

WEDNESDAY, MAY 27, 2020

1:45 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

Reverend Elia will offer a prayer.

REVEREND DONNA ELIA: Let us pray. O Holy God, our times are in Your hands. And even in our weariness and need for resilience, we pause to praise You. Receive our gratitude. Be the source of strength and healing mercy that we need You to be. Thank You for legislators and staff working tirelessly during these trying times. Keep them and their loved ones out of harm's way. We pray for healing for those infected by the coronavirus and for those who have lost loved ones. Bring healing and peace to all. We give You thanks for those on the front line, from medical and nursing home staff to grocery employees to custodians working in the building

hoping to keep it safe for all who enter here. Once again, bless this Assembly. Thank You for their collaboration and cooperation, for their willingness to discuss and make decisions in new and innovative ways. Continue to fill them with wisdom and energy, compassion, and a large measure of problem-solving skill. Give them the support and resources they need for the work at-hand. And thank You for the well of experience and solid relationships which give them strength. Holy One, God of love and peace, bring peace and healing to the world and be as near to us as breathing.

In Your holy name we pray. Amen.

MEMBERS: Amen.

ACTING SPEAKER AUBRY: Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, Acting Speaker Aubry led visitors and members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Tuesday, May 26th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that we dispense with the further reading of the Journal of Tuesday, May the 26th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I'd like to, as I have traditionally done since the beginning of this Session, offer a quote. This quote today comes from Madame Marie Curie. Many of us remember her from our elementary school days. "Nothing in life is to be feared, it is only to be understood. Now is the time to understand more, so that we may fear less." Again, Mr. Speaker, that is from Madame Marie Curie.

Mr. Speaker, this is the first day of the 19th pre-COVID week, and the 14th interim COVID week of the 243rd Legislative Session in the State of New York. It is a pleasure to see you and my colleagues, both those that are here and -- and out remote in their offices. Just happy that they are participating. We will -- are here today to take up a series of measures designed to meet some of the needs, some of the needs of New Yorkers during our ongoing common struggle against the COVID-19 virus and its impact on our State. Today we convene in the first remote Assembly Session in the history of New York State. Mr. Speaker, while we are able to convene this way to get our work done, I am prayerful and hopeful that soon we will all be back in the Chambers together. I do miss the comradery when we're all here.

I'm joined in the Chamber today by the Speaker Pro-Tem, Mr. Aubry; the Minority Leader, Mr. Goodell; and a few others. Most of our members will attend and fully participate remotely. Those members who are in Albany have been encouraged to participate in our Session via Zoom from their offices. I would like to take this opportunity to thank the Speaker for his amazing

leadership during this extraordinary time. And I must also take this time to thank our -- his amazing staff, our amazing staff, headed up by LouAnn Ciccone, Amy Smith and Brian Coyne and their teams. They have done a fabulous job in pulling us together to be here today, to be able to vote remotely and continue our work as a Session. They've done a -- we've already seen what -- the great work they have done through our Conferences as well and through public hearings, and now here we are in a full legislative Session. I also want to thank members in advance for their cooperation as we begin our work today. This is different. This is not something we've done before. But COVID is something we've never experienced before as well.

Members have on their desks a main Calendar. Yesterday and this morning there were a series of remote committee meetings that produced the 32-bill -- 32-bill A-Calendar. At this time, Mr. Speaker, I would like to move to advance the A-Calendar.

ACTING SPEAKER AUBRY: On Mrs. Peoples-Stokes' motion, the A-Calendar is advanced.

MRS. PEOPLES-STOKES: The A-Calendar being our principal work for today. At the conclusion of our work today, Mr. Speaker, we will take up two privileged resolutions; one by Mr. Otis honoring first responders and another by Mr. McDonald memorializing those who have lost their lives through this pandemic. In a few moments we will begin our work on consent of the A-Calendar, but Mr. Speaker, before our work commences I should take a few minutes just to review our procedures for today. We will

continue to operate under the provisions of Assembly Resolution No. 854 which we adopted in March. Attendance in the Chambers is limited to 30 people at any one time, which will be strictly enforced by the Sergeant-at-Arms. Members here in Albany who wish to come into the Chambers to participate in our proceedings will be admitted at the discretion of the Sergeant-at-Arms, and they should exit the Chambers as soon as they have completed their debate and/or voting. Again, we encourage members to participate through the remote technology available to them. All remotely-participating members are currently muted and will remain muted until recognized by you, Mr. Speaker. On debate, all members will have the ability to speak on the bill or ask a question for 15 minutes once. To be recognized for the purpose of debate, members attending remotely should use the "raise hand" function. Mr. Speaker, when you recognize a member that has raised their hand you will unmute them in accordance with our debate rules. Mr. Speaker, members may have questions of the sponsor or they simply may make a statement. When the member's time has expired, the member will again be muted. Votes will now be a fast roll call unless a slow roll call is requested. In a traditional fast roll call every member in attendance base -- in the attendance base will be recorded as a yes. Members who do not wish to vote yes should contact their floor leader previously, provided that no votes will be announced for the record. You can call my office, you can call Mr. Goodell's office and we will make sure that your no vote is recorded and a part of the record. In the case of a Party vote, members who

wish to vote contrary to their conference's position should contact their floor leader, and the exceptions will be announced, again, for the record. Members who wish to explain their votes should use the raise hand function to seek recognition from the Chair. That would be you, Mr. Speaker. The raise hand function is to be used only if a member wishes to explain the member's vote, and it is not a way to vote. You cannot vote by pushing the raise hand function on your computer. Fast roll calls will be open for a sufficient period for members to notify the floor leaders of an exception. However, it is important that members be monitoring the proceedings to note when a roll call has been called. In the case of a slow roll call, the Clerk will read through the roll of members alphabetically. When a member's name is called, the member will be unmuted, the member should state his or her name to allow the camera to pick up the member and then state his or her vote. At the end of the first call of the roll, the Clerk will call the absentees following that same procedure.

With that, Mr. Speaker, I believe we are ready to proceed with considering the important business before us. We're going to begin on page 3, Rules Report No. 24 on consent.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes.

I also want to recognize that Mr. Goodell is ably assisted by Assemblywoman Mary Beth Walsh. Glad to see you. It's a tempering process that we love to have. Thank you so very much.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker, and thank you to the Majority Leader for her thoughtful and comprehensive analysis and explanation of how we're proceeding under unusual circumstances. Just one minor clarification. If any of the Minority members wish to express how they want to vote on any particular bill, I'd request that they call the Minority Leader's office. Mr. Barclay's office rather than my office since my one staff member is running back and forth as the case may be. So if a Minority member wants to make sure their vote is recorded in the negative or in the positive, they can reach out to the Minority Leader. If we don't hear from them and we're doing a party line vote or a fast vote they'll be recorded as a yes.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

The Clerk will read.

THE CLERK: Assembly No. A07652-A, Rules Report No. 24, Paulin, Otis, Bichotte, Ortiz. An act to amend the Not-for-Profit Corporation Law, in relation to utilizing technology in cemetery lot sales.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote. This is a --

The bill is laid aside.

THE CLERK: Assembly No. A09036 --

(Pause)

MRS. PEOPLES-STOKES: Just so members understand that we are actually coordinating with the Senate on a potential cross vote. So as soon as we get that figured out we'll be moving right along.

ACTING SPEAKER AUBRY: All right. I think that's been (unintelligible) for both members and the viewing public to understand that we are in coordination with the Senate and that is the process; that they are sending us bills as we will be sending them. And we always want to avoid the cross, as they say, the dreaded cross. So that is what's going on. That's why we halted the process.

(Pause)

MRS. PEOPLES-STOKES: Mr. Speaker, as we collect these coordinated bills from the Senate, could we just stand at ease for maybe two to three minutes?

ACTING SPEAKER AUBRY: The House will stand at ease.

(Whereupon, the House stood at ease.)

ACTING SPEAKER AUBRY: The House will come to order.

MRS. PEOPLES-STOKES: Thank you. We're going to go right back to page 3 starting with Rules Report No. 24.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A07652-A, Rules Report No. 24, Paulin, Otis, Bichotte, Ortiz. An act to amend the Not-for-Profit Corporation Law, in relation to utilizing technology in cemetery lot sales.

ACTING SPEAKER AUBRY: On a motion by Ms. Paulin, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Mr. Speaker, Mr. Montesano and Mr. DiPietro will be voting no on this bill.

ACTING SPEAKER AUBRY: So recorded. Thank you, Mr. Goodell.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, before we announce the results, I do want to remind folks - which should be no surprise to most - this is our first vote of today.

ACTING SPEAKER AUBRY: First vote of the day,

members. Wherever you may be.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09036, Rules Report No. 25, L. Rosenthal, Cruz, Quart, Weprin, Ortiz, Abinanti, Glick, Otis, Bichotte, Stern, Jacobson, DenDekker, Blake, Reyes. An act to amend the Civil Practice Law and Rules, in relation to extending the statute of limitations for certain child sexual abuse cases.

ACTING SPEAKER AUBRY: On a motion by Ms. Rosenthal, the Senate bill is before the House. The Senate bill is advanced.

The bill is laid aside.

THE CLERK: Assembly No. A09789-A, Rules Report No. 26, Braunstein, Gottfried. An act to amend the General Municipal Law and the New York State Financial Emergency Act for the City of New York, in relation to the establishment by the City of New York of a revenue stabilization fund and variations from generally-accepted accounting principles as applied to the budget and accounts of such city in connection with such fund.

ACTING SPEAKER AUBRY: On a motion by Mr. Braunstein, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Braunstein to explain his vote.

MR. BRAUNSTEIN: Thank you, Mr. Speaker. This bill would implement what the voters of New York City approved last year in a Rainy Day Fund. Unfortunately, due to some timing issues, we weren't able to fully vet out the bill, and I believe at a future date the Senate and sponsor and myself would like to revisit this legislation to include stronger protections for taking money out of the Rainy Day Fund. However, because the City of New York expressed a desire to be -- to roll over some surplus money from one year to the next, this had an immediate impact. So I just wanted to explain my vote that while we're passing this bill today, there will be an effort to revisit it and implement some stronger protections for how the Rainy Day Fund should work.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Braunstein in the affirmative.

Mr. Reilly to explain his vote.

MR. REILLY: Thank you, Mr. Speaker. I just wanted to express that I understand the nature that we're in and the

referendum that the New York City voters put in establishing this Rainy Day Fund. I also want to thank my colleague for acknowledging that the -- there is some shortfalls in this current legislation, but we hopefully will revisit it. My only concern is that I'm worried that it's going to be like the MTA lock box where it took forever for us to get back -- and of course predating my time here -- took us forever -- the Legislature forever to actually correct those -- those missteps in the initial legislation. So, far too often we have these debates and we talk about legislation and that we're going to come back and -- and fix. And I've seen in my short time here that that doesn't necessarily happen in an expedited way. So my only reservation is that I hope that we really do come back and revisit this immediately, the first chance we get, so that we can ensure that any reserve funds are spent only the way they're supposed to be.

And thank you for your time. And I'm going to be voting in the affirmative, but I'm hoping that we stick to that timeline of fixing this as quick as possible. Thank you so much.

ACTING SPEAKER AUBRY: Sure. Mr. Reilly in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. For the reasons mentioned by Mr. Reilly I will be supporting this bill and also look forward to those corrections. But other members of the Conference are waiting for the corrections before they support the bill, and those who are voting no on the Republican Conference include

Mr. Montesano, Mr. Hawley, Mr. LiPetri, Mr. DiPietro, Mr. Ra, Mr. Norris, Mr. Manktelow, Ms. Miller, Mr. Friend, Mr. Garbarino, Mr. Ashby, Mr. Palmesano, Mr. Fitzpatrick and Mr. Blankenbush.

Thank you, sir.

ACTING SPEAKER AUBRY: Nos are noted, and Mr. Goodell in the affirmative.

Sir?

MR. GOODELL: Sir, if I missed anyone I would urge them to contact the -- the Minority Leader's office as quickly as possible so that we can ensure that their vote is correctly recorded.

Thank you, sir.

ACTING SPEAKER AUBRY: You're welcome. So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10189-A, Rules Report No. 27, Ortiz, Buttenschon, Otis, Bichotte, Blake, DenDekker. An act to amend the Education Law, in relation to the attendance of minors upon full-day instruction and the conditions under which districts, including the City School District of the City of New York, are entitled to an apportionment of State aid and the closure of schools due in response to the novel coronavirus, COVID-19.

ACTING SPEAKER AUBRY: On a motion by Mr. Ortiz, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. I do support this bill because I do think it's important that schools don't lose funding when they don't meet the 100-day requirement due to COVID-19. I would just like to say as the Ranking Member on the Education Committee that I'm glad to see this bill, but I also think it's very important that we take strides to try to make sure that our schools can reopen as soon as possible. I've been contacted by so many parents from my district and outside of my district, extremely concerned about their children not receiving the services that they need, even though I know everybody is trying vitally to do education virtually. This is of particular importance to children with Individualized Educational Programs, or IEPs. It's so important that they be able to get back into the school environment to receive the services that they need, whether it's speech and language, whether it's OT, PT, or whatever the -- the nature of the IEP, what it stands for. It's very difficult to deliver those services remotely.

So I do support this bill. I think it's very important. But I -- I also think that we, as -- as a legislative Body, should continue to look for ways that we can try to move the ball forward and get our kids back into school. So, thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the affirmative.

Ms. Bichotte to explain her vote.

MS. BICHOTTE: Thank you, Mr. Speaker. I am proud to support this bill sponsored by my colleague which would prevent schools from losing aid due to COVID-19 closures. The current Education Law requires that school districts be in session for 180 days or risk losing State aid. The COVID-19 pan -- pandemic has caused many schools across New York State to close for periods exceeding the required time spent in session. In my district, which includes areas of Brooklyn that -- that were hit hardest -- hardest hit by the pandemic, students have faced an uphill battle to get a quality education. Especially students of -- of color and students in -- in low-income areas were faced with disproportionate hardship when it comes to education. So, these kids need the support of the State now more than ever. They should not lose access to education because of the pandemic or because State funding is pulled where it is needed the most.

I encourage everyone to vote with me, with the sponsor, to make sure that students of New York can continue to compete on a global playing field. Thank you, Mr. Speaker, and I

vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Bichotte in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Assemblymember Mr. DiPietro will be in the negative on this particular bill.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10241-A, Rules Report No. 28, Hyndman, Buttenschon, Otis, Bichotte, DenDekker, Colton. An act in relation to extending the deadline for the filing of applications and renewal applications for real property tax abatement programs.

ACTING SPEAKER AUBRY: On a motion by Ms. Hyndman, the Senate bill is before the House. The Senate bill is advanced.

The bill is laid aside.

THE CLERK: Assembly No. A10252-A, Rules Report No. 29 is high for Thursday.

Assembly No. A10270, Rules Report No. 30, Rozic, Dinowitz, Buchwald, Ortiz, Lentol, Simon, Simotas, Seawright, Griffin, McDonough, Giglio, Montesano, Gottfried, Weprin, Glick,

Cahill, McDonald, DenDekker, Otis, Bichotte, Buttenschon, L. Rosenthal, Fall. An act to amend the General Business Law, in relation to price gouging.

ACTING SPEAKER AUBRY: On a motion by Ms. Rozic, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the member's Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Ms. Rozic to explain her vote.

MS. ROZIC: Thank you, Mr. Speaker. This legislation would update New York's statute regarding the price gouging of consumer goods by expanding it to cover essential medical supplies and services and other goods or supplies and services used to promote the health and welfare of the public. During the COVID-19 pandemic we've seen countless instances of egregious price gouging; hand sanitizer, face masks, bandages, med -- medical-grade apparel and other crucial medical supplies that are desperately needed by our frontline workers, hospitals and other healthcare facilities. New York hospitals have paid up to 15 times more than the normal price for

gloves and masks. New York State estimates that total corona-related expenses will exceed \$15 billion due to bidding competitions. And the -- the Office of the Attorney General, who is supporting this bill, has received over 5,000 complaints and issued over 1,500 cease and desist orders to businesses, suppliers and wholesalers. This is a strong deterrent to individuals seeking to use the pandemic and other emergencies to enrich themselves at the expense of the general public and the healthcare workers who are fighting to keep us safe at a great personal danger to themselves.

I want to thank the OAG's office for all their hard work, and I'll be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Rozic in the affirmative.

Mr. Fall to explain his vote.

MR. FALL: Thank you, Mr. Speaker. I want to thank the sponsor for introducing this very important piece of legislation. As a member of the Consumer Affairs Committee and as the Chair of the Subcommittee on Consumer Fraud Protection, I find it incredibly disturbing that during a pandemic we have seen countless instances of egregious price gouging, particularly of medical supplies such as hand sanitizers, face masks, bandages, medical apparel and other crucial supplies that are desperately needed by our hospitals and our healthcare facilities.

With this piece of legislation strengthening our existing price gouging statute mainly by expanding its application to

any goods and services vital for the health and safety and welfare of the general public, specifically applying it to medical supplies and services that are used to treat, cure and prevent diseases or illnesses, and authorizing the Attorney General to pursue increased penalties for those trying to profit off of others' misfortune for this is why I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Fall in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. All members of the Republican caucus are, of course, opposed to price gouging. It's inappropriate under any circumstances. We already have existing legislation that covers that, and because we already have existing legislation that covers that, Mr. Friend and Mr. Tague will be voting no on this particular piece of legislation.

ACTING SPEAKER AUBRY: So noted, sir. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10290-B, Rules Report No. 31, Dinowitz, Seawright, Epstein, Lentol, Simotas, Jaffee, Gottfried, Ortiz, Ramos, Simon, Otis, Bichotte, L. Rosenthal, Mosley, DenDekker. An act in relation to prohibiting the eviction of residential tenants who have suffered financial hardship during the

COVID-19 covered period.

ACTING SPEAKER AUBRY: On a motion by Mr. Dinowitz, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Assembly No. A10294-A, Rules Report No. 32, Stirpe, Otis, Buttenschon, Jacobson, DenDekker, McDonald, Ortiz, Colton, Blake. An act to amend the General Municipal Law, in relation to establishing a State disaster emergency loan program; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Stirpe, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the member's Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Ms. Woerner to explain her vote.

MS. WOERNER: Thank you, Mr. Speaker. I am -- I'm delighted to be able to vote in the affirmative for this piece of legislation. The -- our small businesses are clearly the backbone of

New York State's economy, and this bill provides a mechanism for ensuring that the additional expenses that they incur in reopening are covered, and it provides for additional capital to be invested in our small businesses at a time when they most need it.

So I thank so much the sponsor for introducing this legislation and the Speaker for supporting it, and I look forward to voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Woerner in the affirmative.

Mr. McDonald.

MR. MCDONALD: Thank you, Mr. Speaker. I, too, want to raise my support for this legislation. Thank you, obviously, Chairman Stirpe and also Chairman Thiele, who has a similar bill in the local government aspect. As a former IDA Chairperson and Local Development Council president, I know full well the great work that IDAs do throughout the State of New York at the local level. As our economy is starting to rebound, having the ability for IDAs to put these types of programs into place one month, two months, three months, even four or five months down the road is going to be critical, particularly for small businesses. As is often said in the State of New York, economic development is done from the ground level up. This is actually allowing money sitting on the sidelines in many of the IDAs throughout the State of New York, although for a narrower purpose that I would care for, to at least be put back into local economy, which is only going to lead to the success of some of these

small businesses as they're opening up. Particularly those who are not eligible to access PPP money or any of the other programs out there.

So, therefore, I support this legislation and I thank you for your leadership.

ACTING SPEAKER AUBRY: Mr. McDonald in the affirmative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. I'll get used to this again. I also am very happy to support this -- this piece of legislation and I do thank the sponsor. I noticed that out of the package of bills that we're taking up today and tomorrow, this is perhaps the only bill that really directly helps small business, and I think that that's really important. I -- I formerly was a member of my county's IDA, and I know that because of a lot of restrictions that are placed on IDAs - we can have a debate on another day about the wisdom of that, the wisdom of doing that - they have -- we do have a lot of money that's on the sidelines that they're unable to utilize, and I think that being able to extend these loans to small business, I think, gives an option that is needed. And on top of the other assistances that are coming from the Federal government and the PPP program through the Small Business Administration, I think that this is necessary.

So I'm very happy to lend my support to it and I'm very glad that IDAs could play -- continue to play a role in encouraging small business. Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the affirmative.

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I just rise to explain my vote. I also want to commend -- support the sponsor for putting this bill forward. One of the largest things I hear all the time is our small businesses' lack of access to resources. Some have gotten PPP, but many have not. And it's really important that we do what we can to support our small businesses. I think this is an important first step, but I know we need to do a lot more. Especially in New York City where businesses are still not open and they can't function and they have so many costs; rent and others. We need to do as much as we can to assist them in covering their costs to help them reopen, and we know that a lot of businesses are going to fail without our support.

So I encourage us to continue to work hard to support our small businesses all over the State, and I want to vote in the affirmative and I support the sponsor here.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker.
Assemblyman Mr. DiPietro will be negative on this particular bill.
Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mr. Barron to explain his vote.

MR. BARRON: Yes. Thank you, Mr. Speaker. I just want to say about the IDAs, it's kind of a mixed bag on the IDAs. You know, people praise them on the loans that they may be able to give to small businesses, but in the black and brown communities, IDAs get tax breaks. This is money that's not going to go in the treasury, and oftentimes in black and brown communities they don't create the jobs that they get the tax breaks for. So it's a mixed bag.

I'm supporting this one because of the crisis and because of the conditions that our small businesses are in, but we need to look at these IDAs because they are a mixed bag and they have not created the kind of employment and opportunities in black and brown communities that we need them to do. And they have access to certain capital and they also have tax breaks. So if they gonna get a break, then give us a break and create more jobs, more small businesses, black and brown small businesses that don't get the same kind of attention from these IDAs.

So I'm going to support it because we in a crises, and these businesses need the loans and small businesses are the economic engine for a lot of our communities but it doesn't trickle down to our neighborhoods by the way of these IDAs.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

Mr. Blake to explain his vote.

MR. BLAKE: Thank you, Mr. Speaker and colleagues. I just wanted to convey support for this bill. As we all

know, there's a desperate need to help our small businesses in so many ways, especially for what you all are seeing happening here in the Bronx. We're -- we're very concerned. We're not getting enough access to capital, we're not getting enough immediate help, and this can be one of the ways that we provide that support immediately to our businesses to have that. But we have to go a step further. We -- we have to make sure that there's more expansion when it comes to the -- the State Liquor Authority that helps our local restaurants because of the backlog that's been happening for our restaurants in so many ways. We have to make sure we focus on more grants and not just loans, and we definitely have to amplify the need of the seasonal approach that's happening for our minority-owned businesses and women-owned businesses as well.

So I -- I support this bill. It definitely is a first step, but I hope that we'll go even further in making sure we're helping others (unintelligible), and I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Blake in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, let me just take this opportunity to congratulate the sponsor of this bill. I think it's not only timely, but it is an existing business agency within many of our communities that should more often look at smaller-sized businesses in order to make loans and grants.

So I want to commend Mr. Stirpe for this bill and I

look forward to its passage and the Governor signing it. Thank you.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10303-B, Rules Report No. 33, Dinowitz, Taylor, Rivera, Abinanti, Bichotte, Otis, Lentol, Gottfried, Montesano, Simon, O'Donnell, Ortiz, Buttenschon, L. Rosenthal, DenDekker, Malliotakis. An act to amend the Transportation Law, in relation to paratransit services within the State and City of New York during the coronavirus (COVID-19) pandemic.

ACTING SPEAKER AUBRY: On a motion by Mr. Dinowitz, the Senate bill is before the House. The Senate bill is advanced.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. I will be supporting this bill, but I did want to mention some concerns in the language in the hopes that we might address this in future Sessions. First, this bill provides that the eligibility for paratransit services would be determined, quote, "solely on the basis of information submitted in a written application." The intent, of course, was to eliminate an in-person interview, but recognizing in today's technological society, you can still do an -- a direct one-on-one personal interview to verify the accuracy of the information either

through Zoom or on tele -- telephone or cell phone or any other numerous ways that we're all getting used to utilizing them. Our concern, of course, is if you make the service available solely on the basis of a written application, you eliminate an important criteria that can be used to avoid fraud or abuse. And the second concern that some of our members have is that this requires that the paratransit service be one-on-one to the maximum extent possible. And we understand why people are reluctant to ride in any situation one-on-one, but we also need to recognize that one-on-one transportation is very expensive. So while in New York City and many of our other municipalities we continue to operate a bus system, we continue to operate a subway, we hope and expect the riders to be wearing masks and practicing social distancing to the extent possible. We need to be mindful that when we pass a statutory provision requiring one-on-one transportation, we should be anticipating the bill for that more expensive form of transportation.

So I will be supporting this because these exemptions are only temporary in nature. But certainly, we need to be very mindful as we move forward of both the cost ramifications and we need to be careful about eliminating the checks and balances that prevent fraud and abuse. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10326-A, Rules Report No. 34, Reyes, Bichotte, Glick, L. Rosenthal, Ortiz, Jacobson, DenDekker, Blake, Perry, Colton. An act to amend the Labor Law, in relation to prohibiting health care employers from penalizing employees because of complaints of employer violations.

