign limited partnership.

3 In any case in which a non-domiciliary would be subject to the
4 personal or other jurisdiction of the courts of this state under article
5 three of the civil practice law and rules, a foreign limited partnership
6 not authorized to do business in this state is subject to a like juris-
7 diction. In any such case, process against such foreign limited partner-
8 ship may be served upon the secretary of state as its agent. Such proc-
9 ess may issue in any court in this state having jurisdiction of the
10 subject matter. Service of process upon the secretary of state shall be
11 made ~~[by personally]~~ in the manner provided by paragraph one or two of
12 this subdivision. Either option of service authorized pursuant to this
13 paragraph shall be available at no extra cost to the consumer. (1)
14 Personally delivering to and leaving with him or his deputy, or with any
15 person authorized by the secretary of state to receive such service, at
16 the office of the department of state in the city of Albany, a copy of
17 such process together with the statutory fee, which fee shall be a taxa-
18 ble disbursement. (2) Electronically submitting a copy of the process
19 to the department of state together with the statutory fee, which fee
20 shall be a taxable disbursement, through an electronic system operated
21 by the department of state. Such service shall be sufficient if notice
22 thereof and a copy of the process are:

23 § 41-a. The partnership law is amended by adding a new section
24 121-109-a to read as follows:

25 § 121-109-a. Electronic service of process. The secretary of state
26 shall advise any partnership subject to the laws of this article in
27 prominent written form as follows: (a) electronic service of process
28 authorized by the provisions of this chapter is an optional program at
29 no additional cost to the user; (b) any partnership subject to the laws
30 of this chapter will continue to receive service of process by mail
31 unless such partnership notifies the secretary of an affirmative choice
32 to receive service of process by way of the program through electronic
33 means, in which case digital copies will be made accessible but paper
34 documents will not be mailed; and (c) such choice may be reversed by the
35 partnership at any time and, thereafter, service by mail will resume.

36 § 42. Paragraph 3 of subdivision (a) of section 121-201 of the part-
37 nership law, as amended by chapter 264 of the laws of 1991, is amended
38 to read as follows:

39 (3) a designation of the secretary of state as agent of the limited
40 partnership upon whom process against it may be served and the post
41 office address within or without this state to which the secretary of
42 state shall mail a copy of any process against it served upon him or
43 her. The limited partnership may include an email address to which the
44 secretary of state shall email a notice of the fact that process against
45 it has been electronically served upon him or her;

46 § 43. Paragraph 4 of subdivision (b) of section 121-202 of the part-
47 nership law, as amended by chapter 576 of the laws of 1994, is amended
48 to read as follows:

49 (4) a change in the name of the limited partnership, or a change in
50 the post office address to which the secretary of state shall mail a
51 copy of any process against the limited partnership served on him or
52 her, a change in the email address to which the secretary of state shall
53 email a notice of the fact that process against the limited partnership
54 has been electronically served upon him or her, or a change in the name
55 or address of the registered agent, if such change is made other than
56 pursuant to section 121-104 or 121-105 of this article.

§ 44. The opening paragraph of subdivision (a) and subdivision (b) of section 121-202-A of the partnership law, as added by chapter 448 of the laws of 1998, are amended to read as follows:

A certificate of limited partnership may be changed by filing with the department of state a certificate of change entitled "Certificate of Change of (name of limited partnership) under Section 121-202-A of the Revised Limited Partnership Act" and shall be signed and delivered to the department of state. A certificate of change may (i) specify or change the location of the limited partnership's office; (ii) specify or change the post office address to which the secretary of state shall mail a copy of process against the limited partnership served upon him; ~~[and]~~ (iii) specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the limited partnership has been electronically served upon him or her; and (iv) make, revoke or change the designation of a registered agent, or to specify or change the address of its registered agent. It shall set forth:

(b) A certificate of change which changes only the post office address to which the secretary of state shall mail a copy of any process against a limited partnership served upon him or her, the email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon the secretary of state, and/or the address of the registered agent, provided such address being changed is the address of a person, partnership or corporation whose address, as agent, is the address to be changed, and/or the email address being changed is the email address of a person, partnership or other corporation whose email address, as agent, is the email address to be changed, or who has been designated as registered agent for such limited partnership shall be signed and delivered to the department of state by such agent. The certificate of change shall set forth the statements required under subdivision (a) of this section; that a notice of the proposed change was mailed to the domestic limited partnership by the party signing the certificate not less than thirty days prior to the date of delivery to the department of state and that such domestic limited partnership has not objected thereto; and that the party signing the certificate is the agent of such limited partnership to whose address the secretary of state is required to mail copies of process ~~[or]~~, and/or the agent to whose email address the secretary of state is required to email a notice of the fact that process against it has been electronically served upon the secretary of state, and/or the registered agent, if such be the case. A certificate signed and delivered under this subdivision shall not be deemed to effect a change of location of the office of the limited partnership in whose behalf such certificate is filed.

§ 45. Paragraph 4 of subdivision (a) of section 121-902 of the partnership law, as amended by chapter 172 of the laws of 1999, is amended to read as follows:

(4) a designation of the secretary of state as its agent upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him or her. The limited partnership may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her;

1 § 46. The opening paragraph of subdivision (a) and subdivision (b) of
2 section 121-903-A of the partnership law, as added by chapter 448 of the
3 laws of 1998, are amended to read as follows:

4 A foreign limited partnership may change its application for authority
5 by filing with the department of state a certificate of change entitled
6 "Certificate of Change of (name of limited partnership) under
7 Section 121-903-A of the Revised Limited Partnership Act" and shall be
8 signed and delivered to the department of state. A certificate of change
9 may (i) change the location of the limited partnership's office; (ii)
10 change the post office address to which the secretary of state shall
11 mail a copy of process against the limited partnership served upon him;
12 [and] (iii) specify, change or delete the email address to which the
13 secretary of state shall email a notice of the fact that process against
14 the limited partnership has been electronically served upon him or her;
15 and (iv) make, revoke or change the designation of a registered agent,
16 or to specify or change the address of its registered agent. It shall
17 set forth:

