

Legislative Update

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Interim

SFY 24 One-House Budgets

County Impact Report



NYSAC
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

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**SFY 24 One-House Budgets
County Impact Summary**

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Introduction

On Wednesday, February 1st, Governor Hochul released her Executive Budget proposal for State Fiscal Year (FY) 2024. On March 14th, both the State Senate and Assembly released their one-house budgets and budget priority resolutions. This report provides an analysis of how each of the one-house budgets responded directly to the Governor's proposed budget in areas that have an impact on county functions, departments, services, and programs. The report will be the basis of our advocacy efforts during final budget negotiations between the Governor and both houses of the State Legislature.

According to the Division of Budget, the Assembly's one house budget priorities exceeds the Governor's SFY 2024 by \$5.2 billion, and the Senate's one house bill exceeds it by \$9.1 billion. Based on previously agreed upon revenues, final negotiations will likely significantly impact what each house is able to accomplish in the final State Budget.

Changes in Taxation & Finance Important to Counties

Requiring Counties to Pay More into the State's Medicaid Program¹

The SFY 2024 State Budget proposal would end the Affordable Care Act (ACA) enhanced Federal Medical Assistance Percentage (eFMAP) federal pass-thru to counties and New York City. The State is proposing to keep all of these federal savings going forward and use them to cover further expansions of Medicaid eligibility and benefits and to increase payments to health care providers. The four-year impact is projected to be \$2.9 billion in higher costs for counties and New York City as follows:

- \$624 million – SFY 2024
- \$709 million – SFY 2025
- \$774 million – SFY 2026
- \$808 million – SFY 2027

The elimination of this ACA eFMAP federal pass-thru will require the 57 counties to spend at least \$280 million more annually, and approximately \$1 billion when New York City is included (this is NYSAC's estimate based on historic shares of ACA savings pre COVID – the state believes the NYC cost will be about \$345 million annually).

It is the strong view of NYSAC that congress intended these federal savings to be shared with counties proportional to the amount they contributed toward the nonfederal Medicaid match. Since 2003, the state has shared the funds proportionally based on our analysis of savings we have received during periods when an enhanced federal Medicaid match was enacted by Congress.

Enacted in 2011, the Medicaid statutory cap for all 62 counties is \$7.6 billion. The Medicaid statutory cap for the 57 counties outside of New York City is \$2.25 billion. This has saved counties and local taxpayers billions of dollars since its enactment and made housing more affordable.

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Senate Budget Proposal

The Senate budget proposal restores \$624 million for State-share Medicaid local takeover growth in the Medicaid program.

Assembly Budget Proposal

The Assembly provides \$624.1 million to restore the passthrough of Affordable Care Act (ACA) enhanced Federal Matching Assistance Percentage (FMAP) funds to counties.

Local Sales Tax Permanencyⁱⁱ

In an effort to shore up local government finances and to ensure revenue stability and certainty for local governments going forward, the Executive Budget grants permanent local sales tax authority for all counties and cities at their existing rates or up to 4 percent.

As such, local governments would no longer need to seek and receive the State's approval to extend their existing rates or increase their rate to no more than 4 percent.

All local governments will still be required to seek and receive temporary approval by a majority vote of the local government's governing body in order to impose additional sales tax above the current statutory 3 percent threshold.

Senate Budget Proposal

The Senate rejects the Executive proposal.

Assembly Budget Proposal

The Assembly rejects the Executive proposal.

Changes to In Rem Foreclosureⁱⁱⁱ

The Budget proposes that when a tax delinquent property is foreclosed upon by the county and sold, any money the county receives that exceeds the liability amount (e.g., overdue taxes, penalties, interest, mortgage liens, etc.) will be returned to the property owner, minus applicable administrative costs to the local government.

Effective October 1, 2023, and would apply to tax enforcement proceedings commenced on and after that date.

Senate Budget Proposal

The Senate rejects the Executive proposal.

Assembly Budget Proposal

The Assembly rejects the Executive proposal.

Pension Amortization Reform^{iv}

This Executive Budget would amend sections 19-a and 319-a of the Retirement and Social Security Law. First, the Budget would allow employers to use reserve funds to reduce their pension bill in years they are eligible to amortize a portion of their bill. Under current law, the employer's contribution rate must exceed the system's graded rate to access their reserve

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funds. However, some employers, such as those with a higher proportion of Tier 6 employees, are precluded from accessing their reserve funds because their contribution rates are below the system's graded rate. This amendment would change the requirement from the system's graded rate to the employer's graded rate, providing uniformity for all employers.

Second, it would lower the maximum amount in an employer's reserve account from 100% of payroll to an amount that does not exceed the employer's previous year's contribution amount. This amendment provides a more realistic amount for employers to be precluded from future reserve deposits.

Finally, it would allow employers to exit the Contribution Stabilization Program or the Alternative Contribution Stabilization Program, subject to approval by the Comptroller and provided all prior year amortizations are paid in full, including interest. Beginning the fiscal year following termination, the employer would not be permitted to make a graded payment. Any existing reserve fund assets would be used to reduce future annual bills up to the amount the employer would have been able to amortize if still in the program. The employer would be permitted to re-enter the regular Contribution Stabilization Program only if eligible to amortize, provided all reserve fund assets are depleted.

Senate Budget Proposal

The Senate accepts the Executive proposal.

Assembly Budget Proposal

The Assembly rejects the Executive proposal.

Other Major Changes in Taxation

Prohibit the Sale of All Flavored Tobacco Products and Increase Excise Tax by \$1 per Pack

The budget proposes to end the sale of flavored tobacco products, this is primarily targeted at menthol cigarettes which are estimated to be about 40 percent of all cigarette sales statewide.

The state financial plan is assuming that on a full annual basis this would reduce state sales tax revenue by \$100 million. Local sales tax would also decline commensurate with lower tobacco sales in each county. Master Settlement Agreement (MSA) payments could also be impacted going forward due to any reduction in sales volume of the participating manufacturers.

The current \$4.35 per pack excise tax on cigarettes would increase by \$1 and is estimated to reduce state sales tax collections by \$22 million annually. A local loss in sales tax due to this provision would be expected as well. Effective September 1, 2023.

Senate Budget Proposal

The Senate modifies the Executive proposal to implement various tobacco control policies to strengthen the flavored vapor products ban, support local enforcement, and ensure education and outreach efforts focus on consumers historically targeted by tobacco and vapor product

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advertising. The Senate increases penalties above the Executive proposal and adds \$133 million in Tobacco Tax Revenue.

Assembly Budget Proposal

The Assembly accepts the Executive proposal to increase the excise tax on cigarettes by one dollar, from \$4.35 to \$5.35 and to increase the existing use tax rate on cigarettes by the same amount. The Assembly rejects the Executive proposal to prohibit the sale of flavored tobacco or vapor products by retailers and wholesalers and expand the definition of "flavored" to include menthol. The Assembly also rejects the Executive proposal to provide for the imposition of a civil penalty for refusal to comply with cigarette and tobacco inspections.

PIT Tax Rate Increase

The Assembly and Senate both include a PIT increase on high income earners raising the rate as follows:

- \$5 million to \$25 million increase from 10.3 percent to 10.8 percent
- \$25 million and above increases from 10.9% to 11.4 percent

Sales Tax on Digital Products

The Assembly proposes to create a sales tax on digital products including streaming movies, Apps, music, e-books, etc. Some of the revenue raised would be diverted to support the MTA.

The senate does not include a similar proposal.

Expands the NYS Child Tax Credit

Assembly and Senate both support an expansion of the state child tax credit, under slightly different models.

Establishing a Fee on Delivered Items

The Assembly proposes a \$.25 fee on every product delivered, be it from retail or the internet. Products delivered via the U.S. mail would be exempt. The fee would be passed on to the purchaser and collected and remitted by the seller. Fees collected inside the MCTD region would be provided to the MTA. Outside of the MCTD area the fee revenues would go to the public transportation systems operating account.

Senate does not include this proposal.

State Financial Plan State Financial Plan Update

In this Financial Plan, DOB is increasing the current-year estimate for tax receipts by \$5.9 billion in comparison to the Mid-Year Update. The higher tax receipts, combined with other revisions totaling \$2.8 billion, including downward revisions to estimated disbursements, leaves an expected General Fund surplus of \$8.7 billion for SFY 2023.

Due to continued strong receipts the Budget proposes to fully fund the targeted reserve funds allocation of 15 percent of state operating funds two years ahead of schedule.

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This would be accomplished by depositing the scheduled \$2.4 billion (FY 2024) and \$2.9 billion (FY 2025) amounts by March 31, 2023. Any remaining surplus will be used to prepay expenses and manage future year gaps.

The SFY 2023 closing fund balance is projected to be \$37 billion and the closing balance for SFY 2024 is projected to be \$35 billion under the Governor’s budget proposal. About \$9 billion of these reserves, each year, are set aside for specific purposes and the rest is undesignated.

The state is projecting that SFY 2024 will be balanced but out year cumulative gaps will approach \$22 billion after the Governor’s proposed actions:

- SFY 2025 (\$5.7 billion)
- SFY 2026 (\$9 billion)
- SFY 2027 (7.5 billion)

Most of these gaps are linked to lower projected income and capital gains taxes.