ACTING SPEAKER AUBRY: On a motion by Ms. Reyes, the Senate bill is before the House. The Senate bill is advanced.

The bill is laid aside.

THE CLERK: Assembly No. A10348-A, Rules Report No. 35, is high for Thursday.

Assembly No. A10351-B, Rules Report No. 36, Rozic, Griffin, Carroll, Cusick, Barnwell, Otis, Bichotte, Stern, Ortiz, L. Rosenthal, Glick, Nolan, Perry, DenDekker. An act to amend the Banking Law, in relation to the forbearance of residential mortgage payments.

ACTING SPEAKER AUBRY: On a motion by Ms.

Rozic, the Senate bill is before the House. The Senate bill is advanced.

The bill is laid aside.

THE CLERK: Assembly No. A10394-A, Rules Report No. 37, Lentol, Jacobson, Eichenstein, Ortiz, O'Donnell, D'Urso, Buchwald, Glick, Gottfried, Griffin, Mosley, Seawright, Simon, Thiele, Galef, Colton, Otis, Bichotte, Buttenschon, Barron, Dinowitz, Wright, L. Rosenthal, Cymbrowitz. An act to amend the Public Health Law, in relation to requiring residential health care facilities to prepare an annual pandemic emergency plan.

ACTING SPEAKER AUBRY: On a motion by Mr. Lentol, the Senate bill is before the House. The Senate bill is advanced.

The bill is laid aside.

THE CLERK: Assembly No. A10404-A, Rules Report No. 38, L. Rosenthal, Wright, Glick, Buttenschon, Otis, Bichotte, Ortiz, Dinowitz, DenDekker, Blake. An act to amend the Public Health Law, in relation to including audio-only and video-only telehealth and telemedicine services in those telehealth and telemedicine services eligible for reimbursement.

ACTING SPEAKER AUBRY: On a motion by Ms. Rosenthal, the Senate bill is before the House. The Senate bill is advanced.

The bill is laid aside.

THE CLERK: Assembly No. A10409-A, Rules

Report No. 39, McDonald, Otis, Buttenschon, Ortiz, Jacobson, DenDekker, Blake. An act relating to authorizing local governments to extend building permits and local zoning boards of appeals and local planning boards active approvals for a period of up to 120 days; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. McDonald, the Senate bill is before the House. The Senate bill is advanced.

The bill is laid aside.

THE CLERK: Assembly No. A10438-A, Rules Report No. 40, Committee on Rules (Thiele, Stern, Woerner, McDonald, Seawright, Schimminger, Frontus, Dickens, Griffin, Ortiz, Paulin, D'Urso, Jaffee, Buttenschon, Wallace, Lifton, Otis, McMahon, Bichotte, Jacobson, Tague, Barclay, DenDekker, Weinstein). An act to amend the General Municipal Law, in relation to the determination of points for service award programs for volunteer firefighters and volunteer ambulance workers during a state disaster emergency; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Thiele, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10446-A, Rules Report No. 41, Committee on Rules (Quart, Otis, Bichotte, Wright, DenDekker). An act to repeal subdivision 4 of Section 240.35 of the Penal Law, in relation to the crime of loitering.

ACTING SPEAKER AUBRY: On a motion by Mr. Quart, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the member's Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Mr. Speaker, to

explain my vote. This bill, which dates back to the 30's, made it a violation to loiter with a mask on for obvious reasons. And it just makes you reflect on how times have changed. Two months ago if you went into a bank with a mask on they'd call the police. Now if you go into the bank without a mask they call the police -- they call the police if you don't have a mask. For those who are watching us live, I would reassure you that those of us who aren't wearing a mask are very conscious of maintaining social distancing, and when the camera's not on us we make sure we wear a mask, as you have yourself, sir.

So I will be supporting this. Times are changing and it is important for everyone to follow appropriate safety protocols. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative, making sure we all comply. Wear your mask, stay six feet way, wash your hands.

Mr. Quart to explain his vote.

MR. QUART: Thank you, Mr. Speaker, to explain my vote. This is an important piece of legislation that would repeal a poorly-worded nebulous statute that provides over-broad discretion for law enforcement. The -- the Loitering Law has historically been used for no legitimate public safety purpose, especially in the context of the use of masks. We need not -- not look further than recent historical events from the 2004 Republican Convention and the arrests made for loitering there. Then in 2011 and the loitering arrests made

for honest, legitimate protesters, as well as in 2019 where the Legal Aid Society reached a settlement with the NYPD and the NYPD changed its patrol guide, or agreed to, because of its abuse of the loitering laws.

This is a positive first step in removing one of the predicates to expansive police practices and police enforcement throughout New York City and the entire State, and for that reason I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Quart in the affirmative.

Mr. Barron to explain his vote.

MR. BARRON: Thank you, Mr. Speaker. Just wanted to say, you know, loitering was similar to the slavery laws around vagrancy where if two or three of us were gathered as African people, that was against the law. Today the same thing is happening around the pandemic, around the coronavirus. When two or three of us don't have a mask, we get attacked by the police, get a leg, a knee in our neck and thrown to the floor because two or three of us or four of us were gathered without a mask. Two thousand Hasidic Jews were able to march with a funeral procession and they gave them masks. Hundreds of whites were in parks and on beaches, and the police gave them masks. But when it comes to us, if more than two or three or four of us are gathered and if we don't have masks or if we're protesting, we get attacked and beaten. This has got to stop. I'm sure this law is not going to end that, but it's a step in the direction to bring

attention to the discrimination, the racism, that the police department inflicts upon our communities. So this law is important, and we even need to get stronger laws so that police officers go to jail when they violate our human rights to move about peacefully in our communities. Jail is the answer. Not retraining, not making new laws. They need to go to jail when they violate us unjustifiably.

So I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I also want to speak in the -- in support of this legislation. I rise to explain my vote. I want to thank the sponsor to -- for bringing this bill forward, and clearly we have a history of abuse and bias in our -- in our law enforcement and the way our laws are impacting communities of color all across our country and especially in New York City. Now unfortunately an incident now three weeks ago in my district where, you know, an individual around a social distancing issue became a real problem for, you know, our community and for communities of color around New York City. We need to ensure that the police are held accountable for a bias, and we need to ensure that people who break the law, including officers, need to go to law -- go to jail. And that's what we're really pushing for here. We need to do things to protect people, not to incarcerate people.

And I'm fully supportive of this bill. I want to thank

the sponsor, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lavine.

(Pause)

Mr. Lavine to explain his vote.

MR. LAVINE: Yes. So I will be voting in favor of this bill. The loitering laws are anachronisms. They are throwbacks to a long gone time that we are hopefully past at this point. But I do want to mention one thing. I am a Jew. I am not an Orthodox Jew, I am not a Hasidic Jew. But I don't understand the reason for references to be made to Jews, whether they are secular, whether they are Orthodox or whether they are Hasidic in terms of the rationale for doing away -- repealing this law.

I will be voting in the affirmative and I thank you.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Mr. Reilly to explain his vote.

MR. REILLY: Thank you, Mr. Speaker. Although I -- I can see where this legislation is coming from and I admit that it's -- it's actually highlighting some of the concerns, especially most recently. You know, last week we had a hearing on the impact of COVID in minority communities and I spoke on that as the Ranking Member of the Cities Committee. I specifically said that I agreed that the NYPD and all law enforcement in New York State should not have been charged with enforcing social distancing and masks as per the Governor's Executive Order. I think that they should have been

strongly encouraging people, but I understand where everybody's coming from. It became -- it -- it created a wedge, a further wedge, between our communities and law enforcement. But this legislation to take away the enacting laws of loitering, gathering with masks, just think about it. We'll have people with white sheets arguing, debating on our streets. It goes the other way. This is something that you're going to have people maybe roving around, creating chaos and we can't identify them. We all want to make sure that our communities are safe. But think about that. You'll have people committing crimes, covering their face. But you know what? When you stop, question and frisk someone under the law and you see them maybe after the pandemic is done and a police officer is doing their job and they see somebody casing one of our small businesses that are trying to regain their economic health and they're going to get looked at to potentially be robbed. And this goes in any neighborhood in this City, this State or even this nation. I just want us to be clear that let's not use this pandemic to further put forward an agenda that's going to really have an impact, a negative impact, potentially, on our communities. And although I do know and I recognize and I admit there are shortcomings, those videos that I saw with the impact of facial -- the face masks --

ACTING SPEAKER AUBRY: Sir.

MR. REILLY: -- making sure -- those were horrible.

ACTING SPEAKER AUBRY: I understand that you have reached your time.

MR. REILLY: I'm going to be voting in the negative.

ACTING SPEAKER AUBRY: Mr. Reilly in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. And certainly during a pandemic when public health is a priority, wearing a mask in accordance with the recommendations of our health officials is important. This bill, however, permanently repeals the provisions relating to masks. And for the reasons mentioned by Mr. Reilly and others, the following Republicans will be voting no against a permanent repeal, and those members include Mr. Montesano, Mr. Friend, Mr. Walczyk, Mr. Palumbo, Mr. Tague, Mr. Byrne, Mr. Reilly, Mr. LiPetri, Mr. Giglio, (unintelligible) and Mr. Garbarino. Please note their opposition to the permanent repeal of this provision.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted, sir. Thank you.

MR. GOODELL: Excuse me, sir. We have some additional notes.

ACTING SPEAKER AUBRY: Certainly.

MR. GOODELL: Mr. Ra will be no. Ms. Malliotakis, Mr. Lawrence and Mr. DiPietro as well. Mr. Palmesano will also be no.

ACTING SPEAKER AUBRY: Thank you. So noted.

Mr. Blake to explain his vote.

MR. BLAKE: Thank you, Mr. Speaker and -- and colleagues. I should not be afraid to make it back home purely because of a mask. As a black man I am terrified every day right now going outside. And for anyone that's watching these videos that is trying to articulate why on earth in any way it should be against the law and be penalized because multiple people are gathered with a mask on, may not be understanding the fear that we have. So I absolutely commend the sponsor. What Dan Quart has been doing has been exceptional. But we have to be very clear right now that for any of us, it doesn't make any sense whatsoever that someone being in a space that you could potentially be at risk and potentially be seen that you're against the law because multiple people are gathered wearing a mask. Just because I have mask on to protect myself shouldn't mean that I lose my protections of my civil and human rights.

So I am proudly voting in the affirmative for this legislation and hope that we continue to move forward with it as well. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Blake in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Just to explain my vote. I understand that, you know, some municipalities decide to enforce the social distancing and mask-wearing requirements via their law enforcement officers, but I

can tell you that most municipalities don't do that. And in fact where I live, the police are not enforcing. They're encouraging, but they're not enforcing. And on the other side of that, I literally, on the way to my mother's the other day, I want to say I saw about six people loitering, if you will, or congregating, and they didn't have on masks. That actually hurt my feelings because I know that we're not going to be able to really pull all this COVID under control until everybody takes it serious. That you really could be the carrier. You could be asymptomatic and not even have symptoms. So you don't know who it is that you're standing around loitering, enjoying yourself while it was 95 degrees yesterday. You could be literally collecting something that you take home and harms your family. And so I think it's critical that this advice has been given to all of us to wear masks. I'm hoping that people will continue to do it and do it more. And I'm glad that we're passing some legislation here that doesn't allow law enforcement to criminalize you because you didn't have on a mask. Mind you, when I saw people without a mask it hurt my feelings. But I don't consider them to be criminals. I think they should be encouraged and motivated to understand that this is about all of us and everybody should be paying attention and wearing masks.

So with that, it is my pleasure to vote in favor of this legislation and I thank the sponsor for putting it forward.

ACTING SPEAKER AUBRY: Mrs. Crystal Peoples-Stokes in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to the Assemblymembers I announced earlier, please record the following members in the negative: Mr. Byrnes [sic], myself, Mr. Fitzpatrick, Mr. Smith, Mr. Mikulin, Mr. Palmesano, Mr. McDonough, Mr. Stec, Mr. Manktelow, Ms. Miller, Mr. Hawley and Mr. DeStefano. Mr. Brabenec as well.

ACTING SPEAKER AUBRY: So noted.

Ms. Bichotte to explain her vote.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to explain my vote. I -- I certainly want to thank my colleague for introducing this bill. You know, we all know that we've been working hard to break down the systematic racism in our country. And we have seen (unintelligible) over and over in our communities of color for no reason other than our skin color and our socio-economic status, especially during this pandemic. This bill right here is to repeal the provision of wearing a mask or of possessing (unintelligible) paraphernalia in public. Now why is that? Because we are in a pandemic. COVID-19. It is required for the health crisis that we're facing. This is also -- this health crisis is also impacting our communities the hardest, communities of color. So this was not only mandated by the Governor, but CDC and so many other health institutions. So we should not be criminalized for wearing a mask when we're told to wear a mask.

Mr. Speaker, again, I'm just really proud to -- to be in the affirmative and I want to thank my colleagues. I will -- I will vote

in the affirmative on this bill. Thank you.

ACTING SPEAKER AUBRY: Ms. Bichotte in the affirmative.

Are there -- are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10447-A, Rules Report No. 42, Committee on Rules (Joyner, Otis, Bichotte, DenDekker). An act in relation to requiring that COVID-19 contact tracers be representative of the cultural and linguistic diversity of the communities in which they serve to the greatest extent possible; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Joyner, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will read -- record the vote on Assembly Bill No. A10447-A. This is a fast roll call.

(The Clerk recorded the vote.)

Mr. Reilly to explain his vote.

MR. REILLY: Am I -- can you hear me? Mr. Speaker, thank you for allowing me to speak and explain my vote. I

appreciate the intent of this bill. I think it's great that we should have the contact tracers that can connect with the communities that they are serving. The only reservation I have is that New York City is still waiting for that metric to be met so that we can enter Phase 1. As I've noted over the past week, we have, just above the Bronx and just to the east -- east of Queens are reopening. So, I'm hoping that we don't allow waiting to hire contract -- contact tracers at the prevention of getting us back into Phase 1 of reopening.

So, I will be voting in the affirmative because I think this is -- it is definitely something that's very important because we want to be able to connect with the people that we are trying to help and we want to speak their language and we want to make sure that we are aware of the surroundings that impact their communities. So, I applaud the sponsor on this, but I just want to make sure that we don't miss out on the opportunity to hit Phase 1 reopening. Thank you.

ACTING SPEAKER AUBRY: Mr. Reilly in the affirmative.

Mr. Crespo to explain his vote.

MR. CRESPO: Thank you, Mr. Speaker, to explain my vote. I, too, want to commend the sponsor of this bill. This -- this entire package today and tomorrow that we will be dealing with is -- are -- are crucial to respond to the many needs of our communities, but as we talk about reopening, all of us want to reopen as quickly as possible. But we have already seen the impacts and the disparities that have been exposed because of this pandemic and who's been hurt

the most and communities of color, particularly Latino communities, have been the most impacted. And so, we can't continue to make the same mistakes that led us down a path that put our community behind to begin with. And -- and it is crucially important that the contact tracers that are going to do this work moving forward understand the language, understand the culture, can relate to those communities. I encourage all municipalities to also rely on the expertise of community-based organizations that can provide that -- that assistance, that can provide that staff, that have that cultural understanding and the language understanding to be able to do this work effectively. But we cannot put -- continue to put our communities behind and in peril because we fail to recognize the importance of who does the work, who does the outreach and how -- how efficient that is as we consider reopening.

So, this bill is -- is very important and I, again, want to thank all of those who have been at the forefront of this fight, but we should do so in a responsible way towards our communities. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Crespo in the affirmative.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. I wish to explain my vote by saying that -- I want to congratulate the sponsor. We have seen the pressures to reopen across the country, and we have to do it smartly and wisely. And the most important thing is to ensure

that communities that have been -- suffered the greatest impact have the ability to have contact tracing within the community by people from the community. It is the most effective way to ensure that we, in fact, meet the metrics and have the appropriate information that will keep all of us safe, but especially those communities that have been disproportionately impacted. So, again, I congratulate the sponsor and I proudly vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to speak on this bill. I am actually very proud to support this bill sponsored by my colleague which would require contact tracers to represent the cultural and linguistic diversity of the communities which they serve.

In New York City, we have hired more 1,700 contact tracers already. These tracers will work as investigators and monitors. Investigators will call patients who have tested positive and ask about their contacts, while monitors follow up with the contacts. My district is a very diverse community, it has a large immigrant community with many different languages. It includes over 100,000 Haitians, many who speak Haitian Creole; we also have a large Jewish community, many who speak Yiddish, and we also have a large Pakistani community, many who speak Urdu.

It is necessary that our contact tracers can

communicate with residents in the hardest hit areas. Brooklyn has the highest COVID-19 death rate by zip code of any borough, and many of our residents have contracted -- contracted COVID-19 as a direct result of their employment in essential fields. Contact tracers must have the trust of the people they are interviewing in order for tracing efforts to work effectively. Familiarity with language culture is necessary to that effort and necessary to eradicating of the coronavirus from our communities. This bill creates a means to ensure that contact tracing works with everyone, thus protecting all New Yorkers from the spread of COVID-19. I will vote in the affirmative, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: Ms. Bichotte in the affirmative.

Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker. I want to commend the sponsor, as well, for this very important bill. And I also want to point out that people who are deaf also are a linguistic minority. And it is very important that this bill, with the way I read it, extends to people who are deaf, as well. They are subject to not having the -- the same information and the ability for contract [sic] tracers to communicate with them is critically important. And I just wanted to say that so that it's on the record that that is also a community that is both a disability community, but also a linguistic minority community that I'm very pleased that this will protect, as well. Thank you very much and I will vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Mr. Barron.

MR. BARRON: Thank you very much, Mr. Speaker. I just wanted to, one, caution us about this -- this tracer information. We need to really monitor where the information goes, particularly in our communities, are very mistrustful of people trying to get information from them. So that's number one. Number two, you can't tell us at the beginning of this pandemic that 34 percent of the deaths is in the black -- is in Latino, Latina community; 34 percent. And I believe they're 26 percent of the population. And you can't tell us in the beginning of this, 28 percent is in the black community, we're 22 percent of the population. It's the only two groups that had such a disproportionate amount of death.

So, for the Latino community, Latina community, yes, we should -- we should have been doing it without thought. But just be very, very cautious where the information goes, what they do with it. I'm just concerned about that as we go about for our safety measures, as well, for testing and tracing, but I support this bill 100 percent.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

Mr. Pichardo.

MR. PICHARDO: Thank you, Mr. Speaker, for allowing me to explain my vote. I want to take this opportunity to

congratulate and thank the sponsor of this piece of legislation. I think it is important that when government continues to work through this -- this virus and this pandemic, it has to be cognizant and aware of the communities that they need to interact with and touch with. My colleague from earlier mentioned the diversity in -- in -- in districts around the -- the City. In the Bronx, I represent a district, as well, majority/minority community, many Dominicans, Puerto Ricans, and I have our brothers and sisters of the Muslim faith, mostly from West Africa who are mostly Arabic and French -- French speaking. So, anything that we do as a government to help deal with this pandemic has to be socially conscious, but also has to be culturally aware of the communities that it's trying to interact with and get the information that we need to make sure that we move forward.

So, again, I want to thank the sponsor for putting this legislation forward, and I'll be voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Pichardo in the affirmative.

Mr. Kim.

MR. KIM: Thank you, Mr. Speaker. I, too, join my colleagues in supporting this piece of legislation, but I have also some reservations about making sure that we do our best to protect individual privacy as we engage in contact tracing. I think we did miss an opportunity here to offer a -- a gold standard of what a contact -- testing and contact tracing program could be, in terms of really

protecting people's identities during and after this pandemic.

We are as strong as the most vulnerable in our community. If our, you know, undocumented, if our unbanked community members do not come out of the shadows to participate in, you know, in the testing and tracing program, we will continue to suffer and we can -- we need to do a better job at figuring out how do we leverage the best technologist -- technologies that are out there to make sure that we make everyone involved feel comfortable that their privacies are being kept safe. Thank you, Mr. Speaker, I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Kim in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you very much, sir. As is often the case, we've benefitted from the comments of our colleagues who have pointed out many great reasons to support this, and also some concerns that our first and foremost objective ought to be to maximize the contact tracers that are available.

Reflecting some of those mixed concerns, both the desire to be sensitive, but also the desire to move forward as expeditiously as possible, the following Republican members would be voting no on this bill: Mr. Lalor, Mr. Friend, Ms. Malliotakis, Mr. DiPietro, Mr. Montesano, Mr. Lawrence and Mr. LiPetri. Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank

you, sir.

Mr. Mosley to explain his vote.

MR. MOSLEY: Thank you, Mr. Speaker. I apologize for the last response to this bill. Obviously, I wholeheartedly support the piece of legislation, but like a lot of sensitive information that's going to be collected and disseminated, I'm -- I'm -- I'm quite concerned, and we had some concerns prior to this pandemic in terms of intellectual information and properties that will air in the public domain and how that could expose individuals to other issues besides what we're going through right now with this health care -- with this health pandemic.

So, I wholeheartedly support this piece of legislation, but I -- I do so with somewhat trepidation in lieu of the fact that we're going to have a lot of information and data that could potentially increase the level of surveillance, the level of oversight that unbeknownst to many of us, as well as maybe impeding upon our expectations of privacy laws that we so enjoy to this very day. So, I vote in the affirmative, but with great hesitation. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Mosley in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10465, Rules Report

No. 43, Committee on Rules (Ryan, Paulin, Otis, Bichotte, DenDekker). An act to amend the Education Law, in relation to State aid for library construction; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Ryan, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly Bill No. A10465. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the phone numbers previously provided.

(The Clerk recorded the vote.)

Mr. Ryan to explain his vote.

MR. RYAN: Thank you very much, Mr. Speaker; good to see you today. The New York State Library Aid Construction Program gives money to libraries to do repairs. It's a pretty tight program where it's given three years, libraries are given three years to complete their projects, so projects that were awarded in 2017 and 2018, they were supposed to be completed by June 30th of -- of this year. But because of the -- the COVID shut -- shutdown, there's been multiple delays in construction, so projects all around the State have been delayed, from Long Island to the Hudson Valley to -- to Western New York.

So, this bill would do a statutory extension to give any library construction aid fund that was given from 2017 to 2020, it will give them an extra 12 months to complete their projects, so it will add on 12 months to the statutory due date. If they need that time, they will be able to -- to use that time without risk of losing the money. So, it's a -- it's a commonsense bill, Mr. Speaker, that will allow us to continue to invest in our libraries all around New York State. And I thank Maria Volpe from the Program and Counsel for help with this bill, and the New York Libraries Association that reached out to libraries all across the State to ascertain the needs and how much time they needed on these projects.

So, thank you, Mr. Speaker; I withdraw my request and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Ryan in the affirmative.

Mr. Benedetto to explain his vote.

MR. BENEDETTO: Thank you, Mr. Speaker. I want to compliment my colleague on this particular bill. It shows in the State of New York we value, even in the middle of this virus and the threat to our society, that our libraries will continue to grow and our people who rely on them will continue to benefit. So, once again, I compliment my colleague and I happily vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Benedetto in the affirmative.

Ms. Griffin to explain her vote.

MS. GRIFFIN: Hi, thank you for the opportunity to explain my vote, Mr. Speaker. I just wanted to say how important it is to support our libraries and to provide this extension, because it's very much needed for their projects. So, congratulations to Assemblymember Sean Ryan, because I think this is a very important bill, and I am happy to vote in the affirmative. Thank you very much.

ACTING SPEAKER AUBRY: Ms. Griffin in the affirmative.

Mr. Smullen to explain his vote.

MR. SMULLEN: Thank you, Mr. Speaker. I really appreciate the opportunity to be part of passing this important legislation today. I want to thank Chairman Ryan and all the other members of the Committee.

As the Ranking Member of the Committee, I realize how important it is that we keep our libraries on track despite the crisis that we're faced with here in New York. What we've got here is a situation where we need to keep sure that our construction aid keeps flowing, even though non-essential construction may have stopped. And we would hate for our libraries to lose out on the opportunity to go ahead with their construction projects because of this crisis. So, this is a very important extension will do the trick, and it's -- it's very important that we are here today to do so, and I thank all of my colleagues and all the members of the Assembly for supporting such legislation. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir; good to see you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10492, Rules Report No. 44, Committee on Rules (Thiele, McMahon, Buttenschon, Otis, Ortiz, Jacobson). An act to amend the Local Finance Law, in relation to bond anticipation notes issued in calendar years 2015 through 2021; to authorize the expenditure and temporary transfer of reserve funds for expenses related to COVID-19; and to authorize the extension of repayment of inter-fund advances made for expenses related to COVID-19.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall --

ACTING SPEAKER AUBRY: It is a sub. All right, it's a sub. On a motion by Mr. Thiele, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Bill No. A10492. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the phone numbers previously provided.

The Senate sub is withdrawn. We will now -- let's go

back and read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Bill No. A10492.