18 (b) A certificate of change which changes only the post office address
19 to which the secretary of state shall mail a copy of any process against
20 a foreign limited partnership served upon him or her, and/or the email
21 address to which the secretary of state shall email a notice of the fact
22 that process against it has been electronically served upon the secre-
23 tary of state, and/or the address of the registered agent, provided such
24 address being changed is the address of a person, partnership or corpo-
25 ration whose address, as agent, is the address to be changed, and/or the
26 email address being changed is the email address of a person, partner-
27 ship or other corporation whose email address, as agent, is the email
28 address to be changed, or who has been designated as registered agent
29 for such foreign limited partnership shall be signed and delivered to
30 the department of state by such agent. The certificate of change shall
31 set forth the statements required under subdivision (a) of this section;
32 that a notice of the proposed change was mailed to the foreign limited
33 partnership by the party signing the certificate not less than thirty
34 days prior to the date of delivery to the department of state and that
35 such foreign limited partnership has not objected thereto; and that the
36 party signing the certificate is the agent of such foreign limited part-
37 nership to whose address the secretary of state is required to mail
38 copies of process [or], the email address of the party to whose email
39 address the secretary of state is required to mail a notice of the fact
40 that process against it has been electronically served upon the secre-
41 tary of state and/or the registered agent, if such be the case. A
42 certificate signed and delivered under this subdivision shall not be
43 deemed to effect a change of location of the office of the limited part-
44 nership in whose behalf such certificate is filed.

45 § 47. Paragraph 6 of subdivision (b) of section 121-905 of the part-
46 nership law, as added by chapter 950 of the laws of 1990, is amended to
47 read as follows:

48 (6) a post office address within or without this state to which the
49 secretary of state shall mail a copy of any process against it served
50 upon him or her. The limited partnership may include an email address to
51 which the secretary of state shall email a notice of the fact that proc-
52 ess against it has been electronically served upon him or her.

53 § 48. Section 121-906 of the partnership law, as amended by chapter
54 172 of the laws of 1999, is amended to read as follows:

55 § 121-906. Termination of existence. When a foreign limited partner-
56 ship which has received a certificate of authority is dissolved or its

1 authority to conduct its business or existence is otherwise terminated
2 or cancelled in the jurisdiction of its organization or when such
3 foreign limited partnership is merged into or consolidated with another
4 foreign limited partnership, (i) a certificate of the secretary of
5 state, or official performing the equivalent function as to limited
6 partnership records, in the jurisdiction of organization of such limited
7 partnership attesting to the occurrence of any such event, or (ii) a
8 certified copy of an order or decree of a court of such jurisdiction
9 directing the dissolution of such foreign limited partnership, the
10 termination of its existence or the surrender of its authority, shall be
11 delivered to the department of state. The filing of the certificate,
12 order or decree shall have the same effect as the filing of a certifi-
13 cate of surrender of authority under section 121-905 of this article.
14 The secretary of state shall continue as agent of the foreign limited
15 partnership upon whom process against it may be served in the manner set
16 forth in section 121-109 of this article, in any action or proceeding
17 based upon any liability or obligation incurred by the foreign limited
18 partnership within this state prior to the filing of such certificate,
19 order or decree. The post office address and/or email address may be
20 changed by filing with the department of state a certificate of amend-
21 ment under section 121-903 or a certificate of change under section
22 121-903-A of this article.

23 § 49. Paragraph 7 of subdivision (a) of section 121-1103 of the part-
24 nership law, as added by chapter 950 of the laws of 1990, is amended to
25 read as follows:

26 (7) A designation of the secretary of state as its agent upon whom
27 process against it may be served in the manner set forth in section
28 121-109 of this article in any action or special proceeding, and a post
29 office address, within or without this state, to which the secretary of
30 state shall mail a copy of any process served upon him or her. The
31 limited partnership may include an email address to which the secretary
32 of state shall email a notice of the fact that process against it has
33 been electronically served upon him or her. Such post office address or
34 email address shall supersede any prior address designated as the
35 address to which process shall be mailed or a notice emailed.

36 § 50. Subparagraph 4 of paragraph (I) of subdivision (a) and subdivi-
37 sion (j-1) of section 121-1500 of the partnership law, paragraph (I) of
38 subdivision (a) as amended by chapter 643 of the laws of 1995 and as
39 redesignated by chapter 767 of the laws of 2005 and subdivision (j-1) as
40 added by chapter 448 of the laws of 1998, are amended to read as
41 follows:

42 (4) a designation of the secretary of state as agent of the partner-
43 ship without limited partners upon whom process against it may be served
44 and the post office address within or without this state to which the
45 secretary of state shall mail a copy of any process against it or served
46 upon it. The partnership without limited partners may include an email
47 address to which the secretary of state shall email a notice of the fact
48 that process against it has been electronically served upon him or her;

49 (j-1) A certificate of change which changes only the post office
50 address to which the secretary of state shall mail a copy of any process
51 against a registered limited liability partnership served upon him or
52 her, and/or the email address to which the secretary of state shall
53 email a notice of the fact that process against it has been electron-
54 ically served upon the secretary of state, and/or the address of the
55 registered agent, provided such address being changed is the address of
56 a person, partnership or corporation whose address, as agent, is the