Changes in State Finances Since COVID Pandemic	
State Budget Monitoring Point	Projected 4-year (Deficit)/Surplus
SFY 2021 Enacted Budget <i>(April 2020)</i>	(\$69B)
SFY 2022 Introduced Budget <i>(January 2021)</i>	(\$11B)
SFY 2022 Enacted Budget <i>(April 2021)</i>	(\$3.4B)
SFY 2022 - Mid-year Update <i>(September 2021)</i>	\$16.4B
SFY 2023 - Introduced Budget <i>(January 2022)</i>	\$38.6B
SFY 2023 - Revenue Consensus <i>(March 2022)</i>	\$40B
SFY 2023 - Enacted Budget <i>(May 2022)</i>	\$0B
SFY 2023 - Mid-year Update <i>(November 2022)</i>	(\$12.9B)
SFY 2024 Exec. Budget (Jan-2023)	(\$22B)*

* Gaps do not reflect the use of any reserves to balance operations

State Spending by Functional Areas

Below is an interim analysis of how the SFY 2024 Executive Budget impacts county programs, services, and operations. NYSAC will continue to review the specifics of the proposals.

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Agriculture

Agriculture and Markets Local Assistance Funding^{vi}

The Executive Budget includes \$47.8 million for local agriculture assistance, compared to \$53 million in the FY 2023 State Budget. The Governor also proposes \$20 million for non-point source pollution control, farmland preservation, and other agricultural programs.

Assembly Budget Proposal

The Assembly provides \$59.2 million for agricultural programs.

Senate Budget Proposal

The Senate provides \$60.6 million.

Modify the Investment Tax Credit (ITC) for Farmers^{vii}

The Executive Budget proposes to make the investment tax credit (ITC) fully refundable for eligible farmers for five years (through December 31, 2027) and assists farmers with investments in their agri-enterprises.

The Senate and Assembly accept this proposal.

Pesticide Registration Fee^{viii}

This bill would remove the sunset provision for pesticide registration fees to ensure pesticide registration fees do not revert from the current amounts of \$600 or \$620 to the original fee of \$50.

The Senate and Assembly accept the Executive proposal.

Bolster Demand for New York Agriculture^{ix}

To ease restrictions on local government and school district procurements and create demand for New York grown agricultural products, the Executive Budget proposes to amend the General Municipal Law to eliminate the restriction on purchasing from associations of more than ten producers or growers and would remove the limitations on the amounts of eggs, livestock, fish, dairy products (excluding milk), juice, grains, and species of fresh fruit and vegetables that could be purchased directly from New York State producers or growers, or associations of New York State producers or growers. It also removes the limitations on the direct purchases of milk from licensed milk producers, regardless of the number of employees the processors employ.

The legislation proposed by the Governor would also allow certain local entities to purchase food products, grown, produced, or harvested in New York without a competitive process, so long as the amount is less than or equal to \$250,000, and would require reporting those purchases.

Senate Budget Proposal

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The Senate modifies this proposal by adding language to direct New York State agencies and related entities to increase the percentage of food they source from New York producers to 30 percent.

Assembly Budget Proposal

The Assembly modifies the proposal by removing the increased threshold for competitive bidding.

Community Colleges & Higher Education Tuition Assistance

Community College Funding Floor^x

The Executive Budget will maintain a funding floor for community colleges at 100 percent of prior year funding. Without a funding floor, community colleges would face a \$138 million (22 percent) loss in formula aid due to enrollment declines.

However, the passthrough of up to 20 percent of these funds will not be released until “...a plan developed by the state university of New York and approved by the director of the budget with actions necessary for community colleges to undertake in order to operate without reliance on the base aid funding floor in future years”.

Senate Budget Proposal

The Senate proposes to provide an additional \$8.7 million in operating aid for the community colleges.

Assembly Budget Proposal

The Assembly increases funding for CUNY community colleges by four percent or \$8 million above the Executive proposal. Additionally, the Assembly rejects the Executive proposal to withhold up to 20 percent of Community College base aid funding if a college does not submit a restructuring plan.

Early Childhood Development and Children with Special Needs

Special Education Tuition Rate-Setting Reform^{xi}

The FY 2024 Executive Budget provides \$2.5 million for the New York State Education Department (SED) to study and design a new rate-setting methodology for preschool and school-age special education providers in order to streamline and improve the timeliness of tuition rates. SED would be required to present its recommendations to the Division of the Budget (DOB) by July 1, 2025, and adoption of any alternative methodology would be subject to DOB approval.

Senate Budget Proposal

Senate Children with Special Needs Reforms^{xii}

The Senate budget proposal allows 853 schools, and 4410 schools to retain the 11% cost of living increase before the reconciliation process occurs (S.9132 of 2022). In addition, the budget proposal also requires interim rates to include the annual growth amount for such rates approved in the current school year and annually thereafter for Special Act School Districts, 853 schools, and 4410 schools (amended version of S.9134 of 2022). Lastly, and most

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concerning to counties, the senate one-house budget increases tuition rates for all 853 schools, and 4410 schools commensurate with the state aid increases (amended version of S.6516-A of 2022).

Assembly Budget Proposal

The Assembly provides \$61 million to increase Early Intervention rates by 11 percent. NYSAC believes a portion of this funding is to offset local county costs.

Economic Development

Index the Minimum Wage to Inflation^{xiii}

The Executive Budget proposes automatically increasing the minimum wage, consistent with the year-over-year Consumer Price Index-W for the Northeast Region. After a region's wage reaches \$15 per hour annual increases linked to CPI would occur and be capped at no more than 3 percent, and also provides that the minimum wage will not increase in the event certain economic conditions are met, such as a rise in unemployment.

Senate Budget Proposal

The Senate rejects the Executive proposal related to minimum wage indexing. The Senate supports raising the minimum wage and then indexing the minimum wage to inflation after a sufficient increase to ensure that New Yorkers earn a living wage to support their basic needs and the needs of their families.

Assembly Budget Proposal

The Assembly rejects the Executive proposal.

Expand Continuous Recruitment^{xiv}

The Executive Budget includes \$7.8 million for the Department of Civil Service (DCS) to expand the titles eligible for continuous recruitment, which would increase the pool of qualified candidates at any given time. Candidates would no longer have to wait for an exam to be offered and a list to be posted.

Senate Budget Proposal

The Senate accepts this proposal.

Assembly Budget Proposal

The Assembly rejects this proposal.

Extend and Enhance the Film Tax Credit^{xv}

The Executive Budget proposes to extend the production and post-production credits an additional five years (through 2034) and make changes to enhance the credit.

Senate Budget Proposal

The Senate modifies the Executive proposal to extend and enhance the Film Tax credit by removing language expanding eligible costs to above-the-line expenses, removing language that would provide additional credits to relocated television series, expanding the costs eligible

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for the additional upstate credit and expanding the funds available to this additional upstate credit. The Senate calls on the Empire State Development Corporation to issue the pending disparity study required to enact the writers and directors' diversity credit. The Senate also supports exploring further ways to increase community engagement and participation with projects receiving the Film Tax credit.

Assembly Budget Proposal

The Assembly accepts and enhances the Executive proposal to extend the Empire State film production and post-production credits for five years, through 2034; increase the annual aggregate cap from \$420 million to \$700 million, beginning in tax year 2024; and increase the credit for qualified expenses from 25 percent to 30 percent. In addition, the Assembly allows for a certain re-branded television show to remain eligible for the credit. Last, the Assembly includes "Above the Line" expenses within the enhanced portion of the Upstate credit computation; increases the Upstate cap from \$5 million to \$15 million; and allows for a certain television show to be eligible for the credit.

Enable Localities to Reclaim Certain Vacant and Abandoned Homes^{xvi}

The Executive Budget includes legislation to clarify and improve the process by which localities can legally certify certain vacant residential properties are abandoned with the intent of facilitating municipalities' ability to take ownership of hazardous properties.

Senate Budget Proposal

The Senate rejects this proposal.

Assembly Budget Proposal

The Assembly rejects this proposal.

Downtown Revitalization Initiative^{xvii}

The Executive Budget provides \$100 million for another round of the Downtown Revitalization Initiative (DRI).

Senate Budget Proposal

The Senate accepts this proposal.

Assembly Budget Proposal

The Assembly accepts this proposal.

New York Forward^{xviii}

The Executive Budget includes \$100 million for the NY Forward downtown revitalization program for rural and smaller communities.

Senate Budget Proposal

The Senate accepts this proposal.

Assembly Budget Proposal

The Assembly accepts this proposal.

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Regional Economic Development Councils^{xix}

The Executive Budget includes core Regional Economic Development Council (REDC) funding through \$150 million in new capital grants and \$75 million in new Excelsior tax credits through the Empire State Development Corporation (ESDC).

Senate Budget Proposal

The Senate accepts this proposal.

Assembly Budget Proposal

The Assembly accepts this proposal.

Creates a Youth Opportunities Program^{xx}

Building on the existing Summer Youth Employment Program, the Executive Budget proposes to create a new Youth Opportunities Program to provide employment opportunities during the remaining months of the year. The Budget includes \$18 million in new State funding in FY 2024, annualizing to \$37 million, to provide year-round, part-time employment opportunities for an estimated 2,500 youth in regions around New York. The Budget also increases funding for the Summer Youth Employment Program by \$1 million, to \$47.1 million.

Senate Budget Proposal

The Senate accepts this proposal.