This is a fast roll call and as before, any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Woerner to explain her vote.

MS. WOERNER: Thank you, Mr. Speaker. I -- I want to commend the Speaker -- the sponsor on this important piece of legislation. So many of our municipalities in -- in the last couple of months have seen their sales tax revenue plummet, their -- their financial future very uncertain, and it's putting the ability to deliver essential services at risk. This bill, which will provide a modest amount of relief for our municipalities, is really critical. I wish there were more to it. I wish we were able to cover long-term borrowing, as well as short-term BANs, but this is definitely a step in the right direction and I thank the sponsor for his leadership on this. So with that, I cast my vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Woerner in the affirmative.

Ms. Wallace.

MS. WALLACE: Thank you, Mr. Speaker. I want to thank the sponsor for this important legislation. This bill will allow

local governments access to reserve funds, giving them the flexibility needed to maintain essential services without raising taxes. Law enforcement, fire departments, emergency services, all of them rely upon local government funding to support the services that we rely upon. Municipalities across the State have seen dramatic loss in -- dramatic reductions in sales tax and other revenue that they normally rely upon to fund these essential services. So, this bill will give local governments the flexibility and the opportunity to access bond funding while continuing to provide the essential services that we've come to rely upon. So, again, I want to thank the sponsor and I will vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Wallace in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10493, Rules Report No. 45, Committee on Rules (Lentol, Otis, Bichotte, Ortiz). An act to amend the Criminal Procedure Law, in relation to conducting hearings on a felony complaint during a State disaster emergency; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Lentol, the Senate bill is before the House. The Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No. A10498-A, Rules

Report No. 46, Committee on Rules (Paulin, Otis, L. Rosenthal, Ortiz). An act to amend the Business Corporation Law, the Not-for-Profit Corporation Law, and the Religious Corporations Law, in relation to providing for the remote conduct of certain practices and procedures relating to board meetings; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Paulin, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly Bill No. A10498. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you very much, sir. I appreciate this legislation, which makes it much easier for business corporations to hold meetings electronically. The language of the statute does provide various protections for those who are participating, including the fact that the board of directors for a corporation has to implement reasonable measures to verify that each person is participating, that they have an opportunity to object to vote or ask questions, and that a record is maintained of the proceedings.

And what I particularly appreciate is the fact that through some incredible work by our technical staff, we are actually complying with the same standards that we expect our corporations to comply with, and it's always encouraging when we lead by example.

So, I will be supporting it and encourage my colleagues to do the same.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10508-A, Rules Report No. 47, Committee on Rules (Paulin, Dinowitz, L. Rosenthal, Ortiz, Lupardo, DenDekker). An act to amend the Education Law, in relation to authorizing licensed pharmacists to administer an approved vaccine for COVID-19; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Paulin, the Senate bill is before the House. The Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No. A10509, Rules Report No. 48, Committee on Rules (L. Rosenthal, Buttenschon, Otis, Bichotte, Ortiz, DenDekker, Griffin, Blake, McDonald, Reyes). An act to amend the Executive Law, in relation to including the Commissioner of Addiction Services and Supports as a member of the

Disaster Preparedness Commission.

ACTING SPEAKER AUBRY: On a motion by Ms. Rosenthal, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will recall -- record the vote on Assembly Bill No. A10509. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. I will be voting in favor of this legislation and I encourage my colleagues to do the same. I think it's only appropriate that we include the Commissioner of Addiction Services on the Disaster Preparedness Commission, particularly since during this recent pandemic it was determined by the Governor that liquor stores are essential, even though many other stores are not, so, it's only appropriate that we have someone from Addictive Services on that Disaster Preparedness Commission. For that reason, I will be voting in favor and encourage my colleagues to do the same.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative.

Assemblymember Rosenthal to explain her vote.

MS. ROSENTHAL: Thank you, Mr. Speaker, to explain my vote. When the Governor established the Commission on Disaster Preparedness, he included many of the Commissioners of the agencies within the State, I think 36 to be precise; however, a glaring error was OASAS, the agency tasked with dealing with the use and overuse and overdose of alcohol and other substances.

The fact is that during this pandemic of COVID-19, we have seen more and more overdoses happen, and part of that is because that category has been ignored, not factored in. People who work in that field were not given PPE because they were not considered. So, it -- it's a slap in the face of all the hard workers at OASAS to not include them on this Commission. This bill will rectify that omission, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker, for allowing me to explain my vote. I commend the sponsor on this legislation. We saw firsthand with the Executive Orders to expand our bed capacity that we lost some of those resources in hospitals during this pandemic with notably why we -- we really needed to have those beds available. But specifically here in New York City, we lost some detox beds, and those services were extremely heartbreaking to see go away, but we see that there were some adjustments made in our -- in our local hospitals. But I think that that was a major shortfall in not

having the Executive have that person assigned from OASAS, the Director, for valuable input. And, once again, I commend the -- the sponsor for this much needed legislation and I will be voting in the affirmative.

ACTING SPEAKER JONES: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10516-A, Rules Report No. 49, Committee on Rules (Simotas, Otis, Bichotte, Ortiz, Jacobson, Blake, Nolan, Weinstein). An act to amend the Election Law, in relation to absentee voting; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER JONES: The bill is laid aside.

THE CLERK: Assembly No. A10005 --

(Pause)

ACTING SPEAKER JONES: The Clerk will read.

THE CLERK: Assembly No. A10517, Rules Report No. 50, Committee on Rules (Aubry, Otis, Bichotte, L. Rosenthal, Glick, Dinowitz, DenDekker). An act to require the Department of Health to conduct a study on the health impacts of COVID-19 on minorities in New York State.

ACTING SPEAKER JONES: The bill is laid aside.

THE CLERK: Assembly No. A10518, Rules Report No. 51, Committee on Rules (Galef, Buttenschon, Otis, Bichotte,

DenDekker). An act in relation to authorizing municipalities to place a moratorium on tax foreclosures and tax lien sales.

ACTING SPEAKER JONES: The bill is laid aside.

THE CLERK: Assembly No. A10519, Rules Report No. 52, Committee on Rules (Weinstein). An act to amend the Administrative Code of the City of New York, in relation to disallowing, for purposes of the Unincorporated Business Corporation Tax, the General Corporation Tax, the City Banking Tax, and the City Business Corporation Tax, certain amendments, with respect to taxable years beginning before January 1, 2021, made to the Internal Revenue Code by Sections 2303, 2304 and 2306 of Public Law 116-136.

ACTING SPEAKER JONES: On a motion by -- on a motion by the Senate -- by Ms. Weinstein, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. As you know, much of our Tax Code in the State of New York is also tied into the Tax Code with the Federal government, which makes a great deal of sense because then taxpayers when they fill out their Federal tax return and answer all those tough questions, can use the same type of analysis on their State Income Tax Code. During this pandemic, the Federal government has moved forward with a number of initiatives in the Federal Tax Code to assist businesses and corporations to improve their cash flow, to maximize their ability to

bring back employees and -- and restart.

One of the side effects of the Federal changes that were all designed to help our business community and all of the employees get back to work, have a negative impact on the City of New York's revenue to the tune of about \$50 million. So what this bill basically does is it says that all the tax breaks that would affect the City of New York City for corporations and businesses that are struggling to reopen and would rehire our friends and neighbors would not apply to the City tax rates. And I think it would be very wise for all of us, as we focus on the long-term future, to recognize that the most we can possibly do to get our neighbors back to work and keep our neighborhood businesses open, it would make a great deal of sense.

So, I will be voting against these -- these changes and I encourage my colleagues to vote against these changes so that we can maximize the financial opportunities long-term for our friends and neighbors who rely on these businesses for their livelihood. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly Bill No. A10519. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. O'Donnell to explain his vote.

(Pause)

Mr. O'Donnell to explain his vote, and please
un-mute yourself.

(Pause)

Mr. O'Donnell to explain his vote.

MR. O'DONNELL: No, thank you.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Recording Mr.
Santabarbara in the no.

ACTING SPEAKER AUBRY: So noted.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The
following Republicans will be voting no on this particular bill: Ms.
Malliotakis, myself, Mr. Montesano, Mr. Palumbo, Mr. Smullen, Mr.
Garbarino, Mr. Giglio, Mr. Salka, Mr. Tague, Mr. Lawrence, Brian
Miller, Mr. Manktelow, Ms. Miller, Mr. Ashby, Mr. DiPietro, Mr.
LiPetri, and Mr. Byrnes [sic].

ACTING SPEAKER AUBRY: So noted.

MR. GOODELL: I apologize, Mr. Speaker, that was
Ms. Byrnes, not Mr. Byrnes [sic].

ACTING SPEAKER AUBRY: Correction noted.

MR. GOODELL: Also voting no will be Mr.
Hawley.

(Pause)

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to the 21 Republican no votes that I mentioned earlier, the following Republicans are also voting no on this bill: Mr. Crouch, Mr. Walczyk, Mr. Stec, Mr. Morinello, Mr. Fitzpatrick, Mr. Kolb, Mr. Reilly, Mr. Barclay, Mr. Brabenec, Mr. Friend, Mr. Blankenbush, Mr. LiPetri and Mr. McDonough.

ACTING SPEAKER AUBRY: So noted.

MR. GOODELL: Thank you, sir.

ACTING SPEAKER AUBRY: You're welcome.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10520, Rules Report No. 53, Committee on Rules (Braunstein, Nolan). An act to amend the Public Authorities Law, in relation to authorizing additional bonds of the New York City Transitional Finance Authority related to the epidemic resulting from the spread of the disease known as COVID-19 disaster emergency.

ACTING SPEAKER AUBRY: Read the last section.

The bill is laid aside.

THE CLERK: Assembly No. A10521, Rules Report No. 54, Committee on Rules (Mosley, Glick, Otis, Bichotte, L. Rosenthal, DenDekker, Simon, Blake, Ortiz, Stern, Weinstein). An act to amend the Public Service Law, in relation to issuing a

moratorium on utility termination of services during periods of pandemics and/or state of emergencies.

ACTING SPEAKER AUBRY: On a motion by Mr. Mosley, the Senate bill is before the House. The Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No. A10524, Rules Report No. 57, Committee on Rules (Thiele). An act to amend a chapter of the Laws of 2020 relating to bond anticipation notes issued in calendar years 2015 through 2021, as proposed in legislative bills numbers S.08417 and A.10492, in relation to expenditures and temporary transfer of reserve funds for expenses related to State disaster emergency declared pursuant to Executive Order 202 of 2020 and authorizing the extension of repayment of inter-fund advances made for expenses related to State disaster emergency declared pursuant to Executive Order 202 of 2020.

ACTING SPEAKER AUBRY: The bill is laid aside.
(Pause)

MRS. PEOPLES-STOKES: Mr. Speaker, if we can now go to our debate list, we're going to start on page 3 with Rules Report No. 25, and then we're going to go to Rules Report No. 28; then on page 4, we're going to do Rules Report No. 31 and on page 5, Rules Report No. 34, in that order, Mr. Speaker. Thank you.

(Pause)

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Senate No. S07082. An act to amend

the Civil Practice Law and Rules, in relation to extending the statute of limitations for certain child sexual abuse cases.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Rosenthal.

MS. ROSENTHAL: Okay. You can hear me, right? Okay. This -- this bill would extend the one-year lookback window in the Child Victims Act that we passed in 2019 for another year.

MR. RA: Thank you, Mr. Speaker. Will the sponsor yield for a few questions?

ACTING SPEAKER AUBRY: Ms. Rosenthal, will you yield?

MS. ROSENTHAL: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Thank -- thank you very much. This is actually nice, because I can see you across from me, instead having to look in that direction, but...

MS. ROSENTHAL: I don't see --

MR. RA: So, I wanted to just go through a couple of pieces of this, obviously, you know, after several years and in -- in no small part due to your perseverance on this issue, the Child Victims Act was passed last year, became law. I supported it, it certainly, to me, was the right thing to do to provide an opportunity for these individuals to -- to go and -- and be compensated for -- for something that, you know, had such a large impact on them over -- over the years. But, I know there have been, in the last few months, a number

of Executive Orders that have impacted this. I -- you know, the Governor first did an Executive Order that extended all statutes -- I'm sorry, tolled all statutes of limitations which he extended a couple of times. But then there was also one specific to the Child Victims Act. So, can you just go through -- what are the differences between what the filing deadline would be under this piece of legislation versus what it would be under the Executive Order, which I believe is 2 -- 202.29, if I'm correct, that the Governor issued in -- in May.

MS. ROSENTHAL: Yes. So, this bill would get -- would give an extra lookback window starting after August 14th, 2020, when the original lookback window was set to expire. The Governor, on March 20th, issued Executive Order 202.8 to suspend any specific time limit for the commencement filing or service of any legal action, et cetera. He followed that up with an Executive Order, 202.14, to extend the statute of limitations to May 2020. Then on March 22nd, the New York State Office of Court Administration issued an order suspending the filing of all manners deemed nonessential with civil filings within the CVA window deemed nonessential.

All of these orders have caused great confusion among a lot of people, but in this case, the survivors, who were unsure what the -- the end limit was on when they could file their cases. And we thought it would most prudent to -- to count the months that they lost, because they have lost about three months, and moving it to January would only gain them two months. But during this time, a lot

of them have not had the ability, because hopefully everyone stayed home, to explore their case, to -- to get supporting documents. You know, a lot of people were uncomfortable with that.

But in addition, and I -- I introduced this before the COVID pandemic, it was clear that although this was a wonderful opportunity for those who were ready to file and to go to court, for many this just triggered the beginning of their journey of recognition what happened to them, and acceptance. This is not an easy process for them. And the one-year window limited who could actually have the wherewithal to go file by August 14th, 2020.

In addition, just recently, different parts of the State opened up before other parts of the State, which meant that if you live in New York City, for example, you -- you were -- you, until recently, could not file, whereas in the Mid-Hudson region, you could. And in Long Island, it was a different time period. So, in order to make it even across the State, everyone gets another year that begins August 15th, 2020.

MR. RA: Okay, thank you. And thank you for that very thorough explanation of how the Executive Orders factor in. Just a point of clarification, because you did mention that the Governor's Executive Order specific to this which -- which sets an expiration date of January 13, 2021, extend -- only extends by two months, I assume you're -- you're basing that on the -- the toll date as a result of those other generally applicable Executive Orders? Because it would be, by my reading from what's in statute, it would be a -- a five-month

extension.

MS. ROSENTHAL: Well, we were closed for three, so it's -- so we lost -- if he gave us five and we were closed for three, it was only a two-month addition.

MR. RA: Okay. So -- so is it fair to say, then, and I know you mentioned this was filed beforehand, that, you know, you're -- you're of the belief that this is necessary regardless of the pandemic to have an extension of this window.

MS. ROSENTHAL: Well, I think the -- the pandemic only increases the difficulty for some survivors to file, as I said, to recognize that this happened to them and to deal with it emotionally. But I -- I have also spoken to many survivors who still don't have an attorney, and this is mostly survivors who are not going to court against a big corporation or a church or a synagogue or an insurance company, they are going against an individual. And their goal, as is most survivors, is to seek justice in the courts, not the monetary. But some attorneys won't take the case unless there is a monetary gain at the end of the process. So, it's also to give those individuals more time to find representation in court.

MR. RA: Okay. And thank you for that. I think it's important, you know, that our colleagues understand the idea of a statute tolling as opposed to, you know, an -- an extension of an actual date. Even though it may have the same impact, there's, you know, some differences of it in terms of, you know, calculating the end date there. So, thanks for that clarification.

There was one other point I was wondering if you might have any information or if, I don't know, you probably haven't been able to look at this in light of the current circumstances, but perhaps with the filing of this bill earlier this year, we've started to hear from different organizations, and particularly not-for-profits about insurance increases that they've faced as a result of the Child Victims Act. Again, you know, it's a -- it's a law I supported, had -- had great support in both Houses and gave people an opportunity to -- to seek justice. But it -- it does seem to have had an unintended consequence with regard to a lot of not-for-profit entities. Have -- has there been any look at what impact on those insurance rates it might have if we extend this window further?

MS. ROSENTHAL: I have not looked into that. I've been laboring on the side of the survivors and those who need our help. The insurance companies always have access and always have -- they seem to have a lot of liberty when it comes to their rates, and it's actually reprehensible that giving survivors more time to go to court would incite them to raise their rates. They're there to insure people, not to take advantage of very unfortunate situations. And it's also not a good reason. I mean, justice for survivors and the access to the court is paramount.

MR. RA: I -- I agree access is -- is paramount, I'm just -- I'm talking about the unintended consequence on, you know, providers that -- that service some of our most vulnerable populations who -- who have expressed an impact that -- that it's had on them, the

extension of the window. I -- I thank you for -- for taking the time to answer my questions. I hope you are -- you are well and I hope we can all be together here again sometime soon.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Thank you very much. You know, this is -- this is a very difficult issue. Certainly, we have individuals who waited a long time to have the opportunity to -- to seek justice for their claims. Like I said, I supported the -- the new law last year, I supported it the years prior to that when it didn't make it through the other House. So, I -- I think it was an important step we took to give those individuals access to the -- to the courthouse to -- to seek justice and to get some type of, you know, support as a result of -- of the abuse that they -- they sustained years ago.

There -- there is a concern, here, though, with, you know, I know there was a lot of discussion of time, what should the timeframe be. And we were doing something that is very rare, we were taking claims that had been time-barred by statute of limitations. And the reason we have a statute of limitations on -- on civil matters - and we have them on criminal matters, as well - but the reason we have statutes of limitations is so that we can really best get to the bottom of -- of a matter before us. People's memories fade over time, and that is why statutes of limitations exist so that the witnesses are available, so that documents may be available, other pieces of evidence may be available so that a court proceeding can take place.

And doing this, in particular, with cases that may be 25, 30, 40 years old was -- was certainly a concern with regard to that.

Now, we went ahead, we opened this window, we gave an opportunity and -- and a lot of people right off the bat, as soon as this window opened, were -- were filing cases. And I know there's individuals out there who are still looking to file cases, and -- and I think it's important that we note, again, the -- the statutes of limitations have been tolled by several Executive Orders to basically make up that time that they haven't had access to the courthouse. That's already taken care of. And the Governor took it one step further and extended this window to January 13th, 2021, in Executive Order 202.29.

So, I think we -- we should be careful to create some level of certainty with regard to this. So, I -- I have that concern when I start hearing from providers that -- that service some of our most vulnerable members of our population who have been impacted, you know, by insurance rates going up and things of that nature, and these aren't, you know, make no mistake, I'm not talking about entities who have protected abusers. You know, they should have cases filed against them, things should -- should take place and justice should -- should prevail. But I think we do need to keep in mind that it -- it has an impact outside of just the filing side of it. I think we should -- we should keep that in mind going forward. I think we should keep in mind the point that was raised when we first passed this, that without doing some type of fund, that many individuals who were abused by

non-institutional abusers where there's really nobody to go after other than maybe an individual, have really not been able to seek any type of recovery as a result of that. And there were proposals in the past to create some type of victim compensation fund to help those individuals.

So, I -- I think this is an area of continuing need of discussion and -- and thought so that we can do everything we can to make -- make people whole in some small way by opening the doors to the courthouses to them, but also keep in mind the unintended consequences that it could have on not-for-profit entities. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr. Speaker, on the bill. Thank you for allowing me to speak on the bill. Again, once again, I'm really proud to support my colleague's bill which would extend a statute of limitations for certain child sex abuse cases in -- in civil suits by one year.

Last year when the Legislature voted to pass the Child Victims Act, I stood in solidarity with my colleagues, my sister survivors, Assemblymember Cruz, Assemblymember Niou, and Senator Biaggi, and together we shared our very personal stories about surviving childhood sexual abuse. I stood before the Assembly and I told my story about being sexually assaulted by a minister at ten years old, and as -- as I was recovering from a devastating accident, which

left me bedridden. My greatest fear was that as a child, I would not be believed, that nothing would be done to stop my abuser who held a position of respect in the community. Childs [sic] victim often lack the resources to speak out. Some do not even understand the acts that are subject -- they are subjected to. Others are threatened and, like me, many are afraid of further compromising themselves if they speak up and are not believed.

Mr. Speaker, I'm not alone. Since we voted the -- and passed -- to pass the Child Victims Act, over 1,300 civil litigation lawsuits have been filed by 1,700 survivors only. That's a very little number. These strong individuals have come forward now to -- to right the wrongs of the past, to receive -- restor -- restorative justice. These victims deserve the right to be heard.

The 2019 bill created a one-year window during which adult survivors of child sexual abuse will be committed to file civil actions, even if the statute had already expired. Or, in the case of a civil action against public institution, that the claim requirement had not been met. Extending the revival window by one year will provide more time to notify New Yorkers about the new law and allow more survivors to seek justice. New Jersey and other states have passed similar extensions already.

Mr. Speaker, my fellow survivors across all New York, we need more time. Many of them still don't have an attorney. In some cases, even the settlement process is taking long. It's very frustrating, and it's a very emotional process. The statutes of

limitation can change via law, which is what we did with this Childs [sic] Victim Act last year. And, quite frankly, Mr. Speaker, the lookback window should have been longer. As grateful -- as grateful as we are for the progress we've made, survivors are still suffering. The need to extend the window is needed even more now in light of the COVID-19 pandemic, and this is what this bill will do, which has crippled the legal system and backlogged courts. Many cases, including those of a non-emergency nature, will not even be heard. Do not let that be the reason that predators go unpunished.

Today, I'm calling on all my colleagues on both sides to stand in support of all child victim survivors. I call to -- I call on you to support survivors like me, myself, like Assemblymember Catalina Cruz, like Assemblymember Yuh-Line Niou, like Senator Alessandra Biaggi, and to vote for this bill which will keep to restore justice for survivors like me. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. WALSH: So, I just would like to offer a couple of my own observations and perhaps some concerns following up on the comments of Assemblymember Ra. I -- I do agree that Ms. Bichotte is correct according to the sponsor's memo. Over 1,300 civil suits have been filed against alleged abusers since the passage of the Child Victims Act back in December of 2019, and 1,300 civil suits

have been filed on behalf of at least 1,700 survivors. That's pretty remarkable. I -- I remember at or around the time that this Child Victims Act -- which I also supported and voted yes on -- in this Chamber we had three no votes on that bill, so it did enjoy a great deal of support within this Chamber. I remember you could not turn on your TV set without hearing an ad or an advertisement or a news story saying, *If you have been the victim of abuse, please reach out to 1-800-whatever*. And there were -- there were tons of law firms that were out there, ready and willing to help assist survivors who wished to file. I also remember that at the time that the Child Victims Act was passed, there was quite a debate about what the length of the look-back period was going to be. And although to -- to kind of quote my favorite musical, "*Hamilton*", I wasn't in the room where it happened. I know that that one year that was chosen was the result of some compromise. And so I have a certain reluctance to extend the statute of limitations another year because the original bill in that one year look-back was something that was negotiated and bargained for and agreed in some manner that that was to be the fair and reasonable look-back period that was supposed to be observed. And I -- I do agree with my colleague Mr. Ra when he talks about the value of finality to everyone concerned that there needs to be an end, and that is why we have statutes of limitations. So I am a little bit concerned about that with this bill.

I also think that, you know, we're gathered here today in this almost empty Chamber with masks on, dealing with a bill, a

package of bills of about 30 bills, that are all in some way COVID-related. And yet as the sponsor, Ms. Rosenthal, acknowledged, this was a bill that was introduced prior to the COVID pandemic and it was something that, I believe, was part of the package of legislation that the Majority wished to have passed this year regardless of any type of epidemic or pandemic or COVID virus.

So, I do think that while this bill may have merit and will certainly gain some support in this Chamber, as it should, I think that I wouldn't describe it as being a COVID bill. I also think that even during the time that the courts have been operating in an extremely limited capacity, there are plenty of law firms that have offered teleconferencing, phone counseling, are accepting cases and working up cases waiting for the court system to open again. And at least in the region that I represent, our court system reopened this week, yesterday, I believe -- wait a minute, what's today? I don't even know what today is. Wednesday, right? Yesterday it started to open up again. So, yes, the survivors seeking the assistance of the court did lose a couple of months, but they didn't really lose it because they did have that opportunity to still seek counsel, receive counseling, have lawsuits drafted and ready to go for when the court system opens back up again. So I do think that while there may have been -- I think many of us even that are following things closely can get confused by all of the different Executive Orders that have been issued over the last few months, that I do think that survivors may, as Ms. Rosenthal said, be confused. But I do think that the Governor's Executive Order

giving a considerable degree of extension to the Child Victims Act would probably be sufficient in this case. So I do have some concerns. But all of that being said, I did support the Child Victims Act last year, and this extension, I'm going to get it every consideration and will probably be supporting it again today. But I do think that we have to be careful about this as we take -- do an extension to a bill that was already negotiated and prepared with a specific look-back period. I think we have to be mindful before we -- we extend it, regardless of what New Jersey is doing and other states.