1 address to be changed [~~or~~], and/or the email address being changed is
2 the email address of a person, partnership or other corporation whose
3 email address, as agent, is the email address to be changed, and/or who
4 has been designated as registered agent for such registered limited
5 liability partnership shall be signed and delivered to the department of
6 state by such agent. The certificate of change shall set forth: (i) the
7 name of the registered limited liability partnership and, if it has been
8 changed, the name under which it was originally filed with the depart-
9 ment of state; (ii) the date of filing of its initial registration or
10 notice statement; (iii) each change effected thereby; (iv) that a notice
11 of the proposed change was mailed to the limited liability partnership
12 by the party signing the certificate not less than thirty days prior to
13 the date of delivery to the department of state and that such limited
14 liability partnership has not objected thereto; and (v) that the party
15 signing the certificate is the agent of such limited liability partner-
16 ship to whose address the secretary of state is required to mail copies
17 of process [~~or~~], and/or to whose email address the secretary of state is
18 required to mail a notice of the fact that process against it has been
19 electronically served upon the secretary of state, and/or the registered
20 agent, if such be the case. A certificate signed and delivered under
21 this subdivision shall not be deemed to effect a change of location of
22 the office of the limited liability partnership in whose behalf such
23 certificate is filed. The certificate of change shall be accompanied by
24 a fee of five dollars.

25 § 51. Paragraph (v) of subdivision (a) and subdivision (i-1) of
26 section 121-1502 of the partnership law, paragraph (v) of subdivision
27 (a) as amended by chapter 470 of the laws of 1997 and subdivision (i-1)
28 as added by chapter 448 of the laws of 1998, are amended to read as
29 follows:

30 (v) a designation of the secretary of state as agent of the foreign
31 limited liability partnership upon whom process against it may be served
32 and the post office address within or without this state to which the
33 secretary of state shall mail a copy of any process against it or served
34 upon it. The foreign limited liability partnership may include an email
35 address to which the secretary of state shall email a notice of the fact
36 that process against it has been electronically served upon him or her;

37 (i-1) A certificate of change which changes only the post office
38 address to which the secretary of state shall mail a copy of any process
39 against a New York registered foreign limited liability partnership
40 served upon him or her, and/or the email address to which the secretary
41 of state shall email a notice of the fact that process against it has
42 been electronically served upon the secretary of state, and/or the
43 address of the registered agent, provided such address being changed is
44 the address of a person, partnership or corporation whose address, as
45 agent, is the address to be changed [~~or~~], and/or the email address being
46 changed is the email address of a person, partnership or other corpo-
47 ration whose email address, as agent, is the email address to be
48 changed, and/or who has been designated as registered agent of such
49 registered foreign limited liability partnership shall be signed and
50 delivered to the department of state by such agent. The certificate of
51 change shall set forth: (i) the name of the New York registered foreign
52 limited liability partnership; (ii) the date of filing of its initial
53 registration or notice statement; (iii) each change effected thereby;
54 (iv) that a notice of the proposed change was mailed to the limited
55 liability partnership by the party signing the certificate not less than
56 thirty days prior to the date of delivery to the department of state and

1 that such limited liability partnership has not objected thereto; and
2 (v) that the party signing the certificate is the agent of such limited
3 liability partnership to whose address the secretary of state is
4 required to mail copies of process ~~[or]~~, and/or to whose email address
5 the secretary of state is required to mail a notice of the fact that
6 process against it has been electronically served upon the secretary of
7 state, and/or the registered agent, if such be the case. A certificate
8 signed and delivered under this subdivision shall not be deemed to
9 effect a change of location of the office of the limited liability part-
10 nership in whose behalf such certificate is filed. The certificate of
11 change shall be accompanied by a fee of five dollars.

12 § 52. Subdivision (a) of section 121-1505 of the partnership law, as
13 added by chapter 470 of the laws of 1997, is amended to read as follows:

14 (a) Service of process on the secretary of state as agent of a regis-
15 tered limited liability partnership or New York registered foreign
16 limited liability partnership under this article shall be made ~~[by~~
17 ~~personally]~~ in the manner provided by paragraph one or two of this
18 subdivision. Either option of service authorized pursuant to this
19 subdivision shall be available at no extra cost to the consumer. (1)
20 Personally delivering to and leaving with the secretary of state or a
21 deputy, or with any person authorized by the secretary of state to
22 receive such service, at the office of the department of state in the
23 city of Albany, duplicate copies of such process together with the stat-
24 utory fee, which fee shall be a taxable disbursement. Service of process
25 on such registered limited liability partnership shall be complete when
26 the secretary of state is so served. The secretary of state shall
27 promptly send one of such copies by certified mail, return receipt
28 requested, to such registered limited liability partnership, at the post
29 office address on file in the department of state specified for such
30 purpose. (2) Electronically submitting a copy of the process to the
31 department of state together with the statutory fee, which fee shall be
32 a taxable disbursement, through an electronic system operated by the
33 department of state, provided the registered limited liability partner-
34 ship or New York registered foreign limited liability partnership has an
35 email address on file in the department of state to which the secretary
36 of state shall email a notice of the fact that process against such
37 registered limited liability partnership or New York registered foreign
38 limited liability partnership served has been electronically served on
39 the secretary of state. Service of process on such registered limited
40 liability partnership or New York registered foreign limited liability
41 partnership shall be complete when the secretary of state has reviewed
42 and accepted service of such process. The secretary of state shall
43 promptly send a notice of the fact that process against such registered
44 limited liability partnership or New York registered foreign limited
45 liability partnership has been served electronically upon him or her, to
46 such registered limited liability partnership or New York registered
47 foreign limited liability partnership at the email address on file in
48 the department of state, specified for the purpose and shall make a copy
49 of the process available to such registered limited liability partner-
50 ship or New York registered foreign limited liability partnership.