Assembly Budget Proposal

The Assembly accepts this proposal and proposes \$10 million for a youth employment and wrap around services organization within the Economic Development Program. The Assembly also restores \$241,000 for the Foster Youth Initiative and provides a \$408,000 increase, for a total of \$8.6 million.

Tourism Promotion Matching Grants^{xxi}

The Executive Budget includes \$2.45 million for matching grants to assist counties and municipalities in local tourism efforts.

Senate Budget Proposal

The Senate restores \$1 million in additional support for the Tourism Promotion Matching Grant program, for a total of \$3.5 million.

Assembly Budget Proposal

The Assembly also restores \$1 million for local tourism matching grants.

COVID-19 Capital Costs Tax Credit^{xxii}

The Executive Budget proposes to extend the statutory application deadline for the COVID-19 Capital Costs Tax Credit Program from March 31, 2023 to September 30, 2023 to allow small businesses more time to apply for this tax credit.

Senate Budget Proposal

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The Senate accepts the Executive proposal.

Assembly Budget Proposal

The Assembly accepts the Executive proposal.

Elections

Senate Budget Proposal

Operating & Capital Aid for Local BOE's^{xxiii}

The Senate budget proposal includes \$15 million for local boards of elections to increase salaries and hire new employees as well as \$15 million for local boards of elections for new voting equipment and software/technology upgrades.

Assembly Budget Proposal

The Assembly provides \$10 million for costs related to early voting and absentee ballot counting for local Boards of Elections.

Environment

Clean Water Infrastructure Funding^{xxiv}

The Executive Budget includes \$500 million in clean water infrastructure funding to bring the State's total clean water investment to \$5 billion since 2017.

Senate Budget Proposal

The Senate adds \$100 million for the Clean Water Infrastructure Act and carves out \$100 million for the Safe Water Infrastructure Action Program, \$50 million for septic replacement, and \$50 million for lead service line replacement.

Assembly Budget Proposal

The Assembly proposes specific allocations for the \$500 million instead of a lump sum appropriation and includes an additional \$100 million (\$25 million to combat HABs and \$75 in additional WIIA funds).

Environmental Protection Fund^{xxv}

The Executive Budget includes \$400 million for the Environmental Protection Fund (EPF) to support projects that work to mitigate the effects of climate change, improve agricultural resources, protect water sources, advance conservation efforts, and provide recreational opportunities.

Senate Budget Proposal

The Senate proposal increases the Environmental Protection Fund to \$500 million and rejects the Executive's proposal to fund staffing costs from the EPF.

Assembly Budget Proposal

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The Assembly proposal includes \$435 million for the Environmental Protection Fund (EPF), an additional \$35 million over the Executive proposal.

Environmental Bond Act^{xxvi}

The Executive Budget includes \$4.2 billion in reappropriations for the Clean Water, Clean Air, and Green Jobs Environmental Bond Act, which was approved by voters in November 2022. The Department of Environmental Conservation (DEC) is expected to disburse \$5 million in Bond Act funding in SFY 2023 and \$100 million in SFY 2024. The \$100 million for SFY 2024 includes \$36 million for climate change mitigation, \$26 million for flood risk reduction, \$23 million for open space land conservation, and \$23 million for water quality improvement.

The Senate and Assembly include this reappropriation.

Clean Up Forever Chemicals Initiative^{xxvii}

The Executive Budget would expand the Environmental Restoration Program (ERP) to allow available state appropriations to support municipalities in investigating and remediating municipally owned sites contaminated with PFAS and emerging contaminants. It would also make technical amendments to disqualify municipalities that deliberately caused contamination, allow for settlement funds a municipality receives to be used as the local match, and broaden the eligibility criteria for projects under ERP. The Budget includes \$60 million to fund the first year of this Clean Up “Forever Chemicals” initiative.

Senate Budget Proposal

The Senate modifies the Executive proposal by ensuring that the definition of emerging contaminants is not inadvertently exclusionary and to retain limited indemnification for municipalities.

Assembly Budget Proposal

The Assembly revises the Environmental Restoration Program to explicitly authorize participation by disadvantaged communities.

Waste Reduction and Recycling Infrastructure Act^{xxviii}

The Executive Budget includes legislation to create a statewide extended producer responsibility (EPR) program that will transfer the responsibility of end-of-life management for packaging and paper products back onto the producer.

Senate Budget Proposal

The Senate modifies the Executive proposal to enact a producer responsibility program for packaging and paper products by expanding the proposal to include single-use plastic products, adding an office of recycling inspector general, prohibiting toxic contaminants in such products, adding environmental justice protections, and increasing source reduction requirements and enforcement (S.4246).

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Assembly Budget Proposal

The Assembly rejects this proposal.

Building Electrification^{xxix}

This Executive Budget would require the State to prohibit using fossil fuel equipment and building systems in new construction; phase out the sale and installation of fossil fuel space and water heating equipment in existing buildings; and establish building benchmarking and energy grades.

Beginning December 31, 2025, the proposed legislation would prohibit the installation of fossil fuel equipment and building systems in the construction of new one-family and multi-family residential buildings no more than three stories in height. The same prohibition would apply to new multi-family residential buildings more than three stories in height and new commercial buildings starting on December 31, 2028. This bill would prohibit the installation of fossil fuel space and water heating equipment and related building systems when retrofitting existing residential and multi-family buildings no more than three stories in height beginning on January 1, 2030 and all multi-family and commercial buildings starting January 1, 2035.

Fossil-fuel equipment would include plumbing, heating, electrical, lighting, insulating, ventilating, air conditioning, and refrigerating equipment, elevators, escalators, and other mechanical additions or installations that use fossil fuel.

The Executive Budget legislation would not impact or prohibit the continued use and maintenance of fossil-fuel equipment and building systems.

Senate Budget Proposal

The Senate modifies the Executive proposal to prohibit installation of fossil fuel equipment and building systems in new construction and phasing out the sale and installation of fossil fuel space and water heating equipment in existing buildings by substituting its own language that a municipality may only issue a permit for new construction under seven stories that is an all-electric building by 2025 and may only issue a permit for new construction seven stories or more that is an all-electric building by 2028.

The Senate language also directs the New York Power Authority to establish a program to fully decarbonize and achieve zero on-site emissions for State-owned campuses and facilities by 2040, with immediate funding for decarbonization projects at the highest-emitting campuses and facilities.

Assembly Budget Proposal

The Assembly proposes language to amend the Executive's All Electric Building Act to apply to new buildings, include an evaluation by the Department of Public Service of electric power grid infrastructure capacity for the resulting increase in electrical load, and establish requirements for the decarbonization of existing State buildings.

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Authorize the Power Authority to Build Renewable Energy Projects^{xxx}

The Executive Budget includes legislation to enable the New York Power Authority (NYPA) to develop, finance, construct, own, operate, and maintain renewable energy projects; provide bill credits to electricity consumers in disadvantaged communities; phase-out of electricity production from its peaker power plants by 2035; and support workforce training for the renewable energy field.

Senate Budget Proposal

The Senate rejects the Executive proposal as they have already passed similar legislation (S.4134).

Assembly Budget Proposal

The Assembly does not include the Executive's proposal authorizing the New York Power Authority (NYPA) to own and operate renewable energy generating facilities but supports developing a plan to require any renewable energy project built, financed, or operated by NYPA to:

- fill energy generation gaps identified by NYPA's assessment of the State's progress towards achieving the energy goals of the Climate Leadership and Community Protection Act (CLCPA);
- include strong labor standards and protections, "Buy American" requirements, and workforce development programs to train, retrain, and transition the fossil-fuel workforce; and
- provide low- and moderate-income consumers, and consumers living in disadvantaged communities with financial protections during the transition to renewable energy, including providing utility bill credits.

Cap-and-Invest Program^{xxxi}

The Executive Budget proposes to create a new program that would set a cap on greenhouse gas (GHG) emissions that would decline annually to meet the Climate Act's targets. The Department of Environmental Conservation (DEC) would establish allowances to represent a fixed amount of allowable GHG emissions within the cap, and allowances would then be made available by the NYS Energy Research and Development Authority (NYSERDA) for sale at auction.

This Budget would also create the Climate Action Fund, and within it, the Consumer Climate Action Account and the Industrial Small Business Climate Action Account. After receiving auction proceeds, NYSEDA would transfer at least 30% of the proceeds to the Consumer Climate Action Account and up to 3% of the proceeds to the Industrial Small Business Climate Action Account. These accounts would then be used to provide consumers and industrial small businesses with a payment that would assist in reducing any potential increased costs that may result from the implementation of the cap-and-invest program.

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This Budget would authorize a transfer from the newly established Climate Action Fund to the General Fund to cover costs associated with implementing the cap-and-invest program. NYSERDA would be authorized to recover its costs associated with implementing the cap-and-invest program directly from auction proceeds. The remainder of the proceeds would be utilized by NYSERDA to support programs and services that have been identified within the Climate Action Council's scoping plan or other purposes which further CLCPA goals and assist in transitioning New York to a cleaner, greener economy.

The Executive Budget contains \$6.5 million and 10 full-time employees (FTEs) to support the initial creation of a cap-and-invest program.

Senate Budget Proposal

The Senate modifies the Executive proposal by adding specific programmatic details regarding issuance and allocation of allowances, labor standards and protections, prevention of market manipulation, and protections for disadvantaged communities, as well as by setting up the Climate and Community Protection Fund to ensure all benefits and rebates from the program are equitably distributed.