So, with that, thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. REILLY: I -- I want to just give a little anecdotal thing that happened since -- under this bill. And of course I understand that we need to ensure that victims can follow through in the courts. But I want to just give a little insight into some of the things that I've always said since I've been here that the words, how they transition to the street, become much different. My American Legion Post, which I joined approximately two years ago, they were the subject of a lawsuit now under this law, and they're named in the lawsuit for a 1970s, around there, case because they sponsored a youth baseball team in a league that wasn't affiliated with the Post. The -- the manager of that youth baseball team -- who was not a member of

the -- the American Legion Post -- was the perpetrator, and he victimized this child at the time. The -- the American Legion Post is named as a defendant. So I just wanted to share that when we talk about those that are going to be held responsible and the victims want justice, I agree they deserve justice and they need to get that justice. But there's nothing in the bill originally, I think in the law, that would protect and -- and make sure that entities like the American Legion Post who just sponsored a team, a youth sports team in an unaffiliated league to the American Legion Post, they're held accountable. And many of those members aren't even alive when they sponsored that team. So although I do -- I do agree that we need to give victims the right amount of time and -- and give them the ability to seek justice, I just wanted to share that little insight of how this plays out in a broad -- in a broad spectrum.

So, thank you for giving me the opportunity to explain that.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. I also have concerns when we take and extend the statute of limitations for one type of action but no others. Now, for example, in New York there's a one-year statute of limitations for the intentional infliction of emotional distress. A one-year statute of limitations for assault and -- and many others. We have people who have statute of limitations issues with very a serious car accident that caused severe injuries. Or wrongful deaths that result in the loss of a loved one. Or medical

malpractice where the damages may be significant. We have multiple statutes of limitations in New York State, but this bill deals with just one. And I think that's inappropriate. I'd point out to my colleagues that throughout the pandemic the county clerk's offices, certainly Upstate, were all open. They were staffed at a minimum level, but they were open. And the issuance of an index number was done electronically. In fact, you can't do it in person anymore. We went to electronic filing last year. It was not affected in any way by COVID. And I would point out that under the Executive Order, one of them, you could take and notarize documents electronically. Not in person. So, an attorney could draft a summons and complaint, could get the verification, could notarize it, could file it electronically, and the statute of limitations ends once it's filed. So there's no practical reason why we have to have an extension of a statute of limitations for just one cause of action while ignoring all the other statutes of limitations that we have in this State.

Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Cruz.

MS. CRUZ: On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill.

MS. CRUZ: Thank you. I thought about whether I was going to speak or not on this bill because I thought that the need for this extension would become pretty clear. This is not like a car accident. This is not like many other laws out there that would allow us to sue someone, say, for emotional distress. The reason why this

one is particularly different is because it deals with the psychological effects of what has happened to us as children. It took me 20-some-odd years to even raise the issue to anyone outside of my family. I still, myself, have yet to make a decision whether I'm going to sue. And the reason why this should be considered a COVID bill, and even more important now, is because the isolation that many of us have been forced to live in, the pain that has come with so many deaths in our community with sometimes even experiencing abuse, again, because many of us have seen the rates of abuser in COVID skyrocket. That means that for many survivors, what COVID has done is bring up that pain again. And perhaps they had not made a decision of whether to sue or not or perhaps they had it now we give them a chance to make a different decision. There is no finality to our pain. The idea that there should be finality to the fact that someone abused their power to abuse a child, frankly, it's disgusting. We wouldn't ask a family member whose child was murdered, *There should be some finality to your pain.* But I have colleagues and legislators asking that there be finality to my emotional distress, the emotional distress of millions of survivors around our State. And you know what? Good for New Jersey and other states that have done this before we did. We've had to fight tooth and nail to first get the bill and now to get an additional measly year. We deserve that. And you know what? If we need to come back the next year, we're going to again because there is no finality to our pain. And I am not here to make any legal or legislative arguments because as a lawyer, to me,

those don't matter right now. As a legislator, what I want to do is protect the people who need protection. And I don't really care if yet another church goes broke. If yet another entity who should've been protecting survivors goes broke. What I care is to give survivors the opportunity to seek the justice that they deserve. There were several times that I heard statements about there are plenty of lawyers out there willing to take the cases. And I have to tell you, as a lawyer myself, I never thought I'd say the words there are not enough lawyers to take these cases. Because many lawyers didn't quite understand what they were getting into, because many lawyers were not ready to take on an entire church or an entire church diocese. Because many lawyers simply wanted to get paid up front and they knew that this would be litigation that goes on for years. And because for many people who didn't want to sue the gigantic entities, all they wanted was their day in court. And if there was no money to be recuperated, sometime lawyers just didn't want it.

And so I am of course going to be voting in the affirmative. And I want our colleagues -- and I urge you to do the same because, again, there is no finality to the pain of a child who's had to endure sexual abuse. And there shouldn't be finality to the culpability and our ability to take anyone who did this to us to court.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. I hadn't originally planned to speak on this bill, but I've listened to the debate

and while my learned colleague Mr. Goodell is a very fine lawyer who understands the way papers could be notarized and filed, the average person, I don't think, has a grasp of that. And so I think that this is about remedying a societal ill that was perpetrated on children for decades by major institutions and minor institutions. And individuals who preyed on children specifically, specifically, because they were powerless. Because they could be talked into feeling that it was their fault. That they could be shamed into feeling that somehow they were -- they were culpable. That nobody would believe them. And society, society wronged these youngsters as well as the institutions. I'm reminded of the fact that for a long time things like drunk driving were just considered, you know, sort of a bad idea, maybe. Why? Because a lot of people who were part of the establishment drove when they were drunk. So, they're not criminals so it shouldn't be a criminal act. This is part of us coming to terms with and going through a process of reconciliation with the children who have been wronged. Yes, we gave them a year to figure it out and get themselves together, find a lawyer, go after the institution that knew -- knew what they were doing, and in many instances took the perpetrators that they were well aware of and put them somewhere else so there was this sort of revolving door of people being shunted around and creating more and more and more victims. Yeah, it was a compromise for a one-year lookback because these were powerful institutions, and these children who are now perhaps grown individuals who have suffered this pain for years, where's that statute

of limitation on their pain, on their suffering? Yes, it would be nice to have a final date and some closure. I hate that word "closure," because it doesn't exist. There's just getting on with life. But it doesn't stop the pain. So, yeah, I think there was some thought before this that we would, in fact, revisit this -- this statute of limitations, this lookback period of a year, and then the pandemic happened. And we have no idea how many people who were affected as children who had been thinking about filing became ill. Lost family members. They have no jobs, they have no resources. And sure, it's easy to find lawyers because there are advertisements on TV. They don't want the individual who just wants to get their sense of justice. They want some place where they're going to have a payday. That's why they're advertising on TV.

So I think this is a modest, modest adjustment in what had been a -- an inappropriate compromise that has now been turned on its head because of the pandemic. So I see it totally, reasonably connected to this pandemic. And all of the upheaval in society where, *Where do I get a lawyer? Are the courts open? I can't figure out what this Executive Order means for me.* This will make it clear that people will have some additional time. And, frankly, we won't be out of the pandemic by the beginning of next year because there isn't going to be a vaccine by the beginning of next year. And how many people have already said, *Well, I don't know if I'm going to take the vaccine.* We have a lot of -- we have a lot of problems. But this, this needs to be done on behalf of those who have been

victimized. This is about standing up for victims. We're very proud of standing up for victims, except these children who were victimized by institutions and individuals who preyed on them specifically because they were children.

I urge everybody to search their conscience and vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Rosenthal.

MS. ROSENTHAL: Thank you, Mr. Speaker.

Fighting to pass the Child Victims Act has been the fight of a lifetime, and I am so honored to have played a role in getting the extender over the finish line. Each of these cases represents a survivor who was silenced first by their abuser, and then by a broken system that didn't provide them with enough time to go forward, to come forward. The window has already enabled nearly 2,000 survivors to find their voice and demand justice. But we know that there are so many more out there. Sometimes opening the window and letting the light shine in on someone who has been in the dark -- in the darkness for years can be blinding. That's the way it is for so many survivors of childhood sexual assault. After years of suffering in silence, we start a countdown clock on justice that is not conducive to allowing a survivor to make the complex and emotionally-fraught decision about whether to come forward. One year is simply not enough. And the addition, the layer of the pandemic with confusing orders, constitutional questions, they shouldn't be subjected to that, and that's

why extending the lookback window for another year makes sense. Just like New Jersey has two years. Minnesota, a three-year window. California, a three-year window. Some states have no limit on a lookback window because the acts that were done on these children were so terrible.

Now, during this time period there are many survivors who weren't sure what to do. They just learned that the window was open. They're scrambling to make a decision. There are others who can't find lawyers because they were abused by a family member or a friend. And there are still others for whom after years of silence and shame, one year is still not enough for them to come to terms and muster the courage to make the emotionally-complicated decision to come forward.

All statutes of limitation exist to protect and balance the interests of justice, closing the window at the end of one year during a global pandemic that closed the courts and turned everyone's lives upside down does not serve the interests of justice. Especially not when we know that so many survivors need more time, and when we know that other states have provided that extra time. Closing the window would serve the narrow interests of those who want to hide and prevent survivors from achieving some modicum of healing. We know that the Archdiocese of Rockville Center went to court to say that the window was unconstitutional. They were ruled wrong, but they will appeal. I thought it might put an end to that -- to that kind of behavior, but it's not. People are -- and institutions are still not willing

to take responsibility for their negligence in protecting predators and then shuffling them to new places where they could hit on and abuse more children. It's nothing more reprehensible.

I'm proud to sponsor this legislation along with my partner in the Senate, Brad Hoylman, to extend the CVA window for one additional year. And I would also like at this time to thank the Speaker and the staff for moving this along with me, and survivors and advocates who have shared their pain and used their voices to make this moment possible. And I will read some names: Michael Polenberg and the Safe Horizon Coalition; Asher Lovy; Brian Toale, Bridie Farrell and America Loves Kids; former Assembly staffer Tom Andriola; the Brown Sisters, Hela Koppell (phonetic); Miss Casa (phonetic); Downstate Crime Victims Services; Melanie Blow; Stop Abuse Campaign; Center for the Independence of the Disabled in New York; Amelia Tramontano; Katherine Rabe and Marci Hamilton from CHILD USA Advocacy; and Jessica Schafroth. That is a sampling of people who have never lost faith in our Legislature to do the right thing, and I thank them all.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

On Assembly print A.9036, this is a fast roll call.
And any member who wishes to be recorded in the negative is

reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Cruz to explain her vote.

(Pause)

Mr. Mosley to explain his vote. If Ms. Cruz comes back in, we will recognize her.

MR. MOSLEY: Thank you, Mr. Speaker. To explain my vote. I just wanted to say I'm so proud of our bill sponsor. I want to thank the Speaker for his leadership, all the advocate groups and all those -- I don't want to call them "victims" because today I think this is a big victory for everybody. Victims and family members alike. I want to thank all the, quote, unquote -- I want to thank the survivors and particularly our colleagues who shared their stories so courageously over these many, many weeks and months. I also want to say thank you to Marge Markey, who carried the bill for so many years and who made a level of sacrifice in doing so. And so I want to acknowledge her and -- and -- and what she was able to do up to the point when she left the Assembly. And I also want to say thank you to the Assembly for remaining steadfast and advocating and ultimately passing this bill today. Even in the midst of a pandemic we understand that there are still issues that need to be resolved that are -- that stand higher or are placed higher than even a global pandemic, and I want to thank the bill sponsor for her -- for her courageous acts and I want to thank her advocacy on this piece of important public

policy. And I think today is a victory for all New Yorkers and a victory for our country.

Thank you so much. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Mosley in the affirmative.

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker, for the opportunity to explain my vote. I just wanted to thank the sponsor and also to thank our sisters in the Assembly who have -- who are survivors and who have shared their stories and have advocated so consistently and so bravely for the passage of this bill. I also want to say that while the two years probably should have been the window in the first place, there really is an impact on COVID. First of all, in my district the courts are not yet open. And secondarily, we've been talking about the trauma of being away and not in -- out in society and how many people are struggling and experiencing anxiety. The *Times* mentioned the other day that fully a third of Americans are experiencing anxiety from COVID-19. That, of course, will have an even greater impact on people who are survivors of child sexual abuse.

So, I think it absolutely is needed, it is absolutely a COVID-19 impact, and I'm very honored to -- to vote in favor of this today. Thank you.

ACTING SPEAKER AUBRY: Ms. Niou to explain her vote.

MS. NIOU: Thank you, Mr. Speaker. I just wanted to say thank you to the bill sponsor and for, again, all of the folks who stood up to speak in favor of the bill. I think that it is so incredibly important for us to acknowledge the fact that this is trauma that doesn't end. There is no closure. There is no finality. And I think that, you know, living with -- living with this trauma, with this horror, your whole life, you feel the effects of it day to day. And so having just a little bit more time for folks is not -- is not going to -- is not going to end the world. I think that when my world ended, that was -- that was something to -- to speak about. I just wanted to say again, thank you to the folks who want to protect children. Again, this is not a bill that is meant to hurt any kind of institution. It is meant to protect kids. It is meant to make sure that children stay safe, and that we can make sure to fight for the people of our State.

Thank you. I'm -- I'm in the affirmative.

ACTING SPEAKER AUBRY: Ms. Niou in the affirmative. Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The members who are voting no on this bill include Mr. DiPietro, Mr. Lawrence, Mr. Montesano, Mr. Ra, Mr. Stec, Mr. Fitzpatrick, Ms. Byrnes and Mr. Crouch.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 3, Rules Report No. 28.

THE CLERK: Senate No. S08122-B, Senator Comrie (A10241-A, Hyndman, Buttenschon, Otis, Bichotte, DenDekker, Colton). An act in relation to extending the deadline for the filing of applications and renewal applications for real property tax abatement programs.

ACTING SPEAKER AUBRY: Ms. Hyndman, an explanation is requested.

MS. HYNDMAN: Of course. This bill extends all deadlines for the filing of applications and renewal applications due to -- due to be filed in the calendar -- calendar year 2020 for any real property tax abatement or exemption program to July 15, 2020 at local option. The language also provides for an appeal procedure regarding the denial of an exemption or abatement in relation to applications submitted in accordance with the July 15th deadline to ensure local assessment roll -- roll calendars are not impacted.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER AUBRY: Ms. Hyndman, will you yield?

MS. HYNDMAN: Yes.

ACTING SPEAKER AUBRY: Ms. Hyndman yields.

MR. GOODELL: Thank you, Ms. Hyndman. You mentioned that this extension of the time to file for an exemption would be at local option. Is that correct?

MS. HYNDMAN: Yes.

MR. GOODELL: And I -- by the way, I generally support local options because I recognize that the local government is in a much better situation to recognize and respond to unique local needs. My question, though, is, which locality would make that decision? And the reason that I ask is because often the tax assessor is a town employee or a city employee, but the assessment roll affects counties, fire districts, villages and school districts. So would it be the assessing local jurisdiction that makes the decision?

MS. HYNDMAN: If they're overlapping municipalities they would have to come to the decision together.

MR. GOODELL: Well, the concern that I have is that in most municipalities across the State, most counties, the tax assessment date is March 1st, which, as you know, preceded any of the emergency declarations that we had related to COVID. But that March 1st assessment date established the tax base that some used for village budgets, many of which are adopted in May and June, and for school budgets which are adopted in June. So if a town whose budget is not adopted until January, generously extends the exemption date to July, that could have a significant impact on the tax revenues of schools and villages and every other taxing entity that relies on that

tax base. It won't affect the town that makes the decision because the town budget won't occur until six months later. But it would have a retroactive effect on villages and perhaps -- well, in schools as well. Does this bill address that issue?

MS. HYNDMAN: Well, it keeps people who are in the program in the program. And you are right about that no -- that no emergency declarations were made prior to March 1st. But that doesn't mean that instances were occurring which would delay assessments -- or abatements, sorry. So if people were getting sick, if -- if deadlines weren't being made, then this -- then this allows the extension to July 1st -- July 15th, rather.

MR. GOODELL: Okay. Thank you very much. I appreciate your comments.

MS. HYNDMAN: Okay.

MR. GOODELL: Sir, on the bill.

ACTING SPEAKER AUBRY: On the bill, Mr. Goodell.

MR. GOODELL: I -- I appreciate the sponsor's desire to provide local municipalities with some flexibility, and I support that concept. I would certainly encourage all of our local municipalities to exercise that responsibility carefully and thoughtfully, recognizing that an extension in the tax assessment date can have an impact on other municipalities, school districts, fire districts or villages who may have already adopted their budget on the assumption that the tax status (unintelligible) gave them an accurate

tax base. And the problem, in a simple way, is if a municipality grants an extension to July 1st or July 31st and there's a significant reduction in the tax base, all of those taxing entities that have based their budgets on the tax rate on the earlier number will face an unanticipated shortfall through no fault of their own. At the same token, I -- I recognize that historically this legislative Body has considered a half-a-dozen local bills every year from some not-for-profit agency or organization that does valuable work in our communities that didn't realize that they had to file an application before March 1st. And we, by local law, have authorized late extensions and we do it almost routinely. And because we almost always approve of those late filings by legislative action anyway, I see this is an opportunity to recognize that we, as a legislative Body, while working with remote voting and the challenges of Zoom, may minimize any unnecessary legislation that can be addressed on the local level.

So notwithstanding my concerns of the impact recognizing the realities of our limitations, I will be supporting this bill. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

On Assembly Bill No. A10241-A, this is a fast roll

call. Any member who wishes to be recorded in the negative is reminded to contact the member's Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Hyndman to explain her vote.

MS. HYNDMAN: Thank you, Mr. Speaker. Given the current COVID-19 pandemic facing our State, many agencies have not been able to perform their duties in assisting property owners with such applications and renewal applications. This legislation will assure no property owner misses out on a real property tax abatement or exemption on their 2021-2022 assessment due to the COVID-19 pandemic.

And I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Hyndman in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Rules -- page 4, Rules Report No. 31.

THE CLERK: Senate No. S08192, Senator Hoylman (A10290-B, Dinowitz, Seawright, Epstein, Lentol, Simotas, Jaffee, Gottfried, Ortiz, Ramos, Simon, Otis, Bichotte, L. Rosenthal, Mosley, DenDekker). An act in relation to prohibiting the eviction of residential tenants who have suffered financial hardship during the COVID-19 covered period.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Dinowitz.

MR. DINOWITZ: Okay. Thank you. I'm on?

ACTING SPEAKER AUBRY: You're on.

MR. DINOWITZ: Great. The purpose of the bill is to help keep residential tenants in their homes following the COVID-19 pandemic by allowing only money judgments and not evictions for unpaid rent that comes due during the COVID-19 State disaster emergency.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you very much. Thank you, Mr. Dinowitz as well.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, Mr. Goodell.

MR. GOODELL: I certainly appreciate the sponsor's desire to help those who are suffering from a loss in income as a result or during the COVID crisis. However, I do not feel that it is appropriate to take the position that every contract for residential apartments can't be simply ignored as those contracts might relate to an eviction process for nonpayment. If this bill were to provide State funding to assist those who suffered from a financial loss so that they could make those rental payments, I would be supporting it. But a bill that simply says we are going to impair the validity of every contract involving anyone who doesn't want to pay rent and they are making

less during this period than before, that approach exceeds our constitutional authority. Article 1, Section 10, Clause 1 of the Federal Constitution, the U.S. Constitution, is very clear. It says, no State shall pass any law impairing the obligations of contracts. Yet, that is exactly what this does, because every real estate contract says if you don't pay the rent, we have the right to evict you. The Fifth Amendment to the United States Constitution is even more applicable, because it says no private property shall be taken for public use without just compensation. And so when the State Legislature says to a landlord, *You cannot recover your property even if the tenant's not paying* is exactly the same as if the government seized that rental unit, and having seized it from the private owner, gave it to the tenant to continue to use without having to pay rent and without worrying about an eviction.

Now, I'm aware that this legislation says the obligation to pay rent continues. But that's a hollow offer. Because those who don't pay rent for an extended time period because of a financial hardship do not have the funds to ever pay it. Which means we are really seizing private property without compensation to accomplish our objectives without paying for it. And that violates the Fifth Amendment, which precludes government taking private property without compensation. This bill also violates the constitutional principle of separation of powers. The separation of powers doctrine is quite straightforward. It says each of our three Legislative, Executive and Judiciary branches have their own

responsibility and authority, and it is inappropriate for any branch of government to interfere with the proper operation of a different branch, yet that's exactly what this bill does. This bill says to the judicial system, *You shall not issue an eviction warrant*. It directly conflicts with common law which was incorporated into our State Constitution, and interferes with a separate independent Judiciary. And by so doing, also interferes with due process. Looking at the particular statutory language, this bill would exempt and excuse any eviction as long as there are any executive orders that affect any gatherings of individuals of any size or any reason, which is an extraordinarily broad definition because, for example, if there's an executive order that lingers well after everything else is open but prevents people from, say, attending a Mets game because it's in a crowded stadium - think about that - this bill would say you're not subject to any eviction. You're not subject to any eviction if you can't go to a Mets game. That is an extraordinarily broad classification and way too broad. In determining who is eligible for this, they look at a difference in income that you had before COVID and during. But there's no evaluation over why that difference occurs or whether it is in any way related to COVID. So you could have been fired for a cause at the end of last year. I mean, maybe you were doing something entirely inappropriate, like driving a school bus drunk. Thankfully, that hasn't occurred in our State as far as I know, but it has occurred in other states or any other reason that you were fired. Under this bill you would be exempt from -- from any eviction. This bill

transfers ownership and possession from the landlord to the tenant by preventing the landlord from reacquiring his lawful possession of his own property even though the tenant's no longer paying any rent. The long-term implications to the real estate market are horrific. This bill will destroy the real estate market for many small landlords. Most of our Upstate counties do not have large apartment complexes owned by multi-million or billion-dollar corporations. It's a family that might own a couple of apartment units. Senior citizens who are relying on that income to keep them through. So if they issue a blanket exemption from any eviction for months, if not years on end, would be devastating. At the same time, this bill eliminates any remedy to get a non-paying tenant out so you can get a paying tenant in. It does nothing to address the fact that in September all these landlords are going to be getting a school tax bill, including all of the small landlords that only own a couple of units and depend on that rent to make their school tax. And three months later we get a county tax bill. And if this bill puts those landlords out of business, it's going to create even more of a housing crisis in those areas of our State that are already dealing with large homelessness.

Now, this bill says that you're not eligible if you have liquid assets. And presumably, that means you are eligible if your assets are not liquid. So what's a not liquid asset? It's actually called "illiquid." And it includes real estate investments. It includes land, equipment, machinery. Might even include private market fixed income. Now keep in mind, we already have programs in place to

help people who are in poverty. If you're in poverty, you're eligible under the Department of Social Services and our other programs for rental assistance. If you're working poor, you're already eligible. We have rental support programs. You may be eligible for Section 8 housing assistance. We have low-income housing. We already have a whole series of programs that meet constitutional requirements because it doesn't require a private owner to contribute, if you will, or allow their property to be seized. That's more accurate.

(Unintelligible) but instead, all those programs say if you provide your apartment to someone who can't pay and they are income eligible, we will help you. This legislation is not based on income eligibility.

There's no requirement that your income be a certain percentage of poverty. It's triggered if you suffered any drop in income. It's not based on your overall income. We've seen all across this State that individuals have received Federal financial assistance of \$1,200 that we've heard about. They've gotten -- if they were unemployed, they got unemployment, they got Federal unemployment. And all those programs reflect the proper and appropriate response of government, which is for government to directly help those in need. But this bill doesn't ask government to help those in need. It takes one group of people and says -- says to them, *You can no longer regain possession of your own property even if there's a tenant in there that's no longer paying, and you must allow them to stay on your property and use it without paying for months or even years.* That's not government helping those who need help. That's government ordering someone

else to use their private property at their expense to help someone that we think should be helped. It violates the First Amendment -- I'm sorry, it violates Article 1, the Contract Clause. It violates the Fifth Amendment. It probably violates the 14th Amendment. It violates the separation of powers, and it is grossly inappropriate and unfair to landlords, especially the smaller landlords who may not be able to survive this. And it is laying the foundation for a tremendous crisis with those landlords who are willing, under current law, to rent their apartments to those who may be on the edge of being able to pay for their apartment. So the rich, they'll always be able to rent an apartment. For the working poor, this will destroy the housing market that's designed and does today help them, and in the long-term will result in a destruction of the housing market and an increase in homelessness.

For those reasons, I will not be supporting this and urge my colleagues to also reject it. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Steck.

MR. STECK: Thank you very much, Mr. Speaker. I will -- I will try to be brief. There are a lot of good policy reasons for this bill. Unfortunately, I get a little bit annoyed when I hear miscitation of constitutional law principles against this bill. I want to begin by pointing out that the Impairment of Contracts Clause is totally incorrectly cited. The Impairment of Contracts Clause prevents government from using the legislative or the executive power to

abrogate a contract with itself. So in other words, if a construction company enters into a contract to do paving on the Thruway and the government doesn't have enough money, it can't pass a law saying, *We're not going to honor that contract.* It has nothing to do with economic and social regulation such as the regulation of the relationship between landlords and tenants.