51 § 52-a. The partnership law is amended by adding a new section
52 121-1505-a to read as follows:

53 § 121-1505-a. Electronic service of process. The secretary of state
54 shall advise any partnership subject to the laws of this article in
55 prominent written form as follows: (a) electronic service of process
56 authorized by the provisions of this chapter is an optional program at

1 no additional cost to the user; (b) any partnership subject to the laws
2 of this chapter will continue to receive service of process by mail
3 unless such partnership notifies the secretary of an affirmative choice
4 to receive service of process by way of the program through electronic
5 means, in which case digital copies will be made accessible but paper
6 documents will not be mailed; and (c) such choice may be reversed by the
7 partnership at any time and, thereafter, service by mail will resume.

8 § 53. Subdivision 7 of section 339-n of the real property law, as
9 amended by chapter 346 of the laws of 1997, is amended to read as
10 follows:

11 7. A designation of the secretary of state as agent of the corporation
12 or board of managers upon whom process against it may be served and the
13 post office address within or without this state to which the secretary
14 of state shall mail a copy of any process against it served upon him or
15 her. The designation may include an email address to which the secretary
16 of state shall email a notice of the fact that process against it has
17 been electronically served upon him or her. Service of process on the
18 secretary of state as agent of such corporation or board of managers
19 shall be made [**personally**] in the manner provided by paragraph (a) or
20 (b) of this subdivision. Either option of service authorized pursuant
21 to this subdivision shall be available at no extra cost to the consumer.
22 (a) Personally delivering to and leaving with him or her or his or her
23 deputy, or with any person authorized by the secretary of state to
24 receive such service, at the office of the department of state in the
25 city of Albany, duplicate copies of such process together with the stat-
26 utory fee, which shall be a taxable disbursement. Service of process on
27 such corporation or board of managers shall be complete when the secre-
28 tary of state is so served. The secretary of state shall promptly send
29 one of such copies by certified mail, return receipt requested, to such
30 corporation or board of managers, at the post office address, on file in
31 the department of state, specified for such purpose. (b) Electronically
32 submitting a copy of the process to the department of state together
33 with the statutory fee, which fee shall be a taxable disbursement,
34 through an electronic system operated by the department of state,
35 provided the corporation or board of managers has an email address on
36 file in the department of state to which the secretary of state shall
37 email a notice of the fact that process against the corporation or board
38 of managers has been served electronically on the secretary of state.
39 Service of process on such corporation or board of managers shall be
40 complete when the secretary of state has reviewed and accepted service
41 of such process. The secretary of state shall promptly send notice of
42 the fact that process has been served electronically on the secretary of
43 state to such corporation or board of managers at the email address on
44 file in the department of state, specified for the purpose and shall
45 make a copy of the process available to such corporation or board of
46 managers. Nothing in this subdivision shall affect the right to serve
47 process in any other manner permitted by law. The corporation or board
48 of managers shall also file with the secretary of state the name and
49 post office address within or without this state to which the secretary
50 of state shall mail a copy of any process against it served upon the
51 secretary of state and shall update the filing as necessary.

52 § 54. This act shall take effect January 1, 2023.

1 Section 1. Short title. This act shall be known and may be cited as
2 the "community violence intervention act".

3 § 2. The executive law is amended by adding a new section 636 to read
4 as follows:

5 § 636. Community violence intervention act. 1. Legislative findings.
6 The legislature hereby finds and declares that gun violence and other
7 forms of violence constitute a crisis that poses a serious threat to the
8 health and quality of life of all residents of the state of New York. An
9 epidemic of violence is tearing at the fabric of life in many urban
10 areas. The legislature further finds that funds from the Victims of
11 Crime Act should be used to support hospital based violence intervention
12 programs and community based violence intervention programs.

13 2. Community violence intervention grants. The office shall dedicate
14 ten percent or more of the total funding received per award cycle
15 pursuant to the federal Victims of Crime Act of 1984 to support:

16 (a) "community-based violence intervention programs" which shall mean
17 a violence intervention program that is: (i) a nonprofit organization;
18 and (ii) provides intensive counseling, case management, and social
19 services to individuals who are recovering from injuries resulting from
20 violence or who were witness to acts of violence;

21 (b) "hospital-based violence intervention programs" which shall mean a
22 violence intervention program that is: (i) operated by: (A) a public
23 hospital; or (B) a nonprofit or government entity in collaboration with
24 a public or not-for-profit hospital; and (ii) provides intensive coun-
25 seling, case management, and social services to individuals who are
26 recovering from injuries resulting from violence or who were witness to
27 acts of violence.

28 3. The office shall promulgate guidance relating to community violence
29 intervention for hospital-based violence intervention programs and
30 community-based violence intervention programs.

31 (a) This guidance shall be designed to promote:

32 (i) alternative funding sources other than the state, including local
33 government and private sources as well as funding from the federal
34 Victims of Crime Act of 1984;

35 (ii) coordination of public and private efforts to aid individuals who
36 are recovering from injuries resulting from violence or who were
37 witnesses to acts of violence; and

38 (iii) long range development of services to victims of violent crimes
39 in the community.

40 (b) This guidance shall also provide for:

41 (i) clearly defined and measurable objectives intended to demonstrate
42 that a program is developed and evaluated through scientific research
43 and data collection with measurable evidence of positive outcomes
44 related to violence intervention;

45 (ii) a description of how the nonprofit organization proposes to use
46 the funding to:

47 (A) establish or enhance community-based violence intervention
48 programs;

49 (B) enhance coordination of existing violence intervention programs,
50 if any, to minimize duplication of services; and

51 (C) plan for the collection of relevant data; and

52 (iii) outreach to the community and education and training of law
53 enforcement and other criminal justice officials to the needs of victims
54 of violent crimes in the community, to perpetrators of violent crimes
55 and to witnesses of violent crimes involved in criminal prosecutions.

4. To the extent practicable, the office shall make efforts to inform community-based violence intervention programs and hospital-based intervention programs about anticipated awards.

§ 3. This act shall take effect immediately.

PART MM

Section 1. Short title. This act shall be known and may be cited as the "comprehensive broadband connectivity act".