Assembly Budget Proposal

The Assembly rejects this proposal.

EmPower Plus Program^{xxxii}

The Executive Budget includes \$200 million for NYSERDA's EmPower Plus home retrofits program. This program will help 20,000 low-income families retrofit their homes by adding insulation, installing energy efficient appliances, and where eligible, switching from inefficient fossil fuel heating systems to electric alternatives.

Senate Budget proposal

The Senate modifies the Executive recommendation of \$225.8 million by shifting the funding for the EmPower Plus program to be funded within NYSERDA revenues.

Assembly Budget Proposal

The Assembly accepts the Executive proposal to provide \$200 million to support the EmPower Plus program and modifies the appropriation language to establish program parameters.

Make Deer Hunting Youth Pilot Program Permanent^{xxxiii}

In 2021, the NYS adopted a temporary program through 2023 for young hunters in counties that choose to participate through local law opt-in. The Governor's proposal would make this county option permanent law.

The current pilot allows 12- and 13-year-old licensed hunters to hunt deer with a rifle, shotgun, or muzzleloading firearm in designated areas. Additionally, allows 12- and 13-year-old licensed hunters to hunt deer with a crossbow during the times when other hunters may use crossbows. Required safety measures include supervision of a licensed adult hunter (aged 21 years or older) with at least 3 years of experience hunting deer who maintains physical control over the

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youth hunter at all times; as well as requires the youth hunter and adult mentor to wear fluorescent orange or pink clothing and to remain at ground level while hunting deer with a crossbow, rifle, shotgun, or muzzleloader; Westchester and Suffolk counties are specifically excluded from opt-in participation.

Senate Budget Proposal

The Senate rejects the Executive proposal to make the pilot deer hunting program for mentored youth permanent.

Assembly Budget Proposal

The Assembly modifies the Executive proposal by instead extending the program for two years.

Establish the Hazard Mitigation State Revolving Loan Fund^{xxxiv}

The Executive Budget includes legislation to create the New York State Hazard Mitigation State Revolving Loan Fund to provide low-interest loans to local governments for mitigation projects. The federal Safeguarding Tomorrow through Ongoing Risk Mitigation (STORM) Act requires the establishment of this dedicated fund for New York to receive and administer loans via capitalization grants from the Federal Emergency Management Agency (FEMA).

Senate Budget Proposal

The Senate accepts this proposal.

Assembly Budget Proposal

The Assembly accepts this proposal.

Lead Service Line Replacement^{xxxv}

The Executive Budget amends Local Finance Law to allow New York State to use federal Bipartisan Infrastructure Law (BIL) funding to replace entire lead service lines. This would include portions of lines that may cross private property boundaries, a requirement of BIL funding. New York State is anticipated to receive \$115 million annually for the next five years in BIL funding to inventory and replace lead service lines in public water systems. Municipalities, school districts, and district corporations will be able to access low-cost financing options through the Environmental Facilities Corporation (EFC).

Senate Budget Proposal

The Senate accepts this proposal.

Assembly Budget Proposal

The Assembly accepts this proposal.

Department of Taxation and Finance Solar and Wind Energy System Appraisal Model Not Subject to the State Administrative Procedure Act (SAPA)^{xxxvi}

The Governor's proposal would ratify the prior adoption of the solar and wind energy system appraisal model was not be subject to the State Administrative Procedure Act (SAPA).

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In 2021 the Department of Taxation and Finance (DTF), in consultation with the New York State Energy Research and Development Authority, was given the authority to develop and publish an appraisal model for solar and wind energy systems. The law contained specific public comment periods to be followed by DTF prior to publishing the appraisal model.

DTF appraisal's model is currently subject to litigation which in part claims DTF failed to comply with the SAPA. This proposal seeks to state that DTF was required to comply with the notice and public comment requirements, but was is not required to comply with the SAPA. Additionally, the proposal would also allow the use of the past appraisal model in 2023 without the need to once again engage in a notice and public comment period.

Senate Budget Proposal

The Senate rejects this proposal.

Assembly Budget Proposal

The Assembly accepts this proposal.

Suffolk County Water Quality Restoration Act^{xxxvii}

The Executive Budget proposes to amend the County Law to enact the Suffolk County Water Quality Restoration Act. Suffolk County currently has 27 sewer systems. This bill would give the Suffolk County Legislature the authority to create a county-wide wastewater management district through the consolidation of existing unsewered areas and existing town and village sewer systems.

Senate Budget Proposal

The Senate modifies the Executive proposal to grant Suffolk County authorization to establish a county-wide wastewater management district by authorizing Suffolk County to fund water quality projects through sales and use-related revenues if approved by voters pursuant to a county referendum.

Assembly Budget Proposal

The Assembly accepts this proposal as Part NN of the Revenue bill.

Create The Office of Just Transition^{xxxviii}

The Executive Budget proposes to create and fund operations of an Office of Just Transition within the Department of Labor (DOL) that will support both conventional energy workers and communities burdened by fossil fuel infrastructure as they navigate the transition to a clean energy economy in the coming years.

Senate Budget Proposal

The Senate accepts this proposal.

Assembly Budget Proposal

The Assembly accepts this proposal.

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Protection of Class C Streams^{xxxix}

Senate Budget Proposal

The Senate advances language to provide additional protections for class C streams, in a manner similar to S.1725. Their budget proposals adds \$1 million to DEC's State Operations appropriation for the protection of class C streams.

Climate Expenditure Reporting^{xl}

Senate Budget Proposal

The Senate advances new language to require annual reporting on State climate expenditures (S.288).

Local Water, Sewer, Stormwater Infrastructure Funding Program^{xli}

Senate Budget Proposal

The Senate advances language to fund replacement and rehabilitation of local drinking water, storm water, and sanitary sewer systems that are not under the maintenance and/or operational jurisdiction of a private entity or New York City and to distribute such funding based on a variety of factors including length and width of pipes, infrastructure age, the nature of other water system assets, and socioeconomic factors in order to achieve an equitable distribution of aid (S.4350).

Bottle Bill Expansion^{xlii}

Senate Budget Proposal

The Senate advances language to expand the Returnable Container Act by increasing the deposit on returnable beverage containers to ten cents, requiring deposits on additional types of beverage containers, including containers for wine, liquor, cider, non-carbonated soft drinks, certain juices, coffee and tea beverages, and carbonated fruit beverages, increasing the handling fee for returnable containers to six cents, creating post-consumer content requirements for returnable containers, increasing flexibility for retailers required to accept returnable containers, and providing additional protections for consumers and retailers (S.237).

Climate Change Cost Recovery Program^{xliii}

Senate Budget Proposal

The Senate advances language to establish a climate change cost recovery program to require fossil fuel companies that have contributed significantly to the buildup of greenhouse gasses in the atmosphere to compensate the State based on such companies' greenhouse gas contributions, and directs the proceeds to be used for climate change-related expenditures in a manner similar to S.2129 but with proceeds directed to the Climate and Community Protection Fund.

Clean Energy Transition^{xliv}

Senate Budget Proposal

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The Senate advances new language to align the Public Service Law with the emission reduction mandates of the Climate Leadership and Community Protection Act, ensure an equitable transition from the gas distribution system to a renewable system for heating and hot water, eliminate entitlement for new gas connections, and cap the energy burden of low income households to 6% of their income (S.2016).

Ethics Reform for State and Local Government

Commission on Ethics' Composition and Term Staggering^{xlv}

This proposal would require staggered terms for each of the initial Commissioners within the State Commission on Ethics and Lobbying and Government.

The Commission was constituted in July 2022, and the first 10 commissions have been appointed. This proposal staggers the terms for these initial appointees as follows: the Governor's first appointee would serve an initial term of four years, their second appointee would serve an initial term of two years, and their third appointee would serve an initial term of one year; the Attorney General's appointee would serve an initial term of four years; the Comptroller's appointee would serve an initial term of four years; the Temporary President of the appointee would serve a term of two years; the Minority Leader of the Senate's first appointee would serve an initial term of four years; the Speaker of the Assembly's first appointee would serve initial terms of four years and their second appointee would serve a term of two years; and the Minority Leader of the Assembly's appointee would serve a term of four years. Subsequent appointees will continue to serve four-year terms, under the existing law.

Senate Budget Proposal

The Senate accepts this proposal.

Assembly Budget Proposal

The Assembly accepts this proposal.

Gaming

One Year Extension for OTB Authorized Use of Capital Funds^{xlvi}

This proposal would extend for one additional year the authorized non-capital use of capital acquisition funds by the Capital Off-track Betting (OTB) corporation.

Current law requires OTBs to set aside a portion of their revenue into a Capital Acquisition Fund (CAF) for the purpose of future capital investments. This bill would allow Capital OTB to use up to \$440,000 of its CAF toward statutory obligations, payroll, and expenditures through March 31, 2024.

Senate Budget Proposal

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The Senate modifies the Executive proposal to authorize use of capital funds by Capital Off-Track Betting Corporation (Capital OTB) for one year and provides similar authorization to the Catskill OTB

Assembly Budget Proposal

The Assembly modifies the Executive proposal to extend for one year the authorized use of the capital acquisition funds by the Capital Off-Track Betting (OTB) Corporation, through March 31, 2024 to include the Catskill Off-Track Betting Corporation.