With respect to the due process clause, due process involves both what we are doing now - this is a part of due process - and also what happens when you go to a hearing before a judge. That's due process. And when there's a compelling State interest for the government to take action, that is also something that goes into the -- into the due process calculus. I think we'd all agree that there's a compelling State interest in this crisis. With respect to just compensation, that would be a principle that would apply if the State were physically taking the property of the landlord. In this instance, the landlord is still able to get the monetary equivalent that is a judgment which can be enforced against the tenant. So there's absolutely no taking of property involved. I think one of the -- also, for example, an eviction doesn't collect rent. So the assumption is erroneous that if an eviction is stopped, that, therefore, the landlord will be able -- be able to get rent for the property in question. That is a big assumption particularly in Upstate communities where we don't have a housing shortage. And what I do want to mention, though there are two philosophical inaccuracies underpinning the argument, and one is that the argument that is really being made is that there

should be a freedom of contract and that the government shouldn't interfere in those contractual relations between the landlord and tenant. That was never in the United States Constitution. It was a theory that was adopted in the 19th Century which expanded concepts of constitutional rights to include stuff that was never written in the Constitution. And that theory was rejected at the time of the New Deal because it was used to prevent all kinds of recovery mechanisms that Roosevelt was using in order to try and help people in this country, and I submit, we are in exactly the same position now.

Finally, I would certainly invite any colleagues who would join me in any legislation that we might pass to raise revenue and address this terrible budget deficit that we have, and if we did raise revenue appropriately, then we might have some of the resources to help out the people that are suffering, perhaps even including landlords.

This is a bill that deals with the situation as it is. It provides for certain safeguards in court. It is not a blanket allowance for all tenants not to pay rent and escape eviction. And, therefore, I will be voting with the Majority on this bill.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Barron.

MR. BARRON: While the stronger bills we had that would have covered all tenants, a full ban against evictions, this one, when you have a no-fault eviction which can be five million tenants, are not included, and then they can garnish their check, which would

be a financial burden. So of the bills that were before us, this is the weakest bill. And for that reason, I'm not going to vote for this bill. I think we should've had a stronger bill. It should have included all tenants. We shouldn't be garnishing people's checks. So they're not being evicted. That's a good thing. But then they'll have a financial burden. And all during this pandemic crisis, corona crisis.

For that reason, I will be voting against this bill.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Dinowitz.

MR. DINOWITZ: Okay. First, I want to say thank you, Mr. Goodell, because I'm glad that you're open to the idea of providing direct subsidies to tenants. So, maybe that'll be something we need to do in the future. So we'll count on your support for that. You know, I don't think there is anybody alive in the Assembly -- in fact, I'm sure there's nobody alive in the Assembly who lived through the 1918 pandemic, or as the President calls it, the 1917 pandemic. And there are probably very few people in the Assembly who are alive or were alive during the Great Depression. But we are facing a crisis now where we have both a pandemic which has killed over 100,000 Americans in 12 weeks. That's way more than the number of Americans who died in both Vietnam and Korea combined, except this happened in 12 weeks. And if things continue the way they are, we're going to surpass the number of dead Americans from World War I. So none of us have ever -- ever experienced a crisis like this.

Now, I'm sure that Mr. Goodell's district -- I'm really

not that familiar with it, to be perfectly honest. I know that Lucy came from there. But other than that, I know that Mr. Goodell has said in the past that his district is closer to the capital of Ohio than it is to the capital of New York, and certainly much further away from the metropolitan area. The suffering that has taken place in the New York City metropolitan area, particularly -- particularly in the Bronx, Brooklyn and Queens, is unsurpassed compared to almost any other place in the world. And speaking as a lifelong Bronxite, I can tell you that in our borough - and I can't say that my area is the worst-suffering area - but the Bronx, as a whole, as we know, before this started we had the worst rates of diabetes, of hypertension, of obesity, of asthma in the State. We were number 62 in all the good things that relate to health and number one in all the bad things. This is before this started. But we know that this pandemic has exacerbated everything that people in the Bronx and other places were suffering from before the pandemic. And it's particularly severe in some communities based on race, based on ethnicity, and certainly based on poverty. And I think most of all, based on people's ability to access healthcare. The last thing we need to do now is to exacerbate that by forcing more people to become homeless. And as we know, if somebody becomes homeless, they are much more likely to -- to get the virus and to die from the virus. We should be doing everything that we're capable of doing to save lives, and that's what this bill is all about. We have -- in my borough -- in my district, in fact -- we have many, many, high-rises including City housing projects, buildings that may not be

in abundance in the 150th Assembly District, but certainly are in the districts throughout the Bronx and throughout the City. And one of the zip codes that has the highest rate, by the way, happens to be a zip code that the Speaker and I share, 10467. So I think we're living in -- in two different worlds in this State based upon the experiences that people have had relating to this pandemic. The bill is not an anti-landlord bill. It is not taking money away from them. It is simply trying to keep people from being evicted and keep people in their homes. I would hope that's something we would all want to do. And the bill simply says that if you accumulated back rent during the time of the emergency starting from March 7th until whatever date it is that the emergency is over according to the Governor, that that back rent would not subject somebody to an eviction, but they would be subjected to a monetary judgment, meaning they would owe the money, but it would be something they can probably pay out over time.

You know, I'm not going to address every last point that Mr. Goodell made, but I will say that when he talks about liquid assets versus non-liquid assets, if somebody has a whole lot of non-liquid assets, there's a good chance they have plenty of liquid assets, also. So I don't think this is a situation where people who are non-deserving are going to get a benefit here. The people who are going to get the benefit are the people who've been severely harmed financially because of this crisis who can't pay rent, and we want to make sure that they become homeless [sic]. The landlords do have a

remedy here, and the remedy is that they can get a monetary judgment and they can eventually collect that judgment. And for once, I wish everybody would decide that they're most concerned about the tenants -- not that we shouldn't be concerned about the landlords, but maybe the tenants, the average person that we represent, should come first. And I could tell you that as a person who has lived in the Bronx all of my life and who will live in the Bronx all of my life, we have to fight for places like that where we do have a high poverty rate and where we do have a high virus rate, because if we don't, then more people will die. And let's be honest. When we talk about 100,000 people who've died already, we all know, on both sides of the aisle, that many of those deaths could have been prevented if the right action was taken by somebody whose name I shall not mention here. But there is no need to cause more deaths than we already have.

So I would urge everybody to vote in support of this bill, to vote in support of saving lives and in support of keeping people in their homes.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Bichotte.

MS. BICHOTTE: Yeah, thank you, Mr. Speaker.

On the bill. You know, I want to say that, you know, I -- I will be supporting this bill that was introduced by my colleague. And it's a bill that prohibits the eviction of residential tenants, obviously, who have suffered financial hardship during the COVID-19 pandemic. Not to mention, we have to understand the state of our housing courts. I

mean, in Brooklyn it's horrible, deplorable. And there's no way, especially in this pandemic, that our courts would be able to accommodate tenants' constitutional right to be heard. So we've got to think about that, too. The -- as you know, the seasonal adjusted unemployment rate in New York State is 14.5 percent as of April 2020. Now, if this economy being in free fall (unintelligible) New York unemployed, you know, I mean, it's all -- many, many tenants are struggling to pay their rent. Okay? The -- this bill specifically would just prevent them from being evicted during this global health emergency and prevent them from being homeless. One on -- one in four New Yorkers are already facing food insecurity. And the stress of eviction during this time would also be unethical. And to an extent, unconstitutional. It would pose an additional risk to the public health. And as mentioned, around the country homeless shelters have been literally the COVID-19 hot spots. My colleague Mr. Goodell talked about there are services, poverty services like rental assistance and food assistance. I want to tell you, I know the system and there's a lot of bureaucracy. And even with the services that are available for -- for poor people, the vast majority of these people who are undergoing hardship would not even be eligible for these services, okay?

So, Mr. Speaker, this bill is -- is not unconstitutional. It's actually -- it's not -- it's not unconstitutional. It's doing the reverse, it's constitutional, okay? It's -- when we talk about unconstitutional we think about just a whole systemic economic disparities that really has shown -- everybody have seen the light of how large the disparity

is. The economic inequities. Overcharged rent, underpaid wages. I mean, this pandemic has -- is revealing some truths that's been in existence for a while. Now, I'm a landlord, too. I understand, and I get it. And trust me, I want to make sure that I'm protected. I've been a tenant for a while, a landlord. I've lived both walks of life. At the end of the day, the constitutional and ethical thing is you can't kick people out during this pandemic and create a whole homeless issue. This legislation provides protection for landlords while making sure our tenants are not displaced. Landlords will still be able to, again, as our -- as our sponsor of the bill said, obtain monetary judgments for unpaid rent that accrue during the time of the period. Tenants would remain stable -- stably located in the meantime. Not to mention, Mr. Speaker, you know, I heard of rent subsidies and a whole bunch of other things. Look, I am for relief for tenants. I'm for relief for landlords, okay? That's why we're going to be voting on a series of bills regarding mortgage forbearance and so forth. I'm for relief of mortgage holders. I'm for relief of business owners. I'm for full relief of the full spectrum. So if we're going to cure one end, we have to cure all ends. And today we're starting with one and then we're going to continue hopefully later on, and we're going to continue -- and we're going to continue to make sure that each person in that chain has some level of relief. Let the banks deal with it. But we've been bailing out the banks years and years. And again, the civilians, the regular people, have not benefitted. So let them deal with that.

Mr. Speaker, this is the first step. Nothing is perfect.

None of the legislations that we're -- we're voting on today are perfect, but we have to do something. We have to do something. So I just encourage all of my colleagues to -- to join us in helping to protect New Yorkers and -- and -- and helping New Yorkers be safe. We want to save lives right now. We are all in this together.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Johns.

MR. JOHNS: Yeah, thank you, Mr. Speaker. On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. JOHNS: I do want to help the working poor, especially those that have lost their jobs or their income has been cut during this crisis. But I believe there's a bill that might be coming out tomorrow that suggests that we could be giving direct vouchers to landlords and that money could be used, and only used, to pay rent.

Now, with the CARES Act that the President and Congress passed, they authorized \$600 a week in pandemic unemployment, plus whatever the State might give, which is up to \$504, there are some people that are making \$1,104 a week during this crisis. They're making more now by not working than others, the working poor, are making by working. So, I think a direct voucher, taking some of that money, which I believe the bill will be coming out tomorrow, and giving that money as a direct voucher payment to the landlord would be more effective.

Homeowners want relief, but when homeowners get assistance from the government that they're entitled to, they're going to pay the mortgage. They have equity in their home, \$20-, \$30,000, \$50-, \$100,000, they're not going to walk away from that house. But tenants don't own the place and if after three, six or nine months they're not able to pay the back rent, they can walk. But if you own a place and you're living in that place, that assistance will keep you in the place that you own. And I believe that we should have public assistance through this CARES Act in the form of a voucher to go directly to the tenants [sic], the tenants will be happy the rent will be paid, the landlords will be happy, the rent will be paid. And it'll be a whole lot better system than this bill is trying to institute.

I -- I believe in what we're trying to do, but I think there's a more effective way of doing it, and I hope to support that bill if it comes out tomorrow. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Garbarino.

MR. GARBARINO: Thank you, Mr. Speaker. Will the sponsor yield for a couple of questions?

ACTING SPEAKER AUBRY: Mr. Dinowitz, will you yield?

You -- you must un-mute to -- in order to respond, Mr. Dinowitz.

MR. DINOWITZ: There's two un-mute things on here. There's one that you put on and there's one that's on the bottom

left.

ACTING SPEAKER AUBRY: The bottom left.

MR. DINOWITZ: Anyway, that's right. Here I am.

MR. GARBARINO: Thank you, Mr. Dinowitz. I just have a couple of questions dealing with this -- this uses the word COVID -- "COVID-19 covered period". Can you go over what -- what that means, please?

MR. DINOWITZ: I already stated it, but I'll restate it.

MR. GARBARINO: Yeah.

MR. DINOWITZ: It says in the bill it starts March 7th, 2020 and it goes on until I -- until the Governor basically says it's over, 'til all the regions are -- have gone through their four phases.

MR. GARBARINO: So it has to be for all -- all regions have to go through all phrases.

MR. DINOWITZ: I -- I think within each region it -- so the bill could be effective in various regions for various points of time, so -- meaning New York City presumably would be the longest because we're likely going to be the last region to come out of those phases.

MR. GARBARINO: So the -- the Executive's Orders that are referenced in this bill deal with gatherings of people, you know, going to restaurants, going to sporting events, going to church. So, my question is there are different regions of the State, there's the North Country, there's New York City, there's Long Island, the Finger

Lakes, it's broken up into all different regions. Are we saying that a tenant in Albany cannot be evicted for failure to pay rent if New York City is not through all of its phases?

MR. DINOWITZ: I think I just said the exact opposite.

MR. GARBARINO: I -- I -- I'm not sure that's -- the way you said it, it didn't sound like that. So, if Albany finishes all of its four phases, they can -- they can do -- they can evict people for non-payment even though the rest of the State is not done with its phases.

MR. DINOWITZ: I -- I think so.

MR. GARBARINO: Is that the intent?

MR. DINOWITZ: The intent is to make sure that during the emergency period that people aren't evicted for non-payment of rent that accumulated during the emergency period.

MR. GARBARINO: No, I understand that, but my question is if the -- all the phases are over in one part of the country -- in one part of the State, but not over -- like, so let me -- here's a perfect example.

MR. DINOWITZ: It depends upon -- it depends upon what county you live in, and each county, which -- each of which is part of a region, but each county may have a different set of circumstances. So, for example, I think one of the earliest areas that the Governor started relaxing the restrictions was the North Country, I think, and maybe the Finger Lakes, for example. So this bill, the

effectiveness of this bill would last longer in, say, the Bronx.

MR. GARBARINO: Okay.

MR. DINOWITZ: Or Brooklyn, or Queens.

MR. GARBARINO: So my -- but my question is if somebody if -- if going to a Bills game in Buffalo, you know, it's prohibited, these Executives Orders are extended and back up until November or maybe the next year, you can't have full capacity at a Buffalo Bills game, but the North Country has been completely open for a year, technically the Executive Order still stands in -- in Buffalo. Are you -- because that Executive Order is still in effect, is the intent of this bill that somebody in the North Country can't be evicted for non-payment of rent? Or somebody can be evicted because they're not in that same region?

MR. DINOWITZ: Well, I don't want anybody evicted, but the bill --

MR. GARBARINO: They can't live for free.

MR. DINOWITZ: No, you can't leave for free, although most tenants don't get the same kind of handouts and subsidies that some landlords get, but separate issue for a separate time.

We're dealing with things on a county by county, region by region basis. So, it's not one-size-fits-all throughout the State, just like -- just like the Governor created -- designated these ten regions. So, we have to look at each county individually. So, that's why I said that in some counties, such as my own, perhaps this would

be effective for a longer period of time than, say, the North Country, as an example.

MR. GARBARINO: Okay. So just to be -- just to make sure we hit this point correctly, because I -- I think it's going to come down to what is said as the intent of the bill, because there's not the much language that goes along with the -- with this law here. If -- if no Executive Orders are still in effect in the North Country, if they finished all four of their phases, everything is re-opened, there's no more restrictions, but there's still an Executive -- there's still restrictions for New York City, the restrictions in New York City should have no effect as to whether or not somebody in the North Country can be evicted for non-payment of rent.

MR. DINOWITZ: I believe that would be the case, correct.

MR. GARBARINO: That's your -- okay, that's the intent. Okay.

Next, I just -- now I want to move over to a financial hardship. There's a couple -- there's a couple of -- and forgive me, I was walking over, so you might have answered this, I don't know if anybody asked questions yet, there's a couple of different things that count towards financial hardship, correct, in this bill?

MR. DINOWITZ: Yes; yes, that's correct.

MR. GARBARINO: Is -- do those financial hardships have to be tied to COVID? You know, does it have to -- does the -- does the -- does the change in income, does the law -- the

tenants liquid assets, the change in that, does that have to be tied to a COVID-related reason?

MR. DINOWITZ: What under what circumstances would it not be tied to COVID?

MR. GARBARINO: I go to --

MR. DINOWITZ: -- in the first place?

MR. GARBARINO: I fly to Vegas and lose all my money at the casino and come back and now I have no more liquid assets.

MR. DINOWITZ: The -- the answer to your question is no, but in -- in reality, you know, you can come up with silly, I don't want to say (inaudible) silly, but -- but silly examples of what theoretically and hypothetically could happen, but you and I both know that in 99.99 percent of the cases, this is exactly what we're talking about, people who've lost income because of COVID, not because they flew on a plane which hasn't been flying much lately anyway to Las Vegas to lose money.

MR. GARBARINO: So the judge -- it would be up to the judge pretty much to see whether or not a financial hardship exists, so if -- if those facts --

MR. DINOWITZ: The judge has to examine the facts and circumstances --

MR. GARBARINO: Yep. Okay.

MR. DINOWITZ: -- of the case if it goes to -- to a court.

MR. GARBARINO: So just because of the loss of liquid assets or decrease, the judge can still say, *Well, that's not a financial hardship due to COVID, so it doesn't count.*

MR. DINOWITZ: The judge could say -- I mean, the judge is going to -- would look at the financial records of the individual.

MR. GARBARINO: Okay.

I want to move over to another part. If -- can a landlord get a judgment of eviction if the tenant breaks the lease in another way? For example, in addition to not paying rent, they're also dealing drugs out of the apartment; can they get a eviction for -- a judgment of eviction for breaking the lease in that -- in that way, or just, do they get to call that a financial hardship in that situation as well?

MR. DINOWITZ: Well, I -- I think, once again, that would be a matter for a court to determine. They'd have to look at -- at the circumstances, but certainly selling drugs is probably not COVID-related, but other things may be.

MR. GARBARINO: Okay. So if they -- if they can -- under this bill, under this law, a landlord could get a judgment of eviction for breaking a lease another way if it's not COVID-related, and I'm -- I mean, it doesn't have to be COVID-related, it could be somebody could go in there and say they're dealing drugs because they lost their job because of COVID. That -- I hope that wouldn't count, would it?

MR. DINOWITZ: I don't know where you come up with these things. A landlord --

MR. GARBARINO: I -- I'm an attorney. I -- I think of these things so I can use them as a defense later on.

MR. DINOWITZ: Well -- well, so am I and I think of the things that have been mentioned are quite remarkable.

MR. GARBARINO: Thank you.

MR. DINOWITZ: I -- I would say that the -- the hardship has to be COVID-related and to suggest that somebody is committing a very illegal act and you're dealing drugs because they lost income, I don't think dealing drugs would be considered COVID-related in and of itself.

MR. GARBARINO: All right. Wonderful, thank you. And the last -- I -- I represent a good chunk of Fire Island and I know Assemblyman Thiele has the East and Assemblyman Palumbo, where we have a lot of summer rentals, I know that Upstate has a lot, as well, not just year rentals, but month-to-month, some of them even weekly rentals where there's, you -- you go in on a Sunday, you leave on a Saturday, but you're done. If someone rented a house for a week in June on Fire Island here, they paid for that full week, the lease expires, because it's a temporary one-week lease, and there's no -- and they -- but they decide not to leave and don't pay, does that -- does this bill say that they can't get a judgment of eviction if they claim COVID?

MR. DINOWITZ: So you're asking if somebody who

had the financial means to rent a house on Fire Island for one week, and -- and then you're asking if they would then use the defense of COVID and financial hardship, having the money to rent the house on Fire Island for a week, you're asking if they would be protected. Well, if I were the judge, I would say no.

MR. GARBARINO: So if somebody rents a house on Fire Island under this bill, they stay for the week, they pay for the week, but then the week later they say, *We're not leaving, COVID financial hardship*. And I'm not saying that I think that a lot of people are going to use this law are going to, you know, use it for the right reasons. I just know you -- and we -- as you know, as an attorney, people like to use laws to their advantage even if they're not just in doing it -- doing so.

So, that -- that's the reason for my questioning. People that are trying to take advantage of the system, we're seeing it already, I'm sure you've heard in your conferences of Assemblyman Thiele talking about issues in his district. So, my question is if somebody pays for that full week, but then decides they're not leaving from their -- from the summer paradise because -- and they claim COVID, they shouldn't have access to this -- this legislation, correct?

MR. DINOWITZ: Well, you don't get to stay forever, number one, and, number two, by the time that -- I don't know what stage Suffolk County is in right now with those -- with the four phases, but what I do know is that we're talking about protecting thousands, tens of thousands of people, perhaps, and you're citing

extreme odd examples in order to possibly undermine the need for protecting thousands and thousands of people from eviction when they shouldn't be evicted and made homeless and possibly --

MR. GARBARINO: No, I'm -- I'm not bringing odd examples, I'm -- these examples have been reported in -- in the newspaper. These are things that are actually happening, people are taking advantage of the current moratorium. My -- I'm not saying change the bill, not do the bill, I'm saying should they be awarded the -- the -- you're -- you're -- I know who -- I understand who you're looking to protect here, the people I'm describing to you doesn't sound like the people that you're trying to protect. So I'm saying, should they be able to fall under -- is it your intent that they be able to fall under the same protections of this bill?

MR. DINOWITZ: Well, the -- the example you just described is not the same as other examples, because the person that you mentioned, or the example that you cited, was an individual who had the right to stay there for a week. I'm -- we're not talking in this bill about people who stay past their lease or whatever agreement they have for a week; we're talking about people who have a lease who simply weren't able to pay the rent during this, you know, three-month whatever period of time that we have. What you're citing is something which I really don't think is so relevant to what the bill says.

There -- there are other ways of -- of trying to deal with that person, but I don't think this legislation is going protect

them. It's not a ban on evictions forever, either, it's only a -- a ban for a -- for rent owed during a limited period of time, not, you know, in -- for the indefinite future. And that period of time is going to come to an end at some point relatively soon it seems.

MR. GARBARINO: Yeah. But people don't rent houses on Fire Island or -- or out in the Hamptons or on the North Shore in January, they rent them in June, July and August so this bill is -- this bill does affect in that way because they won't -- we're not going to be of this by August based on the -- the Governor's current Executive Order anyway.

So my question is if this continues to go on much longer, I just want to make sure that people, like the example I said before, people who are trying to game the system to have a summer -- a summer paradise. A lot of these places, people that -- a lot of these homes that these people rent, these are small landlords. These are -- these are not big-building landlords, these are people who have a family home that they were -- they're lucky enough that their grandparent left to them and this is how they pay their real property -- this rent is how they pay their real property tax, this is how they pay their mortgage on property. So, I just want to make sure that people who are gaming the system can still be evicted and just don't get to say, *We're not paying rent and now we're claiming financial hardship*. That's just my -- that's my concern.

MR. DINOWITZ: Mmhmm.

MR. GARBARINO: But I think -- I think you

answered that the bill is not -- is not intended to protect them, it's only --

MR. DINOWITZ: I think there are always going to be people who game a system, unfortunately, But I -- I do believe that the -- as this bill affects people, it'll be for the people who are truly deserving and in need, and I think we wouldn't be doing our job if we didn't come up with creative ways to try to make sure that we don't create a -- an explosion of homelessness. And -- and for the people who may be looking to rent a house for a week in Fire Island in July or August, it could very well be that the -- the stage four is over with in -- in Suffolk by that point anyway. So it -- those questions may be totally moot.

MR. GARBARINO: Okay. Thank you very much.

ACTING SPEAKER AUBRY: Thank you.

Mr. DiPietro.

MR. DIPIETRO: Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. DIPIETRO: Yeah. I want to start out by saying I'm a tenant -- or, excuse me, I'm a landlord, and personally what I've done, because I'm in a better financial position than some of the people we talk about is I've just told my tenants when this is over, you pay me when you can, we'll put it on the back side of the lease and we'll catch it up at the end. And I know that's not everybody that does that, and I understand that. I guess what we're trying to sort out here is people that game the system.

I also want to bring up when someone mentioned the 1918 pandemic, it's really apples to oranges. If -- people that know about the 1918 pandemic, first off, one -- one-in-three in this country got it. That's -- that's a third of the country. And (inaudible) in a rural area, you got it. It -- it affected everyone. It -- it affected children. But this pandemic we're finding out it really doesn't affect children, but the -- the pandemic of 1918, one in three. And the ones that got it, one-in-three, 20 percent of those died. So that was a real -- that was a lot different than what we have here today. So, I just want to make sure people understand that that's apples to oranges when you talk about 1918, especially when you go into other things like the social distancing, hygiene especially, people back then took baths maybe once every month, didn't wash their hands, all that type of stuff. But that was a real -- a lot different.

The -- I wanted to say was the -- we're at a point now where I've got eight, I've had about eight or nine people call my office. Every single one of them has no more than four units, so up here at this end of the State is -- is we're dealing with a smaller sample. We don't have a billion dollar millionaire that own all these complexes. These are people that I've talked to and everyone of them called because they were scared about this bill, because they've got a -- a cottage house next to their home that they rent out. Seven out of the eight are retired, this is their income. This is what they need to survive and they're afraid that if they -- if something like this -- up here it just doesn't work. And that's what I'm trying to say.