§ 2. The public service law is amended by adding a new section 224-c to read as follows:

§ 224-c. Broadband and fiber optic services. 1. For the purposes of this section:

(a) The term "served" means any location with at least two internet service providers and at least one such provider offers high-speed internet service.

(b) The term "underserved" means any location which has fewer than two internet service providers, or has internet speeds of at least 25 megabits per second (mbps) download but less than 100 mbps download available.

(c) The term "unserved" means any location which has no fixed wireless service or wired service with speeds of less than 25 mbps download available.

(d) The term "high-speed internet service" means internet service of at least 100 mbps download and at least 10 mbps upload.

(e) The term "broadband service" shall mean a mass-market retail service that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but shall not include dial-up service.

(f) The term "location" shall mean a geographic area smaller than a census tract.

(g) The term "internet service provider" shall mean any person, business or organization qualified to do business in this state that provides individuals, corporations, or other entities with the ability to connect to the internet.

2. The commission shall study the availability, reliability, and cost of high-speed internet and broadband services in New York state. The commission shall, to the extent practicable:

(a) identify areas at a census block level that are served by a sole provider and assess any state regulatory and statutory barriers related to the delivery of comprehensive statewide access to high-speed internet;

(b) review available technology to identify solutions that best support high-speed internet service in underserved or unserved areas, and make recommendations on ensuring deployment of such technology in underserved and unserved areas;

(c) identify instances during the study period where local governments have notified the commission of alleged non-compliance with franchise agreements and instances of commission or department enforcement actions that have had a direct impact on internet access;

(d) identify locations where insufficient access to high-speed internet and/or broadband service, and/or persistent digital divide, is causing negative social or economic impact on the community; and

(e) produce and publish on its website, a detailed internet access map of the state, indicating access to internet service by location. Such

1 map shall include, but not be limited to, the following information for
2 each location:

3 (i) download and upload speeds advertised and experienced;
4 (ii) the consistency and reliability of download and upload speeds
5 including latency;

6 (iii) the types of internet service and technologies available includ-
7 ing but not limited to dial-up, broadband, wireless, fiber, coax, or
8 satellite;

9 (iv) the number of internet service providers available, the price of
10 internet service available; and

11 (v) any other factors the commission may deem relevant.

12 3. The commission shall submit a report of its findings and recommen-
13 dations from the study required in subdivision two of this section, to
14 the governor, the temporary president of the senate and the speaker of
15 the assembly no later than one year after the effective date of this
16 section, and an updated report annually thereafter. Such report shall
17 include, but not be limited to, the following, to the extent such infor-
18 mation is available:

19 (a) the overall number of residences with access to high-speed inter-
20 net identifying which areas are served, unserved and underserved;

21 (b) a regional survey of internet service prices in comparison to
22 county-level median income;

23 (c) any relevant consumer subscription statistics;

24 (d) any other metrics or analyses the commission deems necessary in
25 order to assess the availability, cost, and reliability of internet
26 service in New York state; and

27 (e) the map maintained pursuant to paragraph (e) of subdivision two of
28 this section.

29 4. The commission shall hold at least one public hearing in an upstate
30 region and one in a downstate region within one year of the effective
31 date of this section, to solicit input from the public and other stake-
32 holders including but not limited to internet service providers, tele-
33 communications concerns, labor organizations, public safety organiza-
34 tions, healthcare, education, agricultural and other businesses or
35 organizations.

36 5. To effectuate the purposes of this section, the commission may
37 request and shall receive from any department, division, board, bureau,
38 commission or other agency of the state or any state public authority
39 such assistance, information and data as will enable the commission to
40 carry out its powers and duties under this section. Additionally,
41 internet service providers shall provide any information and data
42 requested by the commission that is related to the study required under
43 this section.

44 § 3. This act shall take effect on the thirtieth day after it shall
45 have become a law.

46 PART NN

47 Section 1. The general business law is amended by adding a new
48 section 399-zzzzz to read as follows:

49 § 399-zzzzz. Broadband service for low-income consumers. 1. For the
50 purposes of this section, the term "broadband service" shall mean a
51 mass-market retail service that provides the capability to transmit data
52 to and receive data from all or substantially all internet endpoints,
53 including any capabilities that are incidental to and enable the opera-
54 tion of the communications service provided by a wireline, fixed wire-

1 less or satellite service provider, but shall not include dial-up
2 service.

3 2. Every person, business, corporation, or their agents providing or
4 seeking to provide wireline, fixed wireless or satellite broadband
5 service in New York state shall, no later than sixty days after the
6 effective date of this section, offer high speed broadband service to
7 low-income consumers whose household: (a) is eligible for free or
8 reduced-priced lunch through the National School Lunch Program; or (b)
9 is eligible for, or receiving the supplemental nutrition assistance
10 program benefits; or (c) is eligible for, or receiving Medicaid bene-
11 fits; or (d) is eligible for, or enrolled in senior citizen rent
12 increase exemption; or (e) is eligible for, or enrolled in disability
13 rent increase exemption; or (f) is a recipient of an affordability bene-
14 fit from a utility. Such low-income broadband service shall provide a
15 minimum download speed equal to the greater of twenty-five megabits per
16 second download speed or the download speed of the provider's existing
17 low-income broadband service sold to customers in the state subject to
18 exceptions adopted by the Public Service Commission where such download
19 speed is not reasonably practicable.

20 3. Broadband service for low-income consumers, as set forth in this
21 section, shall be provided at a cost of no more than fifteen dollars per
22 month, inclusive of any recurring taxes and fees such as recurring
23 rental fees for service provider equipment required to obtain broadband
24 service and usage fees. Broadband service providers shall allow low-in-
25 come broadband service subscribers to purchase standalone or bundled
26 cable and/or phone services separately. Broadband service providers may,
27 once every five years, and after thirty days' notice to its customers
28 and the department of public service, increase the price of this service
29 by the lesser of the most recent change in the consumer price index or a
30 maximum of two percent per year of the price for such service.