General Government

County Clerk DMV Fee Retention.^{xlvii}

The Executive Budget proposes to increase the retention rate for county clerk offices that perform DMV transactions, from the current 12.7% for in-office transactions and 3.25% for online transactions, to a flat 10.75% for all transactions. As more transactions are shifting to online based, the proposed rate change is projected to increase revenue that is retained by counties by \$13 million annually. The chart on the following page outlines the net benefit per county.

Senate Budget Proposal

The Senate accepts this proposal.

Assembly Budget Proposal

The Assembly accepts this proposal.

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County	SFY 24 Budget Proposal		
	Total	Incr. from SFY 23	% Change
Allegany	\$ 266,651.75	\$ 82,607.19	45%
Broome	\$ 1,287,118.89	\$ 347,297.22	37%
Cattaraugus	\$ 681,237.48	\$ 118,038.06	21%
Cayuga	\$ 610,134.83	\$ 109,530.49	22%
Chautauqua	\$ 988,742.38	\$ 181,939.28	23%
Chemung	\$ 462,764.48	\$ 186,547.68	68%
Chenango	\$ 330,384.29	\$ 83,945.68	34%
Clinton	\$ 805,784.37	\$ 143,817.01	22%
Columbia	\$ 771,901.98	\$ 112,520.80	17%
Corland	\$ 402,662.11	\$ 66,911.03	20%
Delaware	\$ 510,224.75	\$ 63,355.80	14%
Dutchess	\$ 2,307,703.02	\$ 1,074,989.21	87%
Erie	\$ 5,404,244.42	\$ 1,859,208.15	52%
Essex	\$ 323,153.53	\$ 61,587.76	24%
Franklin	\$ 916,161.47	\$ 123,036.62	16%
Fulton	\$ 526,178.56	\$ 110,829.96	27%
Genesee	\$ 546,817.62	\$ 136,818.16	33%
Greene	\$ 926,056.44	\$ 55,844.51	6%
Hamilton	\$ 117,636.46	\$ 9,392.38	9%
Herkimer	\$ 555,253.30	\$ 98,027.70	21%
Jefferson	\$ 794,554.96	\$ 171,939.12	28%
Lewis	\$ 247,030.84	\$ 34,321.78	16%
Livingston	\$ 469,704.63	\$ 113,512.66	32%
Madison	\$ 1,565,667.46	\$ 102,767.87	7%
Monroe	\$ 4,494,238.98	\$ 1,483,239.60	49%
Montgomery	\$ 369,766.74	\$ 90,746.96	33%
Niagara	\$ 1,726,564.57	\$ 428,799.90	33%
Oneida	\$ 1,057,071.53	\$ 437,229.76	71%
Ontario	\$ 832,028.28	\$ 234,255.02	39%
Orange	\$ 3,029,838.48	\$ 1,372,172.25	83%
Orleans	\$ 411,452.93	\$ 64,728.99	19%
Oswego	\$ 1,285,748.63	\$ 216,908.24	20%
Otsego	\$ 340,692.10	\$ 103,270.19	43%
Putnam	\$ 1,640,311.12	\$ 433,619.88	36%
Rensselaer	\$ 1,103,614.27	\$ 309,399.04	39%
St Lawrence	\$ 3,727,772.09	\$ 191,246.07	5%
Saratoga	\$ 3,148,414.19	\$ 517,349.09	20%
Schneclady	\$ 792,388.12	\$ 356,360.60	82%
Schoharie	\$ 341,694.49	\$ 59,646.26	21%
Schuyler	\$ 175,894.84	\$ 34,323.92	24%
Seneca	\$ 299,817.73	\$ 35,989.76	14%
Steuben	\$ 767,217.59	\$ 201,421.99	36%
Sullivan	\$ 702,380.45	\$ 192,635.76	38%
Tioga	\$ 396,325.86	\$ 84,878.87	27%
Tompkins	\$ 563,387.96	\$ 127,818.62	29%
Ulster	\$ 1,242,799.56	\$ 415,644.32	50%
Warren	\$ 634,432.53	\$ 131,646.72	26%
Washington	\$ 675,982.77	\$ 145,067.97	27%
Wayne	\$ 703,723.17	\$ 164,201.15	30%
Wyoming	\$ 281,703.80	\$ 57,716.00	26%
Yates	\$ 195,336.14	\$ 39,265.89	25%

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Snowmobile Registration Fee Increase^{xlviii}

The Executive Budget increases the snowmobile registration fees to \$125 (up from \$90). If an individual is a member of an organized New York state snowmobile club the fee for registration will be \$55 (up from \$35). This proposal also eliminates the deadline by which applications for grants funded by such fees must be submitted to the Office of Parks, Recreation, and Historic Preservation.

Senate Budget Proposal

The Senate accepts this proposal.

Assembly Budget Proposal

The Assembly modifies the Executive proposal to increase snowmobile registration fees by accepting such fee increases but rejecting the elimination of the deadline by which applications for grants funded by such fees must be submitted to the Office of Parks, Recreation, and Historic Preservation.

Citizens Reorganization Empowerment Grants and Tax Credits^{xlix}

The Executive Budget includes \$35 million for Citizens Reorganization Empowerment Grants and Citizen Empowerment Tax Credits. The Budget would make \$100,000 available to local governments for planning and implementing reorganization activities, such as consolidations and dissolutions. For cities, towns, or villages that consolidate or dissolve, tax credits would provide an annual aid bonus equal to 15% of the newly combined local government's tax levy. At least 70% must be used as direct relief to property taxpayers.

Cybersecurity

The Executive Budget proposes to increase cybersecurity funding by \$42.6 million to support continued efforts to strengthen cyber defense and response efforts, including an expansion of Cyber Analysis Unit funding for the State Police and the establishment of a specialized Industrial Control System Assessment Team to enhance resiliency of critical infrastructure facilities across the State.

Retiree Earning Cap

Senate Budget Proposal

The Senate advances language to increase the cap on retiree income from \$35,000 to \$50,000.

Housing Assistance

Promote New Housing through Local Targets and Fast-Track Approvals¹

The Executive Budget includes legislation to promote new housing statewide through the establishment of new home targets in each city, town, and village and fast-track project approvals in localities that do not meet growth targets or that fail to implement certain land use actions that promote housing growth.

Under the Governor's proposal, localities located within New York City and Westchester, Orange, Putnam, Dutchess, Rockland, Nassau, and Suffolk counties would have three percent

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housing growth targets within each three-year cycle. All other localities would have one percent housing growth targets in each three-year cycle.

Localities that are unable to meet development targets would not be subject to fast-track approval process during the subsequent three-year cycle if they enact two of five preferred land use actions that promote housing growth. The preferred actions include permitting accessory dwelling units (ADUs), facilitating lot splits, removing certain restrictive zoning, allowing certain density levels over a portion of previously developed areas, and rezoning a specified amount of commercial areas to also allow for housing.

If a city, town, or village that does not meet its growth targets or take preferred actions in the previous cycle rejects a qualifying proposal in the current three-year cycle, the denial could be appealed via administrative or judicial fast-track approval procedures.

Senate Budget Proposal

The Senate modifies the Executive proposal by removing mandatory requirements and overrides of local zoning, doubling total available incentives for smart growth to \$500 million in State assistance, supporting the creation of a land use advisory council to review municipal growth over the next three years, and awarding the \$500 million in incentives to municipalities that achieve target goals.

Assembly Budget Proposal

The Assembly modifies the Executive proposal by removing the State mandates and procedures to override local zoning and instead proposes to incentivize the development of new housing in municipalities by providing \$500 million in total funding for cities, towns, and villages outside of the City of New York. Municipalities would receive an initial payment for submitting a housing growth plan and providing detailed information about housing for their jurisdictions. Municipalities would receive a secondary payment if they meet housing growth targets during the three-year target period beginning January 1, 2024, with a 24-month grace period for permitted new residential dwelling units to receive certificates of occupancy.

In the Assembly's proposal, housing growth targets will be set at three percent for downstate communities and one percent for all others. Achievement of housing growth targets would be calculated with special consideration provided for affordability, rehabilitation of abandoned buildings, transit-oriented development, and zoning changes. Municipalities that received incentive funding but fail to achieve their growth targets risk a clawback of their initial payment.

The Assembly further provides a separate \$125 million for New York City to participate in the new homes incentive program. Similar to the statewide program, New York City would be eligible for an initial payment for submitting a housing growth plan and providing related information, and would be eligible for a secondary payment if three percent growth is achieved city-wide during the three-year target period, with a 24-month grace period to receive certificates of occupancy.

Support Housing Production through Planning and Infrastructure Grantsⁱⁱ

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The Executive Budget proposes to create a \$250 million Infrastructure Support Fund and a \$20 million Planning Assistance Fund to support new housing production statewide. Municipalities would be able to submit requests for planning funding to undertake required zoning actions, supported by a new Housing Planning Office within HCR.

Encourage Transit-Oriented Development.^{lii}

This Executive Budget proposes to require downstate cities, towns, and villages to amend their zoning and other land use tools to increase the average housing density within half a mile of any non- seasonal rail station, including subway stations. The density requirements would be tiered based on proximity to New York City. Cities, towns, and villages would have discretion as to where within the half-mile radius to rezone and by how much to do so in order to meet their average density requirements. Any city, town, or village that does not amend their land use tools would have to permit construction of residential dwellings up to the applicable density threshold within areas that had been zoned residential around a train station at the time the State Budget is enacted.