We -- we deal with a lot of these issues every week, every day, and this is a prime example of something that should be New York City centric, not for the whole State. But like everything else we do in Albany, we try to impose what's good for New York City on the rest of the State and many times it falters and it fails, and it causes a lot of hardship. And the people up at this end of the State know that. So when we talk about what's going in the City, which is crazy when I follow the numbers every day from Albany DOH, I also post about the number of counties up -- up around the rest of the State. And I'm sure if you're in New York City, you probably don't realize, I have the numbers in front of me that just in the last six, seven days, we're over almost 17 or 18 counties that in one week had less than five or six cases in a week. Two counties had zero in a week, okay? Four counties had one case in a week. So, you're looking at 20. If I go up to say 15 to 20, 25 people in the last week, we're looking at over 30, 33 counties, which represent over 70 percent of the mass of the State.

So when we go to New York City, what's going on there? It -- it's 100 percent, 1,000 percent different than what's going on in the rest of the State. And that's why I think there's such a kickback up at our end with opening and getting things moving a little quicker, because you have literally places here we have a 100 square miles without one case. And -- and I think that's why something like this, it just needs to be said that, you know what, I think there's a lot more support if we say, hey, let's let -- this is a New York City problem and let's get it to New York City, okay, because they're best

at taking care of it, but don't put it on the rest of the State.

You know, another comment someone said which I think defines the divide between the parties in a lot -- they said, you know, we're always looking at ways to raise revenue, you know, when I'm -- when I'm one of the people that I'm always looking at ways to make things better and possibly cut, okay, and looking at a cutting the waste, the fraud, the abuse, looking at a program and saying does it actually work instead of just saying let's throw more money at it, and I think that's one of the reasons the State's in the position it is.

So, with that, I'm not going to support this bill and, you know, but I understand why New York City might because it's a different ball game up there with huge high-rises in -- in different areas, but up here, it's not. So, with that, thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Manktelow.

MR. MANKTELOW: On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: Sorry, I didn't hear you.

ACTING SPEAKER AUBRY: No problem.

MR. MANKTELOW: Yeah, pretty much -- pretty much, everything's been said already, but I do want to share a few things, a few items that have been said here in the last half hour or so. I live up in the Finger Lakes area, we were very fortunate to be one of the areas that opened up first, and meeting with a lot of out people in our areas, and especially the landlords and the tenants on both sides,

I'm understanding what's really going on. And this is a great bill, it's a great bill for tenants. I think, like one of my former colleagues just said -- the prior colleague just said in certain parts of the State definitely need it. After spending two days down in New York City last summer looking at some of the housing situations and -- and what they have there and what's so different in Upstate New York versus Downstate, but, we are all New Yorkers and we are all in this together and as -- as the sponsor said, we need to do our jobs, we need to do it for each and every person of the State.

So, when we come up with a bill like this, I just don't really understand why it's only for the tenant. Constantly we keep hearing "for the tenant, for the tenant". Well, the landlords have the same issues without having money come in -- coming in just like the tenants. And if we're not willing to do this altogether as one or two bills at the same time, how are these landlords going to survive, especially in our area. And one of the comments was well, the banks, we've been paying the banks, we've been paying the banks, we've been paying the banks, and now it's their turn to pay. That's not the case in Upstate New York. We don't have the -- the multiple pots of money sitting someplace in the corner, whether you're a banker or a landlord, a tenant or a homeowner, we just don't have that with our population in our area leaving the State to -- to go south all the time. We just don't have that economic drive, and we're trying to do that.

And I have grave concern as we move forward with this bill that, again, in our area we have more tenants -- I'm sorry, we

have more housing than we have tenants. And they just go around and around, especially in my area. They'll go from one community to the next to the next and just continually not pay and not pay and go to the next area in -- in the next town over. And we just need to make this work together. And I do have concern if we don't help our landlords out right now along with this bill, if we have a bill tomorrow that comes up and we need to support those landlords so we can make sure they don't go away, because most of them are doing a great job, most of them are working with the tenants, working hand in hand together, and I know there's a lot of pride on both sides of the aisle whether you're a tenant or a landlord. And we just don't have that in our area and we just need to make that work for our landlords.

You know, we -- we need to do our job exactly right, and our job is to make sure we don't lose our landlords because then we are going to have an explosion of homeless people because these -- these housing rental units are going to go away. Our landlords do not have the money bank to take care of all the costs that they're dealing with each and every single day. And then if it does end up in court, more than likely the landlord's going to have to fit -- or pay for most of that cost; the tenant's not going to have the money. And the tenant gets a lot of help and that's great, some tenants do need it.

But I just want to makes sure we work hand in hand with our tenants, with our landlords, with our bankers and with everybody throughout the State. And some day we need to come up with a way, as a couple of the colleagues said earlier, that just because

we're in a different part of the State doesn't mean we're not just as important or that we can't make these things work, but they don't always work together. And just I just feel that this one-size-fits-all all the time doesn't work, and we're going to continue to push that moving forward.

So, please, as we move this bill forward, we need to come up with a way, and I hear there's some bills coming up tomorrow that's -- that could be possibly helping our landlords, but what I'm afraid of is we pass this tonight and then we come to the landlord bill and it doesn't pass, then what, then where are those landlords? We have a -- we have an obligation to each and every one, whether you're a tenant, a landlord, a homeowner or -- or whatever you do in this State, and just sometimes I think that the business owners and landlords and bankers, everybody seems to think they have deep pockets. Well, maybe down in Wall Street they do, but definitely not in our rural areas in Upstate. And I just want to make sure we're looking out for them and to make sure we are willing to do something for them. And I -- I offer this out, you want help, I'll be more than willing to help any one of you work on some legislation to make sure we do help them, make sure it's -- it's equal, because there are some bad apples on both sides. And let's go after the bad apples and let's not hurt everyone that's doing a great job.

So, thank you, Mr. Speaker, and I will not be supporting this bill because I want to make sure there's other parts that we help with the -- with the landlords and the other people involved.

So, thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Abinanti.

MR. ABINANTI: In tough times, Legislatures have to make tough decisions. Right now, I use as the standard keeping our community functioning, and our community is the State of New York, not just individual parts of it. We've heard people talk about the problems in New York City, we've heard people talk about the perspective of Upstate New York. Well, I represent in between. I represent the suburbs. But I also have tenants who could very much benefit by this legislation. The countervailing problem is most of the landlords in Westchester County are like the Upstate landlords we've heard about.

But unlike some of my other colleagues, I'm looking at this as a package, and we all have to come together and support the entire package. We have to address each component perhaps separately, because they come from different Committees and we have different people working on them, but we've talked about property tax abatements. Tomorrow we're going to talk about mortgages for owner-occupied residents. So, right now, we're focusing on how do we help the tenants?

So I see this as a package. I'm planning to support the entire package, and I'm hoping my colleagues who are concerned about individual pieces will also look and support the entire package so that our whole community can move forward. When I look at this

bill specifically, I think it's a pretty well-drafted bill. It provides a reasonable definition for the period when this relief is available; it narrows it down to a county level so that a county that is now back -- has finished Phase 4 and is fully open, will no longer be restricted by this; it provides a reasonable standard for the courts to measure whether the hardship is one that is covered by the bill and whether it's COVID-related. So, I think it's provides a pretty good framework for this Legislature to use and to move forward.

And it also attempts to balance the hardships that are going to occur as a result of COVID. We have people, who because of circumstances beyond their control, lost what was previously stable income through no fault of their own, and they can't find another job. We've got to keep them in what is their home. We can't say, *Too bad, you're collateral damage*. This is a place where they've lived, this is a place where they want to stay, and we've got to help them stay there. And as I said, this is going to put some hardship on those small one, two, three, four-family owners.

But we have other bills that are coming down the line. And this Session hopefully is not just two days. We're dealing with a series of bills today and tomorrow, but this Legislature is not going to stop working. If we're not going to solve all of the problems today and tomorrow, we legislators are going to continue looking at these problems and drafting legislation to resolve the issues that we haven't solved in these two days. But my colleagues have already referred to a bill that is hopefully going to be passed tomorrow which

will provide some -- some -- some monetary relief so that the landlords who find the tenants under this bill will not be evicted, those landlords will get some money from the State to pay the rent for these people who can't pay their rent.

So, Mr. Speaker, I will vote in the affirmative on this bill. It is part of a package. It is a well-drafted bill just on its own, and I hope that we can pass the entire package and provide some support and keep our State community functioning until we come out of this COVID crisis.

ACTING SPEAKER REYES: Assemblymember Glick.

MS. GLICK: Thank you, Mr. [Sic] Speaker. You know, I've listened to this and I just want to say a few things about the reality of people on the ground, whether they live in New York City, Long Island, or in the Finger Lakes, or in the Capital Region, or the Western part of the State. I do not believe that we have reached a point where bars and restaurants are open, museums and other entertainment venues are open. All of the people who worked in those, regardless of where they live in the State, are out of work. They're out of work. It doesn't matter whether you are Downstate or Upstate, there are a whole range businesses that aren't happening now. Those people, working people, are not making any money. Yes, they're supposed to be getting their unemployment insurance. Well, I don't know about you, but my office has had a lot of people who have applied and, for whatever reason, have not actually gotten their

unemployment yet. So they're not rolling in the money, they don't have \$1,000 a month that's coming in, they are struggling.

And the one thing we learned -- you know, this isn't the first time that we've had a health crisis that has been ignored by the Federal government. During the AIDS crisis, we had a President who didn't mention it 'til hundreds and maybe thousands of Americans had died. The words never passed his lips. What we learned was that if you are sick, the number one thing you need is housing. You cannot be tossed out on the street if you're sick, or if you have a family member who is sick.

This has been a profound, profound disruption of everybody's life, not just in New York City. While we may have been a more dense location and had larger numbers, there are people who have died in other places and they may have been the breadwinner. So, I appreciate -- and on every meeting that I participate in, I remind people that if you have your job, you have to pay your bills, because that is crucial to stabilizing the economy. So whoever has a job has to keep paying their bills, but if you don't have a job or you and your spouse don't have a job, and the unemployment hasn't come through, you don't have the ability to pay. And you should not lose your housing, because that doesn't benefit anybody, it only puts more pressure on the government, the county, to do something about it.

So this is, hopefully, more time limited than something that rolled out for years in the AIDS crisis, which was not limited to only certain people, this has been something nobody has

experienced, certainly people who went through the Depression, there may be some of our constituents who can tell us stories about that. This is also going to change people's behavior. And it's not clear that all of the businesses that went out are going to survive. So people who think, you know, if I can -- if the -- *If the State could just let my area reopen a built little bit more, if we could just get more than curbside retail we'll -- we'll be fine.* That -- that may not happen.

So, this isn't the end of the road and, in many instances, New York City may be more resilient, and you all better hope that it is because that's what carries the freight for the State Budget. So, I just urge people to think more broadly and understand, understand that regardless of where people live, if they've been impacted, they've lost their job, they don't have the money for their rent, they have should have forbearance. And tomorrow, we'll try to deal with a too modest, because we're not getting any help from the Federal government yet, a too modest subsidy, rental subsidy, that will go to the landlords.

So, I urge people to support this bill and to think about how you would feel if you had lost your job through no fault of your own and now you're being told you've lost your housing. It's just not smart for us to do that to people. I will be happily voting in the affirmative.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Mr. Speaker, we request this be a slow roll call vote.

ACTING SPEAKER AUBRY: Mr. Goodell has requested a slow roll call. Members are asked to cast their votes. The Clerk will record the vote slowly.

(The Clerk recorded the vote.)

(Whereupon, a slow roll call was called.)

MRS. PEOPLES-STOKES: Madam Clerk, don't we have to see the members' faces when they're voting?

THE CLERK: Yes.

MRS. PEOPLES-STOKES: Okay, because Abinanti was up there for a minute.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I just want to remind colleagues in and around the Chambers and even those who are remotely at home that this is the first slow roll call of today, meaning that everyone will have to have their face appear on the screens in front of our monitors in Chambers before casting your vote. You're going to be called individually, so we all know exactly what our name is so we'll know it's in alphabetical order, you'll know when you should be in and around in front of your remote system so that you are prepared to cast your vote. For that, thank you, Mr. Speaker. This is a slow roll call.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes. Slow roll call. Please, if you are -- wherever you are,

please pay attention, we require you to vote in person. State your name and vote.

Go ahead, Madam Clerk.

(Whereupon, the Clerk continued the slow roll call.)

MRS. BARRETT: Yes. (Not appearing on monitor)

ACTING SPEAKER AUBRY: Name and vote. And we need to see your face.

There it is. Name and vote.

THE CLERK: Mrs. Barrett.

(Mrs. Barrett appearing on monitor - no sound)

(Pause)

THE CLERK: Mrs. Barrett.

MRS. BARRETT: Yes.

ACTING SPEAKER AUBRY: Mrs. Barrett, you must state your name and your vote so we can pick you up.

MRS. BARRETT: Okay. Assemblymember Didi Barrett and I'm voting yes.

ACTING SPEAKER AUBRY: There we go. Thank you so very much.

THE CLERK: Thank you, Ms. -- Mrs. Barrett.

Mr. Barron.

ACTING SPEAKER AUBRY: Mr. Barron to explain his vote.

MR. BARRON: I want to vote no on this for this reason: One, are we really helping these tenants? Harvey Epstein had

a bill that included all tenants. This bill leaves out five million no-fault eviction tenants. This bill is going to have tenants pay a financial burden at the end for back rent when they're unemployed and don't have the money. There's no rent relief in this bill. We can't be -- keep coming up short when we have monies that can pay rent relief, cover all the tenants and cover all types of evictions. I don't want people to think they really got something when the Governor already said for three months that they can't be evicted, but even at the end of his three months, how do you pay the back rent?

We should have had rent relief in here. It should have covered all of the tenants and foreclosures. This bill doesn't do that. We had a Epstein bill. I think Aubry had a bill that was better than this. And we all have to settle for this. I'm voting no to make a statement. This bill is going to pass, but we have to stop doing this. We're going to hurt these tenants at the end. If they're unemployed already, they don't have the money, how are they going to pay all of these back rents that's not going to help them at all when you have a financial judgment can be made against them?

So, I think that when we see what has happened to tenants in this COVID crises, when we see all of the stuff that's going on with the -- particularly the black and brown struggling communities, we have to come up with bills that have rent relief, covers everybody, and bills that will not have you pay a financial burden at the end of this. It may -- may feel good now because you can't be evicted, but at the end, you're going to pay when you don't

have the money to take care of all of the back rent that has accumulated.

So, I will be voting no in this and encouraging us to do better. Let's do Harvey Epstein's bill or --

ACTING SPEAKER AUBRY: Thank you.

MR. BARRON: -- Aubry's bill.

(Whereupon, the Clerk continued a slow roll call.)

THE CLERK: Ms. Cruz.

MS. CRUZ: Catalina Cruz, yes, urging us to continue working to make sure that we meet all those needs that were described by Member Barron. I firmly believe that we could be doing better and should be doing better because the rent is going to come due. And so, while this is helping a little bit, there's so much more that we need to do.

(Whereupon, the Clerk continued a slow roll call.)

THE CLERK: Ms. De La Rosa.

MS. DE LA ROSA: Carmen De La Rosa, yes, and joining my colleagues in urging us to do more to make sure that folks are not displaced from their homes. Thank you.

THE CLERK: Thank you. Ms. De La Rosa, yes.

Mr. DenDekker.

MR. DENDEKKER: Assemblymember DenDekker, I will also be voting in the affirmative. And I also have the same concerns that we could be helping more, but by voting no is not the way to do it and making a statement. I think the correct thing to do is

to help as many people as we can and if this bill helps just a few people, it's a start. And to vote no and not help those few people is wrong. I hope we do more.

(Whereupon, the Clerk continued the slow roll call.)

THE CLERK: Mr. Epstein.

MR. EPSTEIN: Yes. So I -- I just want to reiterate what we've heard from our colleagues around -- while this is helpful and I really appreciate the Assemblymember Dinowitz's bill, I think we need to go a lot further to protect so many more New Yorkers. I think there's so much more we can do to extend the eviction moratorium and not seek eviction from people, especially during these crazy times. I am for -- I'll be voting yes. I hope that we continue to have this issue alive and do much for the tens of thousands of renters who are struggling every single day in New York. Thank you. I vote in the affirmative.

THE CLERK: Thank you, Mr. Epstein.

Ms. Fahy.

MS. FAHY: Am I -- now, you can hear me?

THE CLERK: Yes.

MS. FAHY: Okay. I just want to say that, again, this is Pat Fahy, I vote yes in the affirmative, but I want to add a brief statement that I do share concerns that were raised on both sides here. One, that we need to do much more. Very much recognize that we need stimulus dollars from the Feds and we need to not only address more with regard to rent relief, but we must address the -- those who

are the owners, especially of smaller properties, the -- the landlords that may have one, two or even ten units, because of the ripple effect here of not being able to pay rent. It will just continue to affect local economies.

So, we very much need to look at this in a much broader way and we truly need that rent relief assistance from the Feds in order to go further. So, we can't forget the landlords, we can't forget that mortgage relief. Thank you so much.

(Whereupon, the Clerk continued the slow roll call.)

THE CLERK: Ms. Fernandez.

MS. FERNANDEZ: Thank you. Assemblymember Fernandez, I share the sentiments that this is only step one and much more needs to be done to really help all New Yorkers, but I vote in the affirmative.

(Whereupon, the Clerk continued the slow roll call.)

Mr. Gottfried.

MR. GOTTFRIED: This bill may be only one part of the answer to the problem, but it's a very smart and important part of the answer and I vote yes.

THE CLERK: Thank you. Mr. Gottfried, yes.

Mrs. Griffin.

(No response)

Mrs. Griffin.

MRS. GRIFFIN: Finally. Let me un-mute. Yes, Judy Griffin is voting yes and I look forward to the other parts of this

package that offer relief to homeowners and landlords. Thank you.

THE CLERK: Thank you. Mrs. Griffin is in the affirmative.

Mrs. Gunther.

MRS. GUNTHER: I'm voting yes, but I think this bill is flawed and the fact is that in Upstate New York, we have small landlords for -- for some of these buildings and their -- their taxes will come through and they have mortgages. And so, this doesn't do enough to help those folks that have worked all their lives to own these pieces of property. I'll vote yes and I hope to work on a bill that will also address all of the issues, not just some of the issues.

THE CLERK: Thank you. Mrs. Gunther is in the affirmative.

Mr. Hawley.

MR. HAWLEY: Yes, I concur with Aileen's comments; however, voting yes on this bill sends the wrong message and does the wrong thing, so I will be voting in the negative.

THE CLERK: Thank you. Mr. Hawley is in the negative.

(Whereupon, the Clerk continued the slow roll call.)

Ms. Hunter.

MS. HUNTER: I'm voting yes, but I definitely feel like there is much, much more work that we need to do. I definitely see that with some of the -- the folks that we have who are able to pay and hearing from my landlords who some are working and who are

not paying, that there is relief and help for -- for some of those folks. Generally, the problem that we're having in Syracuse is not that folks aren't paying, that they're just having a paying now because the unemployment monies has taken so long for it to get to people. That is the reason why they have not been able to pay.

So, I think if we're having conversations about helping tenants and making sure they don't get evicted, we definitely need to be doing something about the Department of Labor and working to get people paid their money so that they can pay their rent. But I will be voting in the affirmative.

THE CLERK: Thank you. Ms. Hunter is in the affirmative.

(Whereupon, the Clerk continued the slow roll call.)

Ms. Jaffee.

MS. JAFFEE: Yes. Of course we still have work ahead of us, but at this time it's a good way to begin and I vote yes.

THE CLERK: Thank you. Ms. Jaffee is in the affirmative.

Ms. Jean-Pierre.

MS. JEAN-PIERRE: Yes. Kimberly Jean-Pierre in the affirmative, and I do agree with some of my colleagues, we need to do more for our small landlords. In the affirmative. Thank you.

THE CLERK: Thank you. Ms. Jean-Pierre is in the affirmative.

(Whereupon, the Clerk continued the slow roll call.)

Mr. Lavine.

MR. LAVINE: We cannot encourage or enable wholesale evictions of those who have lost their work simply because of the pandemic. That will destabilize our communities, our State and our nation. We have more to do, and we will do everything we can at the present time within the constraints of the funding sources that we have available. We will need more funding, and that is obvious. I vote in the affirmative.

THE CLERK: Thank you. Mr. Lavine is in the affirmative.

(The Clerk continued the slow roll call.)

Mr. Lentol.

MR. LENTOL: This is Joseph Lentol and since the Federal government continues to shirk its responsibility to landlords, tenants and small businesses, I'm compelled to vote yes.

THE CLERK: Thank you. Mr. Lentol is in the affirmative.

(The Clerk continued the slow roll call.)

Mr. LiPetri.

MR. LIPETRI: Mike LiPetri, let's open up New York and then people can get back to work and pay for the rents they're relying on government. I'm a no.

THE CLERK: Thank you. Mr. LiPetri in the negative.

(The Clerk continued the slow roll call.)

Ms. Malliotakis.

MS. MALLIOTAKIS: Yes, Nicole Malliotakis, I will be voting in the negative. And I just want to also point out to my colleagues that there are small landlords out there who are really struggling right now. They don't have the ability to pay their mortgage. They don't have the ability to pay their rent -- their water bills, they don't have the ability to pay their property taxes, and this is only going to make it worse for them. So, we really need to start thinking of solutions that will help everyone across the board.

And I was on a call the other day with small property owners, the majority of them were minorities in our City, many of them were immigrants who worked hard their whole lives to purchase property, to achieve the American Dream, and that's all going to slip away from them, okay? They need this rental income, and I understand that people are having difficulty.

I agree with my colleague that spoke earlier about helping people, making sure they get their unemployment checks and getting the support they need, perhaps a voucher to pay for their rent. But, you know, this in itself is really going to hurt a lot of people, particularly those that this Body aims to protect, those immigrant minorities who came to this country, worked hard to achieve the American dream. So, I -- I just ask you to consider that as well as we move forward with making policy. Thank you.

THE CLERK: Thank you. Ms. Malliotakis in the negative.

(Whereupon, the Clerk continued the slow roll call.)

Mr. Mosley.

MR. MOSLEY: In lieu of all that is happening and the fact that this is a part of a large -- much larger conversation to stabilize our communities and our -- and our State as a whole, and understanding that this will be, I believe, the first of many dominos to fall, both here Statewide as well as from Washington, D.C., I vote in the affirmative. Mr. Mosley.

THE CLERK: Thank you. Mr. Mosley in the affirmative.

Ms. Niou.

(No response)

Ms. Niou.

MS. NIOU: Yes, I -- oh, sorry. I have to start my video, I guess. I wanted to say that I -- I am a yes, but I -- I have a lot of concerns, the same as my -- my colleagues, because I think that this is a -- a first step. There was a couple of bills I felt like were better. I don't feel like this really protects unregulated tenants and it also I -- I fear, will allow for folks to garnish wages if folks are -- ended up in court. So, that's my fear and I hope that, you know, we can work something out about that. So, thank you, and I vote in the affirmative.

THE CLERK: Thank you. Ms. Niou is in the affirmative.

(Whereupon, the Clerk continued the slow roll call.)

Mr. Ortiz.

(No response)

Mr. Ortiz.

MR. ORTIZ: Can you hear me? This is -- this is Felix W. Ortiz. I'll be -- I will be voting on the affirmative, but just remember we have 4.4 -- 5.4 million renters in the State of New York. I have a lot of reservation about this bill, but this is the first step in the right direction and I know we will be coming back to do more for our tenants. So I will be in the affirmative.

THE CLERK: Thank you. Mr. Ortiz is in the affirmative.

Mr. Perry.

MR. PERRY: Mr. Speaker, this bill is a commendable attempt to deal with a real crisis. The crisis is much, much more than we actually are doing here because it leaves not only the tenant but the landlord in a lurch. At the end of the game the landlord might not get paid, the tenants may still face an unsure prospect of an eviction hanging over their heads. I commend the sponsor for this valiant attempt to fix a real problem, but I join in sponsorship because voting no will not help in any way at all. There will be no relief, while passage of this bill will provide some help. Although this is not as complete or adequate as it should be, I think we need to return to the drawing board and fix the problem so small property owners who will need their rent to pay their bills will see we are serious about addressing their concerns. So I have proposed a more complete bill that will have rent -- rent assistance that will be

paid to the landlord once the tenant is found eligible. And I propose that we take the money from the \$16 billion bag of unclaimed funds hanging in the Comptroller's office. Money that can be used to adequately deal with this crisis, address the problem. Money that we can pay back. We should not ignore this money which is certainly available. Don't leave tenants by inadequately helping them and leaving them in a debt they will not be able to pay back, while at the same time hurting small property owners by depriving them of the rent they will need to pay their bills.

Mr. Speaker, I vote yes.

THE CLERK: Thank you. Mr. Perry is in the affirmative.

(Whereupon, the Clerk continued the slow roll call.)

Ms. Richardson.