31 4. A broadband service provider who offers a high speed broadband
32 service to eligible low-income customers, as such term is used in subdivi-
33 sion two of this section, at a download speed of two hundred megabits
34 per second or greater at a cost of no more than twenty dollars per
35 month, inclusive of any recurring taxes and fees such as recurring
36 rental fees for service provider equipment required to obtain broadband
37 service and usage fees, shall be considered to be in compliance with the
38 requirements of subdivisions two and three of this section. Such provid-
39 ers may, once every two years, and after thirty days' notice to its
40 customers and the department of public service, increase the price of
41 such service by the lesser of the most recent change in the consumer
42 price index or a maximum of two percent per year of the price for such
43 service.

44 5. The requirements of subdivisions two and three of this section
45 shall not apply to any broadband service provider providing service to
46 no more than twenty thousand households, if the public service commis-
47 sion determines that compliance with such requirements would result in
48 unreasonable or unsustainable financial impact on the broadband service
49 provider.

50 6. Any contract or agreement for broadband service targeted to low-in-
51 come consumers provided by an entity described in subdivision two of
52 this section, pursuant to this section or otherwise, shall have the same
53 terms and conditions, other than price and speed set pursuant to this
54 section, as for the regularly priced offerings for similar service
55 provided by such entity.

1 7. Every person, business, corporation, or their agents providing or
2 seeking to provide broadband service in New York state shall make all
3 commercially reasonable efforts to promote and advertise the availabili-
4 ty of broadband service for low-income consumers including, but not
5 limited to, the prominent display of, and enrollment procedures for,
6 such service on its website and in any written and commercial promo-
7 tional materials developed to inform consumers who may be eligible for
8 service pursuant to this section.

9 8. Every person, business, corporation, or their agents providing or
10 seeking to provide broadband service in New York state shall annually
11 submit to the department of public service, no later than November
12 fifteenth after the effective date of this act, and annually thereafter,
13 a compliance report setting forth: (a) a description of the service
14 offered pursuant to this section; (b) the number of consumers enrolled
15 in such service; (c) a description of the procedures being used to veri-
16 fy the eligibility of customers receiving such service; (d) a
17 description and samples of the advertising or marketing efforts under-
18 taken to advertise or promote such service; (e) a description of all
19 retail rate products, including pricing, offered by such person, busi-
20 ness, corporation, or their agents; (f) a description, including speed
21 and price, of all broadband products offered in the state of New York;
22 (g) a description of the number of customers in arrears for the payment
23 for broadband service, percentage of customers in arrears that qualify
24 for low-income broadband service, the number of households that have had
25 their service terminated as a result of non-payment, the number of
26 customers whose service was terminated for arrears arising from non-pay-
27 ment for services other than broadband service, and the number of house-
28 holds that have their broadband service restored after being delinquent
29 on their payments; and such other information as the department of
30 public service may require.

31 9. The department of public service shall, within two years of the
32 effective date of this section and at least every five years thereafter,
33 undertake a proceeding to determine if the minimum broadband download
34 speed in this section should be increased to the federal communications
35 commission's benchmark broadband download speed, or to another minimum
36 broadband download speed if the federal communications commission has
37 not increased its benchmark by such date. The department of public
38 service shall also: (a) undertake appropriate measures to inform the
39 public about available broadband products, including retail rate product
40 offerings and low-income offerings; and (b) periodically, but no less
41 than once every five years, review eligibility requirements for the
42 low-income service required pursuant to this section, and update such
43 requirements as may be necessary to meet the needs of consumers.

44 10. Whenever there shall be a violation of this section, an applica-
45 tion may be made by the attorney general in the name of the people of
46 the state of New York to a court or justice having jurisdiction by a
47 special proceeding to issue an injunction, and upon notice to the
48 defendant of not less than five days, to enjoin and restrain the contin-
49 uance of such violation; and if it shall appear to the satisfaction of
50 the court or justice that the defendant has, in fact, violated this
51 section, an injunction may be issued by the court or justice, enjoining
52 and restraining any further violations, without requiring proof that any
53 person has, in fact, been injured or damaged thereby. In any such
54 proceeding, the court may make allowances to the attorney general as
55 provided in paragraph six of subdivision (a) of section eighty-three
56 hundred three of the civil practice law and rules, and direct restitu-

tion. Whenever the court shall determine that a violation of this section has occurred, the court may impose a civil penalty of not more than one thousand dollars per violation. In connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

§ 2. This act shall take effect immediately.

PART 00

Section 1. Section 106 of the social services law, as amended by section 1 of part S of chapter 56 of the laws of 2014, is amended to read as follows:

§ 106. Powers of social services official to receive and dispose of a deed, mortgage, or lien. 1. A social services official responsible, by or pursuant to any provision of this chapter, for the administration of assistance [~~or care~~] granted or applied for [~~may~~] shall not accept a deed of real property and/or a mortgage thereon on behalf of the social services district for the assistance [~~and care~~] of a person at public expense [~~but such property shall not be considered as public property and shall remain on the tax rolls and such deed or mortgage shall be subject to redemption as provided in paragraph (a) of subdivision six hereof~~].