Senate Budget Proposal

The Senate rejects this proposal.

Assembly Budget Proposal

The Assembly rejects this proposal.

Expand Tax Incentives to Encourage Housing Development^{liii}

The Executive Budget proposes to expand an existing property tax exemption available at local option to explicitly cover ADUs and extend the time frame to incentivize their development. The Budget also proposes to create a new local property tax exemption to encourage multi-family affordable housing development.

This proposal provides an opt-in property tax exemption on the increase in the value of a property resulting from the addition of an accessory dwelling unit (ADU). It amends the RPTL to provide that, at local option, one- and two-family residential buildings that create one or more ADU's shall be partially or fully exempt from taxation and special ad valorem levies. The program is structured as a 10-year exemption, with the first 5 years providing an exemption of 100% of the increase in assessed value, the next three years decreasing that exemption by 25%, and the last two years decreasing by a further 10% in each year. The exemption is capped at \$200,000 in increased market value.

Senate Budget Proposal

The Senate rejects this proposal.

Assembly Budget Proposal

The Assembly rejects this proposal.

Collect Local Zoning and Housing Production Data^{liv}

This Executive Budget would require localities to submit housing production information, including permit data, zoning maps, and zoning requirements, to the Division of Housing and

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Community Renewal (DHCR). The information may be made publicly available on DHCR's website and used to track and compare localities' progress towards housing goals.

Senate Budget Proposal

The Senate modifies the Executive proposal to include language that binds the program in statute to funds allocated by the Executive to ensure localities obtain technical and financial assistance and removes mandatory reporting requirements.

Assembly Budget Proposal

The Assembly proposes to modify the Executive proposal.

Human Services

Increase Support for Code Blue.^{lv}

The Executive Budget proposal increases funding for the Code Blue program by \$7 million to support local districts in their protection of homeless individuals from exposure-related conditions during inclement winter weather and will simplify the approval process for these critical investments.

Assembly Budget Proposal

Child Welfare Reimbursement Rates

The Assembly restores the State's child welfare reimbursement to counties from 62 percent to 65 percent.

Judiciary and Court Related Matters

Provide a Market-Rate of Interest on Court Judgments.^{lvi}

The Executive Budget proposal would allow for a variable market-based interest rate, providing mandate relief for local governments and lower State taxpayer costs.

Currently, the interest rate on judgments is established at a fixed rate of as much as 9 percent annually. The new rate would be calculated at the one-year United States treasury bill rate. This is calculated based on the weekly average one-year constant maturity treasury yield for the calendar week preceding the date of the entry of the judgement. This is the same rate permitted for civil money judgments recovered in federal district court.

We estimate that this action could potentially save counties up to \$2.5 million.

Senate Budget Proposal

The Senate rejects this proposal.

Assembly Budget Proposal

The Assembly rejects this proposal.

Office of Indigent Legal Services & Legal Defense Doubling the 18-B Assigned Counsel Program^{lvii}

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The Executive Budget would increase the assigned counsel program rates in New York City and other downstate counties (Suffolk, Nassau, Westchester, Rockland, Putnam, Orange, Dutchess, Ulster, and Sullivan) to \$158 per hour, and would increase the rates in upstate counties to \$119 per hour. This bill would also increase the cap on total compensation for time expended providing representation to \$10,000 for New York City and downstate counties, and \$7,000 for upstate counties.

NYSAC estimates the negative financial impact to counties and NYC is approximately \$150 million.

Senate Budget Proposal

The Senate modifies the Executive proposal by adding \$25 million for the Assigned Counsel Program ("18-B"), to support the modification of Article VII PPGG Part P. The Senate also adds \$10 million for the Parental Representation Program. Lastly, the Senate modifies the Executive proposal regarding the Assigned Counsel Program by raising the hourly rate for attorneys to \$180 for downstate counties and \$158 for upstate counties, to be phased in over a period of five years. The Senate also advances language that will require the State and counties to share the cost of the rate increase (S.1777-A).

Assembly Budget Proposal

The Assembly increase assigned counsel rates by increasing the rate to \$164 for all counties, allow for the court to provide additional compensation in extraordinary circumstances, and provide that expenses in excess of the current rate will be reimbursed to the counties by the state.

The Assembly provides \$198 million for grants to counties for expenses related to increased counsel rates for adult representation in criminal court, to improve the quality of representation provided to persons who are entitled to counsel in criminal matters and are financially unable to obtain representation.

Hurrell-Harring Implementation Funds^{lviii}

The Executive Budget includes \$250 million in appropriations for HHS statewide implementation.

Senate Budget Proposal

The Senate accepts this proposal.

Assembly Budget Proposal

The Assembly accepts this proposal.

Medicaid & Health Care (One-House Updates to Follow)

In addition to the cost shift previously noted in this report, the budget proposes numerous Medicaid benefit and eligibility expansions, and rate increases for providers including the following. According to state budget documents it is the intention of the state to use the extra funds paid by counties (resulting from the loss of the federal eFMAP from the Affordable Care Act) to support some of these initiatives.

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- Increases Medicaid rates, including five percent increases for
 - hospitals to offset provider losses related to 340B revenue impacted by the New York State Medicaid Pharmacy program transition, and
 - nursing homes and assisted living providers,
- Supports the expansion and enhancement of primary care and preventive Medicaid services, including establishing multiple new Medicaid benefits to improve health equity,
- Makes significant investments utilizing available federal Essential Plan resources by reducing cost sharing, increasing reimbursement rates and expanding coverage,
- Provides capital funding for infrastructure improvements in health care, including \$1 billion for the creation of a new Statewide Health Care Facility Transformation Program (Statewide V), and
- Replaces wage parity in the Consumer Directed Personal Assistance Program (CDPAP) with subsidies so that these workers can purchase comprehensive health insurance on the New York State of Health (NYSOH).

COVID eFMAP

The state budget updates its earlier estimates in regard to federal savings derived from the COVID eFMAP that congress enacted in response to the pandemic. As part of the end of year federal appropriation bill Congress wrote into statute the wind down of the +6.2 percent COVID eFMAP.

Beginning April 1, 2023, the COVID eFMAP will be reduced over the next three quarters:

- 5 percent through June 30,
- 2.5 percent through September 30, and
- 1.5 percent through December 31.

The Financial Plan previously reflected eFMAP through March 31, 2023. The end result is that the continuation of the enhanced federal savings beyond the end of SFY 2023 will provide about \$1.826 billion in total federal fiscal relief to New York State. The Financial Plan estimates about \$1.5 billion of this will accrue to the state and \$326 million will be passed through to the counties and New York City during SFY 2024.

The state has not yet passed through any COVID eFMAP savings provided by the federal government beyond what has been recognized by the state through December 31, 2022. This means counties and New York City should see additional federal savings related to the January-March 2023 quarter and the wind down described above (equivalent to about 1.25 quarters).

Essential Plan Expansion

The budget proposes to expand the Essential Plan health insurance program to include individuals up to 250 percent of the FPL, allow pregnant women to stay in the program through one year of post-partum care regardless of changes to income, and delays implementation of the Medicaid coverage expansion for undocumented individuals over the age of 64 to align with proposed section 1332 waiver expansion. These proposals would save the state \$213 million in SFY 2024 and \$165 million in SFY 2025.

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Mental Health

Expand Residential Programs^{lix}

The Executive Budget provides \$890 million in capital to build 2,150 new residential beds for people with mental illness who need varying levels of supports. This includes 500 new Community Residence – Single Room Occupancy (CR-SRO) beds, 900 Transitional Step-Down Beds, and 750 permanent Supportive Housing beds. The Governor’s plan also calls for 600 licensed Apartment Treatment beds and 750 scattered site Supportive Housing beds, for a total of 3,500 new units throughout the State. In addition, the Budget also provides \$25 million in capital resources to develop 60 community step-down units designed to serve formerly unhoused individuals who are transitioning from inpatient care.

Senate Budget Proposal

The Senate modifies the appropriation language to include reporting requirements to notify the Legislature before residential, community, and State-operated beds are opened.

Assembly Budget Proposal

The Assembly accepts the Executive’s Capital Projects proposal and recommends no changes.

Expand Inpatient Bed Capacity^{lx}

The Executive Budget includes funding for the opening of 1,000 inpatient psychiatric beds which is part of a multi-year plan to increase operational capacity at mental health facilities. These beds will help to meet the increased need for mental health services across the State. Added beds include 850 currently offline, inpatient psychiatric beds at public hospitals licensed under Article 28; and 150 new State-operated inpatient psychiatric beds.

Senate Budget Proposal

The Senate modifies the appropriation language to include reporting requirements to notify the Legislature before residential, community, and State-operated beds are opened.

Assembly Budget Proposal

The Assembly accepts the Executive proposal and recommends no changes. The Assembly will commit to working with the Senate and the Executive to ensure that a portion of the 150 new beds will be allocated as inpatient psychiatric beds for children.

Personnel / Labor / Civil Service/Public Pensions

Continuous Recruitment.^{lxi}

The Executive Budget includes provisions to allow agencies to continuously recruit for a variety of titles, add to the pool of qualified candidates at more regular intervals, and create a more efficient and modernized exam process. Continuous recruitment exams offered on an ongoing basis will be held via a hybrid of online training and experience exams, multiple choice exams via remote proctoring (online), and computer-based testing centers.