MS. RICHARDSON: Thank you so much. You know, Mr. Speaker, I -- I know that we can all attest that COVID-19 has come into all of our lives and turned everything upside down. I've heard some of my colleagues speak this evening about government handouts as though folks wanted to lose their jobs and be on hard economic times. I've also heard comments from other of my colleagues on the other side where they've expressed concerns that the bill doesn't go far enough to help as many renters as we would like. When I look at the 43rd Assembly District, I'm in a very diverse district. A diverse district ethnically, a very diverse district culturally, a very diverse district economically, as well as on the housing

forefront. And we know that I, alongside some of my colleagues, spearheaded some of those strong rent laws that we got last year, and -- and thank God for that. But at the same time, while we are all about helping renters, I have to be about my entire district and I have to be about supporting homeowners, too. And so, as we talk about this bill being a first step and we continue to urge that it is not the last step, I want everyone under the sound of my voice to know that we know this is not a perfect bill. We know that some people are not going to be aided immediately in this first wave. But it is in our intentions, in our conversations, and as well as will be in our actions to assure that no one is left behind when this pandemic is over.

And with that, I vote in the affirmative.

THE CLERK: Thank you. Ms. Richardson is in the affirmative.

Mr. Rivera.

MR. RIVERA: I'm glad to see all of you. You're all looking great to me. I don't look the same, but I noticed that Kevin Cahill also don't look the same. But I will try to prove to Wayne Jackson the new-looking me so he doesn't stop me from coming in. I am proud to vote yes. No bill, no language is perfect. We're getting there. Thank you.

THE CLERK: Thank you. Mr. Rivera is in the affirmative.

Mr. Rodriguez.

MR. RODRIGUEZ: Hi. Robert Rodriguez. I vote in

the affirmative and -- and share the sentiments of my colleagues that there are still people that we need to assist and aid in terms of eviction protections and I look forward to doing so in subsequent legislation.

THE CLERK: Thank you. Mr. Rodriguez is in the affirmative.

(Whereupon, the Clerk continued the slow roll call.)

Ms. Linda Rosenthal.

MS. L. ROSENTHAL: Hi. Linda Rosenthal. I vote in the affirmative, but I agree with my colleagues. We can't just get peanuts from the Federal government. This is a housing crisis, and we need a lot more funding from them. But we also need to ensure that tenants aren't evicted and small landlords get what they are owed. But I vote in the affirmative.

THE CLERK: Thank you. Ms. Rosenthal in the affirmative.

(Whereupon, the Clerk continued the slow roll call.)

Mr. Sayegh.

MR. SAYEGH: I vote in the negative. And I just would like to state that my concern is the many minorities and homeowners that own property and the need to prevent any downfall from that population. Although we're all very strong advocates of tenant protection laws, we really truly believe there needs to be a comprehensive package that really protects all the players that are in our districts.

So I vote in the negative.

THE CLERK: Thank you. Mr. Sayegh in the negative.

(Whereupon, the Clerk continued the slow roll call.)

Ms. Simon.

MS. SIMON: Yes. I want to echo the concerns that I have expressed previously with regard to how much work we need to do to protect everybody who is affected by this in terms of housing and their mortgages, et cetera, et cetera, et cetera. But I will vote in the affirmative on this and get the ball rolling. Thank you.

THE CLERK: Thank you. Ms. Simon in the affirmative.

Ms. Simotas.

MS. SIMOTAS: Aravella Simotas. I vote in the affirmative, but stress that while this relief is a first good step, there is much more we need to do to provide comprehensive and meaningful relief for tenants as well as property owners. Thank you.

THE CLERK: Thank you. Ms. Simotas is in the affirmative.

Mr. Smith.

Mr. Smith.

MR. SMITH: Doug Smith. One size does not fit all. I know we can do better than this. For that reason I'll be voting no.

THE CLERK: Thank you. Mr. Smith is in the negative.

(Whereupon, the Clerk continued the slow roll call.)

Mr. Stirpe.

MR. STIRPE: Al Stirpe. As Chair of Small Business, I'm compelled to vote in the negative.

THE CLERK: Thank you. Mr. Stirpe is in the negative.

Mr. Tague.

MR. TAGUE: Good evening to all my colleagues. I just wanted to say in the last hour we've heard the words "having reservations," "not adequate," "not a perfect bill," "flawed," "concerned," "doesn't address everything," "lots of work to do." Well, don't you think we owe it to the people of New York State to get it right? For those reasons, Christopher Tague, I vote no.

THE CLERK: Thank you. Mr. Tague is in the negative.

Mr. Taylor.

MR. TAYLOR: Much has been said on this subject, and I'd like to join my colleagues in also recognizing that this bill doesn't do it all, but it is certainly a step in the right direction to provide relief as needed in my community and other parts of New York City and New York State, for that matter. And I think when we look at what happened in Washington various times (unintelligible) this is the beginning of the first step. So, Mr. Speaker, I vote in the affirmative.

THE CLERK: Thank you. Mr. Taylor is in the affirmative.

(Whereupon, the Clerk continued the slow roll call.)

Mr. Vanel.

MR. VANEL: I share a lot of the concern of my colleagues, and knowing that this is -- this bill is the first step to a lot of protections that we are going to try to fight for for New Yorkers across New York, in my district, and New Yorkers across the State, so I vote in the affirmative.

THE CLERK: Thank you. Mr. Vanel is in the affirmative.

Mr. Walczyk.

Mr. Walczyk.

MR. WALCZYK: Hi. Mark Walczyk. On behalf of the people of the front yard of America, especially the landlords and tenants who were smart enough when this thing started to know that you don't get more toilet paper and hoard that than you have food in your pantry. These are the smart people in New York, and a lot of New Yorkers are smart, who know that they need to think long-term about everything. There's two things that we need to be thinking about right now in this distinguished Body: The first is does this bill kill the virus? It doesn't. And the second is how can we get our economy back on its feet, and this sets us in the wrong direction. This is unconstitutional, it is unnecessarily invasive in the relationships between landlords and tenants. It's bad government, it's bad policy. It's inadequate. We've said that a number of times today. I'm disappointed, and needless to say I think we need to stop pandering,

stop borrowing on the backs of our grandchildren, get serious, make some tough choices. And Mr. Speaker, I vote no.

THE CLERK: Thank you. Mr. Walczyk in the negative.

Ms. Walker.

MS. WALKER: Wow. There is a virus that I wish this bill did kill, and that's economic racism. But however, since it doesn't, I will have to accept the challenges that it does address and vote in the affirmative.

So I, Assemblymember Latrice Walker, vote in the affirmative.

THE CLERK: Thank you. Ms. Walker is in the affirmative.

(Whereupon, the Clerk continued the slow roll call.)

Mrs. Williams.

MRS. WILLIAMS: Jaime Williams in the affirmative. But we do have to do much more for our homeowners that do own their single-family or two-family homes. We definitely have to do much more for our homeowners. Thank you.

THE CLERK: Thank you. Ms. Williams is in the affirmative.

(Whereupon, the Clerk continued the slow roll call.)

Mr. Buchwald.

MR. BUCHWALD: Thank you. This is David Buchwald. I tried to vote earlier, but apparently you couldn't hear me.

David Buchwald votes yes.

THE CLERK: Thank you, Mr. Buchwald. Mr. Buchwald is in the affirmative.

(Whereupon, the Clerk continued the slow roll call.)

ACTING SPEAKER AUBRY: The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Rules Report No. 34, page 5. The Clerk will read.

THE CLERK: Senate No. S08397-A, Senator Savino, (Assembly No. A10326-A, Reyes, Bichotte, Glick, L. Rosenthal, Ortiz, Jacobson, DenDekker, Blake, Perry, Colton). An act to amend the Labor Law, in relation to prohibiting healthcare employers from penalizing employees because of complaints of employer violations.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Reyes.

MS. REYES: Thank you. Over the past few months healthcare workers in New York State have been at the forefront of the COVID-19 outbreak in the United States, working tire -- tirelessly on the front lines to combat the spread of the virus and provide care for patients experiencing some of the worst symptoms associated with this disease. While many hospitals and healthcare facilities advised the public that they had adequate supplies to protect -- to protect staff and care for patients, severe shortages and the availability of Personal

Protective Equipment resulted in the rationing of such equipment with nurses and doctors being forced to reuse contaminated PPE, which is normally designed to be single-use such as N-95 masks and face shields. When healthcare workers began challenging these unsafe practices in order to better protect themselves and their colleagues as well as the health and safety of their patients, several employees were terminated or faced other disciplinary action for addressing their concern to the public through interviews, protests and social media. This bill would provide enhanced whistleblower protections to healthcare workers by prohibiting retaliatory action as a result of disclosing, threatening to disclose, objecting to or refusing to participate in any activity, policy or practice of an employer that such employee in good faith reasonably believes constitutes improper quality of workplace safety. It would also extend such protections to healthcare workers that disclose or threaten to disclose improper quality of patient care or workplace safety to a news media outlet or to a social media forum available to the public.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Ms. Reyes?

MS. REYES: Absolutely.

ACTING SPEAKER AUBRY: Ms. Reyes yields.

MS. WALSH: Thank you so much. I do have some

questions about this. So I guess first of all, I was reading about how Section 741 of the Labor Law was enacted in 2002, and that section created some whistle blowing protections for healthcare workers. So this bill is a further expansion of 741. Why is it necessary, considering the fact that we already have protections for healthcare workers in the Labor Law?

MS. REYES: So, in light of the COVID crisis and these unprecedented circumstances, this amendment to Section 741 adds language that would allow healthcare workers to not be retaliated -- retaliated against if they speak to the media. And it also adds language that's aligned that talks about improper quality of workplace safety, not just patient care. So what we saw during this COVID crisis was a lack of PPE, and that, of course, put healthcare workers at risk. And they need -- what we saw as disciplinary action for these healthcare workers was the fact that they were sounding the alarm for lack of Personal Protective Equipment. So it wasn't just patient care-related for them, it was a workplace safety-related issue.

MS. WALSH: Is it true that under -- we have 741 as it exists now as far as the healthcare workers under our law, and then we have general whistleblower protection, correct?

MS. REYES: Correct.

MS. WALSH: And then we also have OSHA rules and other things like that that also are already in effect, right?

MS. REYES: Correct.

MS. WALSH: Okay. So you mentioned the standard

being improper quality of workplace safety, which talks about -- so instead of -- as you said, instead of just protecting for patient care, it allows for whistle blowing as far as workplace safety of an individual working in the healthcare industry, too.

MS. REYES: Correct.

MS. WALSH: Okay. Yeah. So, what -- so but this is not -- this is not a bill that would sunset at the end -- however we defined it -- of the COVID crisis. This is a bill that would -- would be part of our laws that would just continue after that's hopefully done and gone.

MS. REYES: Yes. And I would argue that work -- workplace safety circumstances that put healthcare workers at risk wouldn't necessarily end after this crisis either, and we can potentially anticipate that in the future there can be other circumstances like this and we wouldn't want to go back and add new language.

MS. WALSH: Okay. The other thing I thought that was significant in the bill is the -- under -- generally speaking, under whistle blower law there's a requirement that -- that -- there's a -- a chain of command so-to-speak, for registering or lodging a complaint with the employer first. And this bill says that while the employer -- or employee can use the employer first and complain, there's also an opportunity for the employee to be protected if they go directly to the media or use social media, for example. Can you explain why that is in the bill that way?

MS. REYES: So, the current law requires employees

to bring improper quality of patient care to the attention of a supervisor in order to afford the employer a reasonable opportunity to correct such activity, policy or practice. This bill would also require such steps to be taken for concerns regarding improper quality of workplace safety. However, this requirement -- these requirements are not necessary when the improper quality of patient care or workplace safety presents an imminent threat to public health or safety or to the health of a specific patient or employee, and the employee reasonably believes that reporting to a supervisor would not result in corrective action.

MS. WALSH: And -- and that is just done at the judgment of the person who is lodging the complaint? And there's no obligation for -- because we also have special Department of Labor and Attorney General worker hotlines for COVID. There's no requirement that the complaining individual utilize any of those hotlines necessarily. They can just -- if they feel -- if they feel that it would not be productive, they could just go directly to, say, the media or something like that.

MS. REYES: Correct.

MS. WALSH: Okay.

MS. REYES: If they feel that there is an imminent threat to public safety, they can go over that.

MS. WALSH: Okay. All right. Is there any need for the individual lodging the complaint to prove or show any kind of injury of any kind?

MS. REYES: No, there has to be a reasonable belief that they are putting themselves in imminent danger or their patients in imminent danger. And I would argue also that sometimes we -- you wouldn't see the outcome of that until much later. So if we're waiting for tangible evidence to say that that person was potentially put at risk, that could mean somebody's life. And we wouldn't want to wait 'til then to do something.

MS. WALSH: Okay. And far as the retaliation portion of the bill, does the employee have to show any cause and effect relationship between the complaint lodged and any alleged retaliatory act? Like, you know, a retaliatory act could be maybe the person is fired or demoted or something's written up in their file or something like that. Do they have to show any kind of contributing factor needs to get shown, or (unintelligible) connection?

MS. REYES: From the employer? Just to clarify.

MS. WALSH: Yeah. No, does the employee have to -- in proving their case of retaliation, do they have to show causation between the -- the alleged retaliatory act and the complaint that was made?

MS. REYES: So, there would be a cause of action so it's adjudicated. Yeah, they would have to prove that -- that their -- them speaking up had caused them to be either disciplined or retaliated against.

MS. WALSH: So it would be like a direct causation

--

MS. REYES: Right.

MS. WALSH: -- between one and the other. Okay.

All right. Thank you very much for your -- for your answers.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. WALSH: So many, many, many years ago now, I think probably one of my first jobs out of law school, I worked at a firm and handled retaliation complaints under the Labor Law, and discrimination complaints. So this was a little bit like a walk down memory lane to look at -- to look at this bill. It -- it preceded the creation in 2002 of these -- or the original protections here under the Labor Law for people in the healthcare industry. But I do -- it did kind of ring a bell for me a little bit as I was going through.

I appreciate the sponsor bringing the bill forward. I know that she is very familiar, personally familiar, with the situation found in our hospitals that are really battling the COVID epidemic. And I do appreciate her bringing the bill forward and for her answers to my questions. I'm a little bit conflicted by the bill itself because it is a very broad standard, the idea of an improper quality of workplace safety. That, to me -- it seems rather subjective to me. It's defined as any practice, procedure, action or failure to act with an employer which violates any rule, law, regulation or declaratory ruling adopted pursuant to law. And it -- and then it goes on. That -- that seems to me to be a -- a very broad standard. And I think that the passage of this bill will result in a considerable expansion and increase of

potential liability to employers. And who are those employers? Those employers are hospitals, medical offices, nursing homes. The very places that are struggling really right now to stay afloat during the current crisis. Not that that should be any excuse at all for allowing unsafe situations to exist within -- within the employer's care. But I do think that the part of the bill that requires -- that allows the complaining individual to go directly to the media is -- is problematical to me. I think that the employer should be allowed an opportunity to cure whatever situation is there. For example -- and just using the current COVID crisis -- there -- there was a huge struggle. And -- and I -- I don't know that it's been completely corrected at all, but I know at the very beginning of this COVID crisis there was a huge struggle and fight to try to obtain and stockpile enough of the Personal Protective Equipment, the PPE, that was necessary first for our frontline workers and then pretty much for everybody else. So I know that that was not definitely a perfect situation at the beginning. But I think the problem with allowing an individual to go -- to bypass the employer and go directly to the -- to press -- to the press, to social media, is that it would get serious and potentially life-threatening concerns out to the public quickly, without inference. But it could also open up healthcare institutions to public scrutiny over a misunderstanding or a minor oversight. And the problem with that is that once public opinion -- once the mind has been made up, it's extremely challenging to change, even if it was based on a misunderstanding. And I think that's really the reason why

under other sections of the Labor Law whistleblower protections there is a requirement to be able to go to the employer first to allow the opportunity to cure.

So for -- for those reasons, I do struggle a little bit with this bill. I do think that there are other avenues for complaint. And I'm not entirely convinced that the existing law is inadequate to address the concerns that the sponsor has, but I do appreciate her bringing the bill forward. And thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Thank you to my colleague as well for those great inquiries, and thank you for the sponsor for the responses. I did have a few questions for the sponsor if she would yield.

ACTING SPEAKER AUBRY: Ms. Reyes, will you yield?

MS. REYES: Yes.

ACTING SPEAKER AUBRY: Ms. Reyes yields.

MR. GOODELL: Thank you, Ms. Reyes. This only applies to hospitals, and I have heard from the hospitals in my district and I think it's true across New York State that many of our hospitals are facing really very severe financial stress as a result of COVID. For the Upstate hospitals, they were basically shut down, with all the elective surgeries canceled for an extended time period, and those elective surgeries help cover the bills. So earlier this year we

provided a \$400 million appropriation to help hospitals that were in great financial stress. Part of the problems that the hospital has of course as a result of COVID is also the -- the panic that some people have, or the great concern -- and maybe that's a better phrase -- that people have about contacting COVID. So in my district I've had a number of people that didn't go to the hospital, even though they had non-COVID-related problems because they were told by the health officials, *If you have any of these symptoms, you have to get pre-clearance to come to the emergency room.* And so we saw a significant increase in morbidity in my county during the lockdown period. About 10 percent. People dying of heart attacks and strokes at home because they were afraid to come. This bill would allow hospital workers to go directly to Facebook or social media and complain about working conditions rather than going to, say, the Department of Labor or Department of Health or OSHA or any of the regulatory agencies that actually can solve it.

So, thank you for your patience in waiting for the question.

MS. REYES: Well, can I -- can I correct a few of your statements?

MR. GOODELL: I want to ask the question and then you can --

MS. REYES: Sure, go ahead.

MR. GOODELL: -- correct them. But why -- why don't we want the employees to go if they have a serious issue? Don't

-- shouldn't we want them to go first to the Department of Labor or Department of Health or OSHA or some other regulatory agency that could provide an actual remedy rather than a Facebook post that just goes out to the public?

MS. REYES: So, a few things. This does not only cover hospital workers. This covers healthcare professionals working at hospitals, home care agencies, within a primary or secondary public or private school or public or private university setting, within a registered pharmacy or as authorized under the Mental Hygiene Law or the Correction Law. And also, it's the immediacy of -- of the problem, right? What we want is -- is healthcare professionals to be able to go to either their immediate supervisor or facility management and have a problem rectified. But we have seen that that has not been the case. And when they do speak up, again, they face retaliation or disciplinary action and we want to make sure that they feel confident, that they can speak up when -- when they see something that's wrong that not only puts their patients at risk but puts themselves at risk, and that they not be retaliated against. And unfortunately, going through those other channels can sometimes take very precious time that continues to put either our patients or our healthcare professionals at risk.

MR. GOODELL: So it's your view, then, that a Facebook posting or social media would result in faster corrective action than contacting the Department of Health or the Department of Labor or OSHA or any of the regulatory agencies that are charged

with ensuring employee safety?

MS. REYES: We have seen that public shaming is a very effective tool.

MR. GOODELL: Now, in order to qualify for the non-retaliation it has to be in good faith.

MS. REYES: Correct.

MR. GOODELL: If -- as you know, if anyone criticizes someone else in a way that directly affects their business and causes financial harm, if they're incorrect they'd be subject to libel or slander. I mean, that's pretty well-recognized. That is not an exception to libel and slander, right? If somebody makes a false claim they would still be liable?

MS. REYES: No.

MR. GOODELL: Liable? Liable for libel?

MS. REYES: No. No.

MR. GOODELL: Is that correct?

MS. REYES: Correct.

MR. GOODELL: And as I mentioned, the -- the great concern that many people have on the pandemic is sometimes out of proportion to the actual danger, particularly Upstate. Because my news media covers in great detail the horrific challenges that were occurring in New York City, even though I think right now we have a total of two people in the three hospitals that serve my district. And thankfully, because we're rural and we don't have dense populations, we just haven't been impacted. If we tell people they can go directly

to social media without first going through their supervisor or a regulatory agency, don't we run the risk that we'll create more hesitancy by patients to try to get into the emergency room for related or unrelated healthcare issues, whether it's the flu, which has very similar symptoms in some ways, or even a heart attack? I -- I had two cases in my county where the people had a heart attack and they died because they were afraid to go to the emergency room. I have a case of a woman that had congestive heart failure. By the time they did the protocol on COVID-19, it was two hours before they sent an ambulance. And so my concern is, you know, social media can be really helpful, but it can also be really damaging. Is there any way to protect that?

MS. REYES: Look, this piece of legislation is by no means encouraging healthcare professionals to use social media in lieu of contacting, like I said, either their supervisor or hospital management or facility management or OSHA, even though you would use OSHA for a little bit different circumstances. But I think that the public needs to know of unsafe situations whether they affect the public's standing or perception in public of -- of a facility or of a -- a medical professional or agency. I think that the public needs to know there are situations that are putting -- that can potentially put themselves, their families or -- or the healthcare providers at risk. And -- and healthcare providers who blow the whistle should not be retaliated against.

MR. GOODELL: Thank you for your comments. I

appreciate it.

On the bill, sir.

Thank you, Ms. Reyes.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: I appreciate my colleague's concerns, but I think our first and primary objective ought to be to ensure that an employee's safety is being adequately maintained. And we have a lot of dedicated professionals whose sole job it is to maintain employee safety. And that includes our Department of Labor, our Department of Health that licenses every one of these healthcare facilities. Certainly, the Attorney General has issued special guidance as it relates to COVID. We have OSHA, we have the -- other organizations, both governmental and nongovernmental. And if we really want to focus on employee safety, we want to encourage people to go to the right place to make sure that they achieve that objective. And I'm concerned that we may have unanticipated negative ramifications as it relates to the quality of our healthcare and the financial stability of our healthcare system, and the financial stability of our health system is certainly at very high risk now. And so we just need to be sensitive that these are not always black and white issues. And going on Facebook or social media is not the best way to address these issues.

Thank you, sir, and again, thank you to my colleague.

ACTING SPEAKER AUBRY: Mr. Ashby.

MR. ASHBY: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ASHBY: I want to commend the sponsor. I think this legislation is going to be helpful. And while I don't condone or encourage healthcare workers to have an impetuous action in posting things on social media or going to the media outright with, you know, their concerns for patients, I do know in -- in my career I've seen things go unchecked even when they go down the right path. Even when they bring things to their supervisors and regulatory agencies. And sometimes they go unnoticed for extended periods of time. And at a time like this, where we find ourselves right now, it's blatantly obvious to everyone how detrimental that can be. But this has been going on for decades, for longer than -- longer than it -- it should be necessary.

So for that reason I vote in the affirmative and I encourage my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. REILLY: The -- the concern I have with -- with this legislation is the idea of -- and it was brought out and flushed out during this debate -- public shaming and promoting people to put out complaints on social media. Now, I know that during the debate it's

been said that we're not advocating them to do that, but we certainly are by including this in legislation. There's many concerns that I have with it. What happens if someone posts something that creates an adverse effect where now you have someone from the public who's so enraged that they come to that institution, that medical facility, right, and take action against, you know, the -- the hospital or the entity in a vigilante-type way. The idea of having investigations, this bill is telling me that our State government, the Attorney General's Office, those investigative agencies, are not doing the right thing, then. If we're promoting people -- and I get it, we want to protect people and we want them to be able to speak freely. But if they -- what happens if they have an axe to grind against their employer - who may be the hospital, the nursing care facility, whoever it is - and they perceived something wrong and now they put it out on social media and it creates such an alarm because it goes viral and people misinterpret what truly was happening. I think we have to make sure that there is some safeguards where they notify those State agencies or those investigative agencies. If we're just gonna freely give someone a pass that just because they posted it on social media, we're really heading down a path that is going to be uncontrollable. And eventually we're gonna have people say that, *Well, if it applies to that career and that labor force, why doesn't it apply to others? Why doesn't it apply to State agency workers so they can report things on social media?* If we don't have something where we put it in a finite way that we actually ensure that they document it to a supervisor, to an agency, I

think we're -- we're really creating a mess here. And -- but I get that there has to be protections for those whistleblowers, and there are protections. I think social media is -- is really -- we're -- we're going down the wrong path.

Thank you.

ACTING SPEAKER AUBRY: Mr. Kim.

MR. KIM: Thank you, Mr. Speaker. Would the sponsor yield for a couple of questions?

ACTING SPEAKER AUBRY: Ms. Reyes, will you yield?

MS. REYES: Yes.

ACTING SPEAKER AUBRY: Ms. Reyes yields, sir.

MR. KIM: Thank you, Ms. Reyes. This is a -- a bill that -- that I support. I know that it's been around in our -- in our Chamber and it's about time that we get this done for our workers and whistleblowers, especially during a crisis like this and a pandemic. I'm just curious, are you aware of the corporate immunity that we put into our budget this year in Article 30(d) of the New York State Health Law where there's a higher standard of liability that places like nursing home facilities and other healthcare facilities now have been afforded?

MS. REYES: I'm not familiar with it.