2. [~~A social services official may not assert any claim under any provision of this section to recover~~] (a) Notwithstanding subdivision one of this section, if, prior to the effective date of the chapter of the laws of two thousand twenty-one that amended this section, a social services official accepted a deed of real property and/or a mortgage on behalf of the social services district for the assistance of a person at public expense, such social services official shall not assert any claim under any provision of this section to recover:

(1) payments made as part of Supplemental Nutrition Assistance Program (SNAP), child care services, Emergency Assistance to Adults or the Home Energy Assistance Program (HEAP)[~~-~~

~~3. A social services official may not assert any claim under any provision of this section to recover];~~

(2) payments of public assistance if such payments were reimbursed by child support collections[~~-~~

~~4. A social services official may not assert any claim under any provision of this section to recover];~~

(3) payments of public assistance unless, before [~~it has accepted~~] a deed or mortgage was accepted from an applicant or recipient, [~~it has~~] the official first received a signed acknowledgment from the applicant or recipient acknowledging that:

[~~(a)~~] A. benefits provided as part of Supplemental Nutrition Assistance Program (SNAP), child care services, Emergency Assistance to Adults or the Home Energy Assistance Program (HEAP) may not be included as part of the recovery to be made under the mortgage or lien; and

[~~(b)~~] B. if the applicant or recipient declines to provide the lien or mortgage the children in the household shall remain eligible for public assistance.

[~~5.-(a)~~] (b) Such property shall not be considered public property and shall remain on the tax rolls and such deed or mortgage shall be subject to redemption as provided in subparagraph one of paragraph (d) of this subdivision.

1 ~~(c)~~ (1) Until a deed, mortgage, or lien, accepted prior to ~~[or after]~~
2 the effective date of this ~~[act,]~~ section is satisfied or otherwise
3 disposed of, the social services district shall issue and mail to the
4 last known address of the person ~~[giving]~~ who gave such deed or mort-
5 gage, or his or her estate or those entitled thereto, a biennial
6 accounting of the public assistance incurred and repairs and taxes paid
7 on property. The social services district shall provide such accounting
8 no later than February first, two thousand sixteen and biennially there-
9 after.

10 ~~[(b)]~~ (2) Such accounting shall include information regarding the debt
11 owed as of the end of the district's most recent fiscal year including,
12 but not limited to:

13 ~~[(1)]~~ A. an enumeration of all public assistance incurred by the
14 person ~~[giving]~~ who gave such deed or mortgage or his or her household
15 to date;

16 ~~[(2)]~~ B. the current amount of recoverable public assistance under the
17 deed or mortgage;

18 ~~[(3)]~~ C. the amount of any credits against public assistance including
19 but not limited to:

20 ~~[A-]~~ (i) the amount of child support collected and retained by the
21 social services district as reimbursement for public assistance;

22 ~~[B-]~~ (ii) recoveries made under section one hundred four of this
23 title;

24 ~~[C-]~~ (iii) recoveries made under section one hundred thirty-one-r of
25 this chapter.

26 ~~[(4)]~~ D. Said accounting shall also provide information regarding the
27 manner in which payments may be made to the social services district to
28 reduce the amount of the mortgage or lien.

29 ~~[(c)]~~ (3) In the event that a biennial accounting is not issued and
30 mailed to the last known address of the person ~~[giving]~~ who gave such
31 deed or mortgage or his or her estate or those entitled thereto, within
32 the time period required in ~~[paragraph (a) of this subdivision]~~ subpara-
33 graph one of this paragraph, no public assistance shall be recoverable
34 under this section for the previous two fiscal years. In the event that
35 a biennial accounting is not issued and mailed to the last known address
36 of the person ~~[giving]~~ who gave such deed or mortgage or his or her
37 estate or those entitled thereto, within the time period required in
38 ~~[paragraph (a) of this subdivision]~~ subparagraph one of this paragraph,
39 and such person has received no recoverable public assistance in the
40 district's most recent fiscal year, no public assistance shall be recov-
41 erable under this section for the most recent two fiscal years where
42 public assistance remains recoverable.

43 ~~[6. (a) (1)]~~ (d) (1) A. Until such property or mortgage is sold,
44 assigned or foreclosed pursuant to law by the social services official,
45 the person ~~[giving]~~ who gave such deed or mortgage, or his or her estate
46 or those entitled thereto, may redeem the same by the payment of all
47 expenses incurred for the support of the person, and for repairs and
48 taxes paid on such property, provided, however, that a social services
49 official may enter into a contract for such redemption, subject to the
50 provisions of this ~~[paragraph]~~ subparagraph, and containing such terms
51 and conditions, including provisions for periodic payments, without
52 interest, for an amount less than the full expenses incurred for the
53 support of the person and for repairs and taxes paid on such property
54 (hereinafter called a "lesser sum"), which lesser sum shall in no event
55 be less than the difference between the appraised value of such property
56 and the total of the then unpaid principal balance of any recorded mort-

gages and the unpaid balance of sums secured by other liens against such property.

~~[(2)]~~ B. In the case of a redemption for a lesser sum, the social services official shall obtain (i) an appraisal of the current market value of such property, by an appraiser acceptable to both parties, and (ii) a statement of the principal balance of any recorded mortgages or other liens against such property (excluding the debt secured by the deed, mortgage or lien of the social services official). Any expenses incurred pursuant to this ~~[paragraph]~~ subparagraph shall be audited and allowed in the same manner as other official expenses.

~~[(3)]~~ C. Every redemption contract for any lesser sum shall be approved by the department upon an application by the social services official containing the appraisal and statement required by ~~[subparagraph two]~~ clause B of this subparagraph, a statement by the social services official of his or her reasons for entering into the contract for such lesser sum and any other information required by regulations of the department.

~~[(4)]~~ D. So long as the terms of the approved redemption contract are performed, no public sale of such property shall be held.

~~[(5)]~~ E. The redemption for a lesser sum shall reduce the claim of the social services official against the recipient on the implied contract under section one hundred four of this ~~[chapter]~~ title or under any other law, to the extent of all sums paid in redemption.

~~[(b)]~~ (2) In order to allow a minimum period for redemption, the social services official shall not sell the property or mortgage until after the expiration of one year from the date he or she received the deed or mortgage, but if unoccupied property has not been redeemed within six months from the date of death of the person who conveyed it to him or her by deed the social services official may thereafter, and before the expiration of such year, sell the property.