Senate Budget Proposal

The Senate accepts the Executive proposal.

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Assembly Budget Proposal

The Assembly rejects the Executive proposal.

The Assembly proposes to add legislation to require the Department of Civil Service to waive application fees for all civil service examinations held between July 1, 2023 and December 31, 2026 and allow municipal civil service commissions to do the same, as well as to conduct a study on the impacts.

Public Health & Nursing Homes

Discourage Tobacco Use^{lxii}

The Executive Budget would increase the excise tax on cigarettes from \$4.35 to \$5.35 and prohibit the sale of all flavored tobacco and vapor products. The Governor also proposes to amend the Tax Law to explicitly provide that a retail dealer who refuses an inspection would be subject to a one-year suspension of its certificate of registration to sell cigarettes and tobacco products. For a second such refusal within three years, the retail dealer's certificate of registration would be permanently revoked.

Senate Budget Proposal

The Senate modifies the Executive proposal to strengthen the flavored vapor products ban, support local enforcement, and ensure education and outreach efforts focus on consumers historically targeted by tobacco and vapor product advertising. The Senate also adds \$75 million to the New York State Tobacco Control Program to support cessation and education programs in communities targeted by the promotion of flavored tobacco products.

Assembly Budget Proposal

The Assembly proposes to reject the Executive proposal to prohibit the sale of flavored tobacco or vapor products by retailers and wholesalers and expand the definition of "flavored" to include menthol. The Assembly reinvests \$15 million to fund the Cancer Services Program, the Tobacco Control Program, and the Tobacco Social Media and Education Campaign.

Lead Poisoning Prevention in High-Risk Areas Outside of New York City^{lxiii}

The Executive Budget proposes to require the Department of Health (DOH) to develop a registry for all residential dwellings with two or more rental units built prior to 1980. All residential dwellings qualifying for the registry would have to be certified as free of lead paint hazards based on inspections conducted on a tri-annual basis. To support this proposal, the Executive Budget and Financial plan include approximately \$18.5 million in FY 2024 and \$18.5 million in FY 2025.

Senate Budget Proposal

The Senate modifies the Executive proposal by changing the administrator of the program from the Department of Health to the Division of Housing and Community Renewal.

Assembly Budget Proposal

The Assembly's budget proposal includes \$18.5 million for lead abatement funding but rejects the associated Article VII language.

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Banning Fentanyl Analogs^{lxiv}

The Executive Budget proposes to amend the Public Health Law to include controlled substances that are represented to be other controlled substances. It would encompass illicit fentanyl pressed into tablet form to appear, for example, like Food and Drug Administration (FDA)- approved controlled substance medications. The Executive Budget would also add criminal sale of an imitation controlled substance in the fifth, third, and first degree to the definition of “drug trafficking felony” in the Penal Law and create stricter penalties for the sale or possession with intent to sell imitation controlled substances.

Senate Budget Proposal

The Senate rejects this proposal.

Assembly Budget Proposal

The Assembly rejects this proposal.

Article Six Funding^{lxv}

The Executive Budget includes \$230 million in Article Six funding for local health departments to provide core public health services, compared to \$189 million in SFY 2023. This reflects the fully annualized increase to base grants and the allowance of fringe benefits as an eligible expense (up to 50% of eligible personnel costs).

Senate Budget Proposal

The Senate accepts the Executive proposal.

Assembly Budget Proposal

The Assembly accepts the Executive proposal.

Opioid Settlement Fund^{lxvi}

The Executive Budget includes \$123.64 million for payments of monies from the Opioid Settlement Fund. At least \$20.18 million of this appropriation must be held in reserve to be paid to local governments pursuant to a plan by OASAS.

Senate Budget Proposal

The Senate adds \$40 million to support the Opioid Settlement Fund with appropriation language to support programs recommended by the Opioid Advisory Board. The Senate also indicates that they are open to further discussions on further supporting harm reduction strategies.

Assembly Budget Proposal

The Assembly accepts the Executive proposal.

Public Safety

Revitalizing Emergency Medical Services (EMS) and Medical Transportation.^{lxvii}

The FY 2024 Executive Budget provides investments to enhance the EMS statewide, including:

- Ensuring emergency transportation providers are appropriately reimbursed for trips, by increasing Medicaid reimbursement for more complex patients,

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- Granting counties and local governments the authority to create joint EMS taxing districts to provide a funding mechanism for EMS services,
- Establishing a working group to recommend ways to expand access to non-emergency medical transportation,
- Establishing nine regional EMS organizations that can better coordinate all the EMS agencies and providers operating within their region,
- Establishing a statewide EMS disaster response system that can rapidly deploy personnel and equipment when and where it is needed during an emergency,
- Allowing EMS providers to perform expanded clinical care in the community, and,
- Permitting ambulances to treat patients in place or take patients to urgent care clinics without sacrificing payment for the trip, decreasing the number of unnecessary emergency room visits.

Senate Budget Proposal

The Senate modifies the Executive proposal to revitalize the EMS system by intentionally omitting the repeal and replacement of the existing certificate of need process for new or modified operating, intentionally omitting the establishment of new and changes to existing regulatory bodies, accepting investments and proposals related to workforce training, recruitment and retention, accepting the new definition for "emergency medical service," accepting proposals for system-sustainability plans, authorizing mobile integrated healthcare, and advancing language to provide payments to municipalities whose EMS are other municipal departments, volunteer or non-profit entities (Part of S.1852), advancing provisions to label EMS as an "essential" and required service and allowing for volunteer EMS to be eligible for benefits under State Pension system and NYSHIP systems (Part of S.4020), and providing for a uniform ambulance assessment fee on certain ambulance revenue to cover increased Medicaid rates for EMS services (S.5122).

Volunteer Firefighters Claim Income Tax Exemption & Property Tax Exemption^{lxviii}

Additionally, the Senate modifies the Executive proposal regarding volunteer firefighters by removing language providing localities with the option to provide a nominal fee to volunteer firefighters. The Senate accepts the part of the Executive proposal that allows the Office of Fire Prevention and Control to give a stipend to volunteer firefighters for completing certain firefighter training and advances language to increase the income tax credit to volunteer firefighters from \$200 to \$800 and to allow the claiming of the income tax credit and existing property tax exemptions.

Assembly Budget Proposal

The Assembly rejects the Executive proposals.

Double the State's Gun Involved Violence Elimination (GIVE)^{lxix}

The Executive Budget includes \$18.2 million in additional State funding, for a total of \$36.4 million, to support 20 police departments in 17 counties that account for more than 80 percent of the violent crime that occurs in New York State outside of New York City. GIVE supports local grant awards that advance New York State's shooting and homicide reduction strategic efforts.

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Funding for Discovery Reform^{lxx}

The Executive Budget includes \$40 million to support discovery reform. This funding will continue to bring to scale the staffing, services, and technologies needed to ensure that criminal cases are processed effectively and efficiently.

Assembly Budget Proposal

The Assembly provides an additional \$60 million for prosecutors' activities related to criminal discovery, for a total of \$100 million. In addition, the Assembly provides \$100 million for public defenders' activities related to criminal discovery.

Pretrial Services^{lxxi}

The Executive Budget includes \$20 million in support for pretrial services. This funding supports probation and community-based providers that divert unnecessary detention while simultaneously keeping communities safe.

Bail Reform^{lxxii}

The Executive Budget restores judicial discretion in securing order determinations by removing the least restrictive means standard. This bill would amend relevant provisions of the Criminal Procedure Law to remove the requirement that the court, when making a securing order determination for a bail-qualifying offense, impose the least restrictive means necessary to ensure the principal's return to court. This will provide judges greater flexibility in making a determination about whether an individual must remain in pre-trial confinement.

Senate Budget Proposal

The Senate rejects this proposal.

Assembly Budget Proposal

The Assembly rejects this proposal.

Clean Slate Law^{lxxiii}

The Senate proposal advances language to allow for automatic sealing for certain criminal records (S.211).

Allow for Compensation Volunteer Firefighters^{lxxiv}

The Executive Budget proposes legislation to allow municipalities and fire companies to pay volunteer firefighters a modest compensation based on call response.

Assembly Budget Proposal

The Assembly accepts the Executive proposal.

Volunteer Firefighter Training Stipend^{lxxv}

The Executive Budget includes \$10 million to provide a State-funded stipend to volunteer firefighters who complete foundational training as well as funds for DHSES to administer the program and enhance their training capacity.

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Senate Budget Proposal

The Senate accepts the part of the Executive proposal that allows the Office of Fire Prevention and Control to give a stipend to volunteer firefighters for completing certain firefighter training and advances language to increase the income tax credit to volunteer firefighters from \$200 to \$800.

Create NY Emergency Services IP Network^{lxxvi}

The Executive Budget includes \$20 million to assist counties in transitioning to Next Generation 911 via a fiberoptic cable network that would connect to a single Public Service Answering Point in each county.

Shared Services

County-Wide Shared Services Initiative^{lxxvii}

Counties that implemented shared services plans in 2022 are eligible to receive matching funds from the State beginning in calendar year 2023. The Executive Budget reappropriates \$200 million to support State matching grants for these collaborations.