~~[(c)]~~ (3) Except as otherwise provided in this chapter, upon the death of the person or his or her receiving institutional care, if the mortgage has not been redeemed, sold or assigned, the social services official may enforce collection of the mortgage debt in the manner provided for the foreclosure of mortgages by action.

~~[(d)]~~ (4) Provided the department shall have given its approval in writing, the social services official may, when in his or her judgment it is advisable and in the public interest, release a part of the property from the lien of the mortgage to permit, and in consideration of, the sale of such part by the owner and the application of the proceeds to reduce said mortgage or to satisfy and discharge or reduce a prior or superior mortgage.

~~[(e)]~~ (5) While real property covered by a deed or mortgage is occupied, in whole or in part, by an aged, blind or disabled person who executed such deed or mortgage to the social services official for old age assistance, assistance to the blind or aid to the disabled granted to such person before January first, nineteen hundred seventy-four, the social services official shall not sell the property or assign or enforce the mortgage unless it appears reasonably certain that the sale or other disposition of the property will not materially adversely affect the welfare of such person. After the death of such person no claim for assistance granted him or her shall be enforced against any real property while it is occupied by the surviving spouse.

~~[(f)]~~ (6) Except as otherwise provided, upon the death of a person who executed a lien to the social services official in return for old age assistance, assistance to the blind or aid to the disabled granted prior

1 to January first, nineteen hundred seventy-four, or before the death of
2 such person if it appears reasonably certain that the sale or other
3 disposition of the property will not materially adversely affect the
4 welfare of such person, the social services official may enforce such
5 lien in the manner provided by article three of the lien law. After the
6 death of such person the lien may not be enforced against real property
7 while it is occupied by the surviving spouse.

8 ~~[7-]~~(e) The sale of any parcel of real property or mortgage on real
9 property by the social services official, under the provisions of this
10 section, shall be made at a public sale, held at least two weeks after
11 notice thereof shall have been published in a newspaper having a general
12 circulation in that section of the county in which the real property is
13 located. Such notice shall specify the time and place of such public
14 sale and shall contain a brief description of the premises to be sold,
15 or upon which the mortgage is a lien, as the case may be. Unless in the
16 judgment of the social services official, it shall be in the public
17 interest to reject all bids, such parcel or mortgage shall be sold to
18 the highest responsible bidder.

19 ~~[8-]~~(f) It is permissible for social services officials to subordinate
20 a mortgage taken on behalf of the social services district pursuant to
21 this section. In the event that a social services official determines to
22 subordinate a mortgage, or lien, he or she shall do so within thirty
23 days of receipt of written notice that the mortgagor is attempting to
24 modify their mortgage that is held by a mortgagee with superior lien
25 rights and subordination of the social services district's mortgage is
26 required by such mortgagee in order for it to approve or complete the
27 modification.

28 § 2. Section 360 of the social services law, as added by chapter 722
29 of the laws of 1951, subdivisions 1 and 3 as amended by section 92 of
30 part B of chapter 436 of the laws of 1997, subdivision 2 as amended by
31 chapter 909 of the laws of 1974, and subdivision 4 as amended by chapter
32 803 of the laws of 1959, is amended to read as follows:

33 § 360. Real property of legally responsible relatives~~;~~ ~~deeds and~~
34 ~~mortgages may be required~~. ~~[1-]~~ The ownership of real property by an
35 applicant or applicants, recipient or recipients who is or are legally
36 responsible relatives of the child or children for whose benefit the
37 application is made or the aid is granted, whether such ownership be
38 individual or joint as tenants in common, tenants by the entirety or
39 joint tenants, shall not preclude the granting of family assistance or
40 the continuance thereof if he or they are without the necessary funds to
41 maintain himself, herself or themselves and such child or children.

42 ~~[The social services official may, however, require, as a condition to~~
43 ~~the granting of aid or the continuance thereof, that he or she be given~~
44 ~~a deed of or a mortgage on such property in accordance with the~~
45 ~~provisions of section one hundred six.~~

46 ~~2. However, while the property covered by the deed or mortgage is~~
47 ~~occupied, in whole or in part, by the responsible relative who gave such~~
48 ~~deed or mortgage to the social services official or, by a child for~~
49 ~~whose benefit the aid was granted the social services official shall not~~
50 ~~sell the property or assign or enforce the mortgage without the written~~
51 ~~consent of the department; and, when the property is occupied by such~~
52 ~~child, such consent shall not be given unless it appears reasonably~~
53 ~~certain that the sale or other disposition of the property will not~~
54 ~~materially adversely affect the welfare of such child.~~

55 ~~3. The net amount recovered by the social services department from~~
56 ~~such property, less any expenditures approved by the department for the~~

~~1 burial of the relative or the child who dies while in receipt of aid
2 under this title, shall be used to repay the social services district,
3 the state and the federal government their proportionate share of the
4 cost of family assistance granted. The state and federal share shall be
5 paid by the social services district to the state and the manner and
6 amount of such payment shall be determined in accordance with the regu-
7 lations of the department.~~

~~8 4. If any balance remains it shall belong to the estate of the legal-
9 ly responsible relative or relatives and the public welfare district
10 shall forthwith credit the same accordingly, and, provided they claim it
11 within four years thereafter, pay it to the persons entitled thereto.
12 If not so claimed within four years it shall be deemed abandoned proper-
13 ty and be paid to the state comptroller pursuant to section thirteen
14 hundred five of the abandoned property law.~~

~~15 5. The proceeds or moneys due the United States shall be paid or
16 reported in such manner and at such times as the federal security agency
17 or other authorized federal agency may direct.]~~

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

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

§ 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through 00 of this act shall be as specifically set forth in the last section of such Parts.