Local Government Efficiency Grants^{lxxviii}

The Executive Budget includes \$4 million for competitive grants to help cover costs associated with local government efficiency projects, such as consolidation or shared services. The maximum implementation grant award is \$200,000 per municipality or \$1 million per grant consortium, and the maximum planning grant award is \$12,500 per municipality or \$100,000 per grant consortium.

Transportation

Local Highways and Bridges^{lxxix}

The Executive Budget continues the State's record commitments to funding local highway and bridge projects. Funding for the Consolidated Highway Improvement Program (CHIPS) and the Marchiselli program is maintained at last year's level of \$577.8 million. The budget provides the second year of an annual \$100 million for the local Pave Our Potholes program, \$150 million in highway aid through the PAVE NY program, \$100 million for extreme winter recovery aid, and \$200 million to fund local projects from the BRIDGE NY program. These programs are further improving conditions on State and local roads and bridges.

Senate Budget Proposal

The Senate modifies the Executive proposal by providing:

- \$200 million in additional support for the Consolidated Local Street and Highway Improvement Program (CHIPS), for a total of \$738.1 million.
- \$10 million for the Marchiselli Program, for a total of \$50 million.
- \$50 million for Bridge NY, for a total of \$250 million.
- \$70 million in additional support for the Extreme Winter Recovery program, for a total of \$150 million.

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- \$30 million in additional support for the State Touring Routes Program, for a total of \$130 million.
- \$5 million in additional support for Complete Streets project studies, for a total of \$10 million.

Veterans

Invest in Homeless Veterans' Housing^{lxxx}

The Budget includes \$1.1 million to support the Homeless Veterans' Housing program which will be used for veterans' emergency housing, to provide temporary shelter, repair homes damaged by disasters, and renovate homes to house veterans with disabilities, among other uses.

Joseph P. Dwyer Funds^{lxxxi}

The Executive Budget includes \$7.715 million for the Joseph P. Dwyer funds.

Joseph P. Dwyer Grant Allocations (SFY 24)	
Albany County	\$105,000
Allegany County	\$100,000
Broome County	\$185,000
Cattaraugus County	\$185,000
Cayuga County	\$100,000
Chautauqua County	\$185,000
Chemung County	\$100,000
Chenango County	\$100,000
Clinton County	\$52,500
Columbia County	\$100,000
Cortland County	\$100,000
Delaware County	\$100,000
Dutchess County	\$185,000
Erie County	\$185,000
Essex County	\$100,000
Fulton County	\$100,000
Genesee County	\$80,000
Greene County	\$100,000
Hamilton County	\$100,000
Herkimer County	\$100,000
Jefferson County	\$185,000
Lewis County	\$100,000
Livingston County	\$100,000
Madison County	\$100,000
Monroe County	\$185,000

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Montgomery County	\$100,000
Nassau County	\$185,000
Niagara County	\$185,000
Oneida County	\$105,000
Onondaga County	\$185,000
Ontario County	\$100,000
Orange County	\$185,000
Orleans County	\$52,500
Oswego County	\$100,000
Otsego County	\$100,000
Putnam County	\$185,000
Rensselaer County	\$185,000
Rockland County	\$185,000
Saratoga County	\$185,000
Schenectady County	\$105,000
Schoharie County	\$100,000
Schuyler County	\$100,000
Seneca County	\$100,000
St. Lawrence County	\$100,000
Steuben County	\$100,000
Suffolk County	\$185,000
Sullivan County	\$185,000
Tioga County	\$100,000
Tompkins County	\$100,000
Ulster County	\$185,000
Warren and Washington Counties	\$185,000
Wayne County	\$100,000
Westchester County	\$185,000
Wyoming County	\$52,500
Yates County	\$100,000
University at Albany School of Social Welfare	\$210,000
NYC	\$400,000

Workforce Development

Increases Funding for the Summer Youth Employment Program^{lxxxii}

New York State's Summer Youth Employment Program introduces youth to the workforce and helps them acquire skills that can be used to improve school performance and future career outcomes. The Executive Budget proposes to increase the allocation to local social services districts for this program by \$37 million.

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Senate Budget Proposal

The Senate accepts the Executive proposal.

Assembly Budget Proposal

The Assembly accepts the Executive proposal.

Expand Access to Child Care^{lxxxiii}

The Executive Budget proposes to expand access to child care by establishing a new tax credit for the creation and expansion of child care to incentivize and assist the creation of new child care opportunities. Businesses that create new child care seats or expand existing child care would receive a refundable tax credit.

Senate Budget Proposal

The Senate adds \$500 million for the Workforce Retention Grant program, providing up to \$12,000 in salary enhancements to child care workers. Employees would receive a proportional share of the \$12,000 based upon the percentage of an employer's enrolled children that are receiving subsidized child care.

Assembly Budget Proposal

The Assembly accepts this proposal.

Expand New York State's Child Care Assistance Program^{lxxxiv}

The Executive Budget proposes to expand income eligibility for child care assistance from 300% of the federal poverty line (currently \$83,250 for a family of four) up to 85% of the State median income (currently \$93,200 for a family of four), making an additional 113,000 children eligible. It would also allow for the State to standardize eligibility and benefits across all local social services districts.

Senate Budget Proposal

The Senate's budget proposal adds \$623 million to expand child care eligibility up to 103% of the State median income level in 2023. The Senate also proposes to increase child care eligibility to 129% of the State median income level in 2024.

The Senate further supports providing child care assistance for children who are not currently eligible for State coverage and will explore new coverage options, including expanded use of the Facilitated Enrollment Program.

Assembly Budget Proposal

The Assembly modifies the Executive proposal by including language that would reduce the copayment cap from 10% to 1% of a family's income and increase the number of allowable absences from 24 to 80.

Budget References

SFY 24 One-House Budgets County Impact Summary

- i Budget Briefing Book, p106, this proposal is intended to be implemented administratively
- ii REV, Part O
- iii REV, Part M
- iv Part W, PPGG
- v Part O, HMH
- vi Aid to Localities, Ag & Markets, p. 33
- vii REV, Part C
- viii TED, Part SS
- ix TED, Part OO
- x Page 80, SFY 24 Briefing Book
- xi Part A, ELFA
- xii Part A-1, ELFA
- xiii Part S, ELFA
- xiv PPGG, Part S
- xv REV, Part D
- xvi ELFA, Part I
- xvii Capital Projects, DOS, pg. 542
- xviii Capital Projects, DOS, pg. 542
- xix Capital Projects, Urban Development Corp, p. 899
- xx Aid to Localities, OTDA, p. 505-6
- xxi Aid to Localities, ESD, p. 133
- xxii REV, Part F
- xxiii Aid to Localities & Capital Projects
- xxiv Capital Projects, DEC, p. 139
- xxv Capital Projects, DEC, p. 121
- xxvi CAP, p. 151; Capital Plan, p. T-58
- xxvii TED, Part QQ
- xxviii TED, Part PP
- xxix TED, Part WW
- xxx TED, Part XX and Part YY
- xxxi TED, Part AAA
- xxxii Capital Projects, NYSERDA, p. 118
- xxxiii TED Part RR
- xxxiv PPGG, Part G
- xxxv TED, Part UU
- xxxvi Rev Part N
- xxxvii TED, Part TT
- xxxviii State Ops, DOL, p. 460
- xxxix TED, Part KKK; State Ops, DEC
- xl TED, Part EEE
- xli TED, Part FFF
- xlii TED, Part HHH
- xliii TED, Part JJJ
- xliv TED, Part MMM
- xlv PPGG Part Z
- xlvi Rev Part AA
- xlvii TED, Part M
- xlviii Part MM, TED
- xliv Aid to Localities, Misc, p. 987
- l ELFA, Part F
- li Capital Projects, HCR, p. 380 (infrastructure support fund) and Aid to Localities, HCR, p. 762 (planning assistance fund)
- lii Part G, ELFA
- liii ELFA, Part O (ADUs) and ELFA, Part N (multi-family housing)

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- liv ELFA, Part H
- lv Page 100, SFY 24 Briefing Book
- lvi Part U, PPGG
- lvii Part P, PPGG
- lviii Aid to Localities, pg. 776
- lix Page 114, SFY 24 Briefing Book
- lx Page 114, SFY 24 Briefing Book
- lxi Page 126, SFY 24 Briefing Book
- lxii HMH, Part O (flavor ban); REV, Part S (excise tax); REV Part T (inspections)
- lxiii HMH, Part T
- lxiv HMH, Part BB
- lxv Aid to Localities, DOH, p. 592
- lxvi Aid to Localities, OASAS
- lxvii Part S, HMH
- lxviii Part H, PPGG
- lxix Aid to Localities, pg. 84
- lxx Aid to Localities, pg. 85
- lxxi Aid to Localities, pgs. 84-85
- lxxii Part B, PPGG
- lxxiii Part UU, PPGG
- lxxiv Page 121, SFY 24 Briefing Book
- lxxv Page 121, SFY 24 Briefing Book
- lxxvi Page 121, SFY 24 Briefing Book
- lxxvii Aid to Localities, Misc, p. 993
- lxxviii Aid to Localities, Misc, p. 987
- lxxix Capital Projects
- lxxx Page 100, SFY 24 Briefing Book
- lxxxi Page 831, Aid to Localities
- lxxxii Aid to Localities, pg. 505
- lxxxiii REV, Part G
- lxxxiv ELFA, Part U