MR. KIM: Okay. So -- so if a worker right now who is a whistleblower, what kind of -- like, I'm assuming if they see something negligent at work they would now, under this law, would

be able to openly and boldly report that negligence, correct?

MS. REYES: Correct.

MR. KIM: Do you think the average person knows the difference between what a negligent behavior is versus grossly negligent behavior is?

MS. REYES: To answer your question, I don't necessarily know if the public knows the difference between negligence or gross negligence. But this isn't -- they wouldn't be suing the -- the employer. This is just protecting them from retaliation for their reporting of negligence.

MR. KIM: Okay. Well I guess, then, my point is because we raised the standard for, you know, a facility to be -- to be charged with criminal offenses or third-party lawsuits under -- under these -- under this pandemic, what if the whistleblower comes out and there's nothing -- there's nothing that could be done, and as a result, the only harm that may potentially come is to the whistleblower?

So, I -- again, I support this law but I think it intersects with what we did in our budget through the Governor's language of giving higher standard -- higher liability standards for nursing home facilities and places -- and businesses and corporations that -- that may be shielded from being charged of criminal offenses or third-party lawsuits. So even if you come out and -- and see something that's going bad, the only -- the -- the outcome may not be necessarily what the worker wants out of it. So I would -- I support it, but I encourage all of us to go back and reexamine, you know, what

we can do to make sure that the workers truly are protected during this crisis.

Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

On Assembly print A10326-A, this is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

And, Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is no on this vote with the exception of Mr. Ashby. And I would encourage any other member of the Republican Conference who also would like to vote yes to make sure they contact the Minority Leader's office as quickly as possible. So if we do not hear from you indicating that you wanted to vote yes on this particular bill, the Republican Conference will be voting no.

Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. Republican Conference voting no with the exception of Mr. Ashby.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I wanted to honor the sponsor of this legislation for the manner in which she

handled it -- the debate today. And I want to say that this is a Party vote, and all members will be voting in the affirmative unless they choose to either come to the Chambers and/or call my office right away to cast a no vote. Otherwise it's a Party vote in the affirmative.

ACTING SPEAKER AUBRY: Democratic Conference vote is an affirmative other than if you call the Leader or you come to the Chamber and vote.

(The Clerk recorded the vote.)

And Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. I wanted to commend the sponsor for bringing this bill. The reality is that whistleblower protections in New York State are far too narrow and far too weak. This gives some additional measure of protection to those people who could call attention to a lack of safety in the workplace after they have already spoken with a supervisor, which is required by the law under 741. But it would, in fact, permit them to bring attention to this issue because it is an issue of public safety. And it is very important that they are now protected from retaliation if they go public with this to either the media or social media. So I think that's a very important addition, and I look forward to continuing to work on enhancing any of those protections for other workers who would be whistleblowers as well.

So I will be happy to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the

affirmative.

Ms. Griffin to explain her vote.

MS. GRIFFIN: Hello. I just wanted to commend the Assemblymember who sponsored this. I feel like this is such an important vote. I experienced many nurses and healthcare workers calling me throughout this pandemic, calling me to tell me of the great shortages they had of PPE. Many were afraid to even give me their name, but many I told I would not disclose their name unless they wanted me to. So I think it's really, really important in light of this pandemic and what some of these healthcare workers experienced, working so hard and feeling that their job was threatened if they even told me who I was going to go on. I was lucky that they could tell me because then I could pass it on to Governor Cuomo's team and we could get more PPE even in their households. But I think it -- we really need to have this whistleblower protection because these healthcare workers demonstrated how much they need it.

So, thank you to Assemblymember Reyes for introducing this bill. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Griffin in the affirmative. Thank you.

Mr. Lentol.

MR. LENTOL: Yes, Mr. Speaker. I'd like to explain my vote and really commend the sponsor for sticking up for her colleagues in -- in the hospital field, and also for being someone that we can look up to for being a heroine among us. Someone who went

out and decided that she would take a job again as a nurse in order to help society and in order to help people who were suffering from the pandemic. So I think that she really deserves our commendation as well for this bill and for her courage.

And I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lentol in the affirmative.

May I say, Ms. Reyes, I look up to you also, and that's very difficult for me, so...

(Pause)

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. I have a number of Republican members that would like to vote yes on this bill. They were so impressed with our colleague Mr. Ashby and the sponsor's comments. They include Mr. Ra, Mr. Walczyk, Mr. Schmitt, Mr. Byrne, Ms. Byrne [sic], Mr. DeStefano, Mr. Schmitt, Mr. Brabenec, Ms. Malliotakis, Ms. Miller, Mr. Garbarino and Mr. LiPetri.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Reyes to explain her vote.

MS. REYES: Thank you, Mr. Speaker. I just -- I -- I want to thank my colleagues on the other side of the aisle for changing their vote. I think this is a very important piece of legislation. You know, our healthcare workers put themselves at risk every day to save

lives, and if they aren't protected, none of us are. And we -- all we want to do is take care of our patients, make sure they're safe, do the best we can. We come into work every day and we work hard, and we want to make sure that we are protected as well while we do it. We shouldn't be losing our lives because we're trying to help others.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell has not finished yet.

MR. GOODELL: Well, the sponsor is doing such a great job convincing my colleagues that Mr. Palmesano, Mr. Blankenbush and Mr. Palumbo also agree with her.

(Laughter)

And Mr. Salka.

ACTING SPEAKER AUBRY: Thank you, sir.

As much as I don't want to -- I want to hold onto this -- are there any other votes?

Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. So we should continue our work on the debate list. We're going to go with Rules Report No. 36, 37, 38 and 39.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Senate No. S08243-C, Senator Kavanagh (Assembly No. A10351-B, Rules Report No. 36, Rozic, Griffin, Carroll, Cusick, Barnwell, Otis, Bichotte, Stern, Ortiz, L. Rosenthal, Glick, Nolan, Perry, DenDekker.) An act to amend the Banking Law, in relation to the forbearance of residential mortgage payments.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Rozic.

MS. ROZIC: Thank you, Mr. Speaker. It's good to see my colleagues. This bill would require New York State regulated banking institutions to grant 180 days of mortgage forbearance on a residential mortgage on the primary residence to any mortgagor who can demonstrate financial hardship as a result of the COVID-19 pandemic.

The bill provides borrowers with three options to repay their forbearance. One, is extending the term of the loan by the length of the forbearance; two, working out an agreement with the financial institution to pay their arrears in monthly installments, or three, if the borrower and the financial institution are unable to reach an agreement on loan modification, the borrower can opt to make a balloon payment due at the end term of the mortgage without incurring any penalties or fees. A balloon payment must be consistent with the safety and soundness of the financial institution. And if a bank fails to comply with this law, that violation can be used by the borrower as a defense in foreclosure.

I also want to clarify that we're always interested in talking to all sides of this issue and shoring up this bill so that it really safeguards homeowners across New York.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER AUBRY: Ms. Rozic, will you yield?

MS. ROZIC: Absolutely.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Ms. Rozic. We're -- I want to start by just clarifying the bill a little bit. I'm looking at page 2, lines 3 through 6, and that, as I understand it, defines who is eligible. And if I read this correctly, it says you have to be a New York resident, of course, and during the covered period, you have to establish that you are in arrears --

MS. ROZIC: Yes.

MR. GOODELL: -- or, on a trial period, or, applying for loss mitigate and demonstrate financial hardship; is that correct?

MS. ROZIC: That's correct.

MR. GOODELL: That's correct?

MS. ROZIC: Yes.

MR. GOODELL: And so, you could apply for this even though you're not in arrears, correct, because it's all disjunctive, it's in arrears, or, on a trial period, right?

MS. ROZIC: Yeah.

MR. GOODELL: So, you could be current or in a trial period -- and in a trial period, or apply for loss mitigation and had financial hardship, right?

MS. ROZIC: Yes.

MR. GOODELL: So, if you're in arrears, you don't have to demonstrate financial hardship because the financial hardship only seems to apply if you've applied for loss mitigation; is that correct? I mean, it's in arrears, or, a trial period, or --

MS. ROZIC: The -- the financial institution and the borrower have to come to an agreement that you are in financial hardship.

MR. GOODELL: So the phrase "financial hardship" applies to all three categories not just the -- to the last one, not just to the loss mitigation?

MS. ROZIC: Yeah, if you -- if you are in arrears, you're in financial hardship.

MR. GOODELL: Well, not necessarily. I mean, sadly, before I got married, I found myself in arrears from time to time just through incompetence and, thankfully, once I got married my credit score went up because my wife made sure I paid on time. So, my question is, does the phrase "demonstrated financial hardship" only apply to those who have applied for loss mitigation, or was it your intent that no matter which situation you might be in, you still had to demonstrate financial hardship?

MS. ROZIC: And the intent is that it has to be in the covered period.

MR. GOODELL: I understand it had to be within the covered period. My question is: Do you have to demonstrate financial hardship if you're in arrears?

MS. ROZIC: Yes.

MR. GOODELL: And do you have to demonstrate financial hardship if you are in a --

MS. ROZIC: Loss mitigation.

MR. GOODELL: -- trial period?

MS. ROZIC: Yes.

MR. GOODELL: So, the demonstrated hardship has to apply for all --

MS. ROZIC: Yes.

MR. GOODELL: -- categories? And what criteria do you need to show in order to demonstrate hardship?

MS. ROZIC: So, we left that flexible to -- to allow the financial institutions some flexibility, so they have to figure that out with the borrower.

MR. GOODELL: Looking back before this crisis, last year and the year before and whatever, I've been involved in real estate practice for longer than some of our members have been alive, surprisingly. I rarely find anyone who's in a home mortgage foreclosure who's not in financial stress or financial hardship. Is this financial hardship any different than the financial hardship faced by

everyone else in the last ten years, you lost your home through a mortgage foreclosure.

MS. ROZIC: This is just for the cover period, which is outlined in the first definition, and the -- the truth of the matter is every case is different, and so, we would like to allow a banking institution and a borrower based on their individual situation to figure out what "financial hardship" means.

MR. GOODELL: I -- I appreciate that. And so, my question is, is this a financial hardship that must be demonstrated that's unique to the COVID situation --

MS. ROZIC: Yes.

MR. GOODELL: -- as distinguished from the financial hardship that everyone else in the loss -- last ten years may have lost their home on in a regular foreclosure?

MS. ROZIC: Yes.

MR. GOODELL: Does it -- we're not talking about the regular financial hardship that results in a routine mortgage foreclosure; is that correct? This is only intended for those who have a financial hardship that's demonstrated as a result of COVID?

MS. ROZIC: Correct.

MR. GOODELL: So, in other words, an essential worker who never lost their job, as an example --

MS. ROZIC: Correct.

MR. GOODELL: -- or a senior citizen who is on Social Security, they would be ineligible to apply for this even if

they're losing their house under a mortgage foreclosure because they never lost any income during the COVID period; is that your understanding of the intent?

MS. ROZIC: They would have to demonstrate financial hardship and the financial institution would have to accept that as the -- as defined in there.

MR. GOODELL: Now, this only applies to State-chartered banks; is that correct?

MS. ROZIC: That is correct.

MR. GOODELL: So, as you know, almost every bank -- well, first of all, is there a reason why we'd want to impose this additional requirement or financial burden on just State-chartered banks rather than all banks?

MS. ROZIC: So, we only have jurisdiction over State-chartered banks. There is a provision in the CARES Act that was passed by the Federal government mandating 180 day forbearance on all Federally-backed loan products. But, again, we don't have jurisdiction over that. We only have jurisdiction over State-chartered banks and credit unions.

MR. GOODELL: Now, as you know, all banks, including State-chartered banks, are very closely regulated as to minimum liquidity requirements, and it all goes back to the Great Depression when we had a number of banks that actually failed. Well, if the banks cannot collect any interest or principal for a period that may be in excess of a year, right, you've got two 180-day periods, how

does bill address the fact that some of our State-chartered banks that are smaller may actually fail to meet minimum liquidity standards? Does this address that in terms of this bill language?

MS. ROZIC: Our big concern is the safe -- safety and soundness of the banking institution. And, again, we are open to making those changes to make sure that the liquidity of the bank is secure.

MR. GOODELL: This -- have you reached out to the Independent Bankers Association or the New York Bankers Association and asked them what impact this would likely have on their liquidity, or even their viability?

MS. ROZIC: There have been many conversations with many parties over this.

MR. GOODELL: And what is the position of the New York Bankers Association and the Independent Bankers Association as it relates to their ability to go for a year or more with no payments at all on their residential mortgage portfolio?

MS. ROZIC: So, I have not personally spoken to them. I know that there are conversations that are ongoing with them and, again, I'm happy to have those conversations.

MR. GOODELL: I'll just share with you that I did receive a message directly from the President of the Independent Bankers Association who advised me that several of their members would likely be facing insolvency, and several of their members would be under intense pressure from their board to change from

State-chartered to Federally-chartered banks if this went through; I'm just passing it on as a matter of information.

MS. ROZIC: They should reach out to me.

MR. GOODELL: This bill would take effect immediately, correct, if it's adopted and signed by the Governor?

MS. ROZIC: Yes.

MR. GOODELL: Which means that a mortgage taken out the day after this bill becomes law would be subject to these provisions, correct?

MS. ROZIC: Correct. And, again, it's a primary residence within a county of the residents that is covered by the Executive Orders listed in the first part of the bill.

MR. GOODELL: So the net effect of this law is to convert a secured loan into a non-secured loan for residential home mortgages for at least that time period, 180 days, or 360 days at the option of the borrower, correct? I mean, it's an unsecured loan in the sense that they can't foreclose and collect any collateral.

MS. ROZIC: Okay. They would have to agree on the terms of the forbearance, but, yes; the short answer is yes.

MR. GOODELL: Well, I would -- I'd just point out that home mortgage loans that are secured have an interest rate of typically 3 or 4 percent. Unsecured loans typically have an interest rate anywhere from 12 to 18 percent. Won't this have the effect of making all these mortgages now have a much, much higher interest rate because they're no longer secured? I mean, effective the day after

this is signed. All new mortgages will dry up, won't they? Or have huge interest rates?

MS. ROZIC: I don't believe so.

MR. GOODELL: So you think the banks are willing to just waive an entire year of principal and interest without trying to cover that loss, either in the interest payments or in other --

MS. ROZIC: I don't believe that this would result in higher interest rates.

MR. GOODELL: I see. And as you know, if you have a new mortgage, or you have a 30-year mortgage, during the first year the amount of the payment that goes toward the principal is very small, and the rest of it is all interest. Under this bill, one of the options would be to take the entire year of payments, right, and move it back 30 years with no additional interest. It's like a 30-year loan for the entire amount of those payments; is that what this bill would do?

MS. ROZIC: That is one of the options. There are three options.

MR. GOODELL: Is there anyone who is getting intelligent financial advice that wouldn't take the option to have a 30-year interest free loan? I mean, why would you select any -- is there any financial reason why you'd select anything else?

MS. ROZIC: I mean, that would be better than going into foreclosure.

MR. GOODELL: Now, as you know, it's routine standard practice that the day after a residential mortgage is sold, if it's

a routine mortgage, it's almost immediately -- the day after it's closed, it's almost immediately sold into the secondary market. Most banks maintain very, very few residential mortgages in their own portfolio. And, of course, once they're sold into the secondary market they're subject to all the Constitutional provisions on commerce and whatever.

So, was it your understanding that this would only apply to the residential mortgages that are held by State-chartered banks in their own portfolio?

MS. ROZIC: Yes.

MR. GOODELL: Now, do you understand that the reason a State-chartered bank will have a loan in its own portfolio is because the loan doesn't meet the underwriting standards of the secondary market? Which means a bank, as a courtesy to their customer or to meet CRA requirements is making a non-conforming loan. Typically, the building doesn't meet current AH or condition requirements for the secondary market, there's not enough equity in the property so they're helping out the lender -- or the borrower. The borrower doesn't have a high enough credit rating to qualify for a typical secondary mortgage, or it may be a mobile home or a doublewide, as we say out in the country if you're -- or a manufactured home. Won't the effect of this legislation, if it's enacted, eliminate the financial ability of State-chartered banks to make those unique loans that they would normally keep in their portfolio that are so helpful to people who have less than stellar credit, or are buying a fixer-upper or

a trailer or other difficult to finance assets?

MS. ROZIC: The bill doesn't directly address that, but, again, as I said at the beginning, I am open to having those conversations and shoring up the -- the bill to encompass all -- all of these situations, including one in the secondary market.

MR. GOODELL: Thank you very much for your comments.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, Mr. Goodell.

MR. GOODELL: Thank you very much. One of the problems that we wrestle with as a Legislature when we pass broad legislation is that there are sometimes very unintended effects. And the unintended effect of this legislation will be to eliminate the ability, financial ability of State-chartered banks to make mortgage loans that they hold in their own portfolio.

And so, who will be hurt with it? Well, of course the State-chartered banks themselves will be hurt and, in fact, what I've been told directly by the President of the Independent Bankers Association in a text message is that it may actually threaten the very viability and survivability of many of our community banks.

But the second thing it will do is it makes it extraordinarily difficult for a community bank to make loans that are non-conforming. And those are the working poor, people that buy fixer-uppers, maybe the first-time homeowners, trailers and other

assets of those type. And so, the net effect is that those with great credit and great assets, they'll still be bankable, but this will eliminate the bankability and the credit availability to a lot of people who are really struggling with COVID, and I think we need to help those folks and not eliminate their ability to borrow.

So, I will be opposing this and encourage my colleagues to vote no. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. BICHOTTE: I'm proud to support this bill sponsored by my colleague which would extend the mortgage forbearance period for residential homeowners for a period of six months. Homeowners across New York are struggling to pay their mortgage. The seasonally-adjusted unemployment rate, once again, in New York, is 14.5 percent as of last month. Homeowners are struggling to maintain. Now, if we fail to take action to protect these homeowners with urgency, they risk foreclosure and homelessness.

This bill specifically is for owner-occupied homeowners. If there's a financial hardship before COVID, guess what? The pandemic would put them even in a more financial hardship. So, I know my colleague, Mr. Goodell, was trying to differentiate, well, what kind of hardship this is, is it a pandemic

hardship or a hardship that seeded before? It's all the same. Let's say you lost your job before the pandemic and you were looking to get hired, let's say at a hotel, because that's the industry that you know. Guess what? Now that the pandemic happened, we cannot even think about entering the hospitality industry. That puts you even into a deeper hole.

Right now, New Yorkers who face job insecurities and income loss as a result of the pandemic should not have to face this public health crisis and be on the street and lose their homes that they worked so hard for. They worked like everybody else, they invested in their home like everybody else, and this is a time again we should be thinking about working together, because we're all in this together.

My colleague also mentioned in terms of the liquidity of the State-chartered bank if -- is it (unintelligible) and he questioned that. And I -- I understand there's concerns around the liquidity of the State-chartered banks. I'm a former banker, okay. I know how the system works. Our Federal government will never let our banks fall off, or collapse. We have been the -- actually, the first industry that we bail out are typically the financial institutions. The banks will be fine. We have constantly bailed out the banks on the State level and the Federal level, so they'll be fine.

And I must say, Mr. Speaker, I remember way back when in 2008 when President Obama took office and we had to deal with the whole mortgage financial crisis, everyone's home equity was

deflated. We had this program called the Home Loan Modification, which was in place because people were losing their homes. But, what we realize is that while we have put all those billion dollars in the bank, people were still losing their homes because the banks were saying, *Okay, don't pay for six months, we are going to approve you for this home loan modification program.* Six months will come up and they say, *Okay, you're not eligible anymore, you got to pay up all the six months and the interest rate.* As a result of that, we have the -- we had the highest foreclosure rate in history. That was not fair to all those homeowners. Again, the banks were bailed out. What happened to these homeowners? They lost all their equity. They left their homes. Their whole life changed.

So, again, we're all in this together. We're finding ways, we're going to help the banks, we're going to help the mortgagers, we're going to help businesses, occupy -- owner-occupied, investment properties, you name it, we're trying to help everybody because the way the system works is that we all got to work together.

I would just like to say that this legislation would extend Governor's [sic] Cuomo's Executive Order 202.9 to require lenders to grant a six months' forbearance period, and with the option to extend another 180 days to any borrower who certifies they have a loss of income during the COVID-19 crisis. This would include homeowners who already are struggling to make payments. I'm asking my colleagues to really look at this from a balance perspective.

We're going to be voting on many, many other bills. This is part of the package, we talked about that. We're helping tenants. We're helping landlords. We're helping homeowners. We're helping commercial real estate properties. We are helping the whole gamut. When we think about this, we should think of this as a pause. Everything should stop, everything, because anything that's affected in this whole process affects everyone.

So, I am urging everyone to look at this from a holistic perspective. And I know that not everyone's a banker or understand the financial system. It's almost common sense. What do you do if you can't pay the mortgage because of this pandemic? What do you do? Do we just foreclosure every single -- almost every single home in the -- in the United States? Or in the State of New York? What do you do? We are finding solutions. This is a first step forward.

So, again, I -- I applaud my colleague for introducing this bill. The State-chartered banks, we're going to work with them. We're hoping that this is a model for the Federal banks, because this is affecting all of us. And I would encourage, again, our colleagues to support this bill in protecting our New Yorkers from foreclosure and from being homeless. Thank you.

ACTING SPEAKER AUBRY: Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ABINANTI: As I said earlier, Mr. Speaker, on another bill, in tough times like this, Legislatures have to make tough decisions. We want to keep our community functioning. This, like all of the other bills, is part of a package. We're attempting to deal with each segment of our State community one bill at a time. We're not going to solve all of the problems with each bill. And each bill may not solve all of the problems in each area.

This bill is an attempt to move us forward, to encourage our State banks to negotiate with borrowers who cannot pay their mortgage because of the present pandemic. If the bank is recalcitrant, it gives the borrower an opportunity to avoid foreclosure. Without this, a bank may be in a situation where they have pressure from their owners, from their stockholders, their shareholders, from the community, to foreclose on property, maybe even from other borrowers to foreclose on property where the mortgage is not being paid.

This gives a borrower who has lost income through no cause -- cost -- no cause of their own, no fault of their own, the opportunity to force a recasting of the mortgage. As the sponsor has said, where -- the Assembly is open to making amendments to this bill. As the Chair of the Banking Committee, I've been involved in discussions with the sponsor, with the Senate, with staff, with the Governor's Office. But this basic bill, this concept, is a concept that we are wedded to and which is very important in keeping our community going forward.

Now, I've heard some comments about some of the problems with this. Well, first of all, it doesn't apply to Federally-insured loans, and those are the loans where most of the poorer people get their loans. People at the bottom end of the spectrum are the ones who get Federally-insured loans. Secondly, we're not dealing in a -- in a vacuum. If there is any chance that there are several of these going to one bank, and that bank is possibly facing a, let's say, lack of liquidity, DFS is watching our banks carefully. DFS will work with that bank to make sure that that bank remains stable and sound and has sufficient liquidity.

This is a tough time. This is a time when we all have to get together and we have to take some extreme measures to make sure that our system continues to work. I commend the sponsor for putting this bill forward. I urge all of my colleagues to pass this legislation. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Dickens.

MS. DICKENS: (Unintelligible/lost connection)

(Pause)

Ms. Rozic.

MS. ROZIC: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill.

MS. ROZIC: As the COVID-19 pandemic continues to wreak havoc on New York, and with State and local governments

mandating the shuttering of all but essential businesses in the interest of protecting public health, New York has seen a rapid and unprecedented economic decline. Many New Yorkers facing severely reduced or entirely lost wages will not be able to keep up with mortgage payments at this time. With swift action, we can ward off the most -- the worst consequences and outcomes, save people from falling into homelessness, avert devastating foreclosures that wreak havoc across our neighborhoods and prevent a real estate collapse.

Affordable, stable housing is the key to well-being and upward mobility. Without housing it's hard to get a job, let alone perform well enough to hold onto it. Without a stable home, kids struggle to perform well in school. Keeping people housed is crucial for the economy, too; in fact, Federal Chair Jerome Powell has repeatedly said that the best way to avoid a long, painful recession is to -- is to spend to help families stay solvent and to keep workers in their homes.

With the Governor -- the Governor's issuance of Executive Order 202.9, sound mortgagers were given a temporary forbearance or moratorium period, but this only kicks the can down the road and leaves the looming danger of mass displacement across our State. This bill would extend the spirit of the Governor's Executive Order to all State-regulated mortgage lenders and servicers, requiring them to grant for -- a forbearance period with the option to extend another 180 days to any mortgager who certifies that they have a loss of income or financial hardship during the COVID-19 crisis.

While the Governor's Executive Order provides immediate relief to some homeowners, it still allows for mortgage lenders to collect back payments as soon as the forbearance period is over. Many homeowners, our neighbors, will not be able to pay the lump sum of their arrears once forbearance ends if they have been unable to work. This bill requires regulated lenders and servicers to allow mortgagors to either extend their mortgage for a period of time equal to the forbearance, pay their arrears in monthly installments, or pay the deferred payments as a balloon payment upon the maturity of the loan. By giving homeowners the flexibility they need, we can provide essential security to thousands of New Yorkers, ensuring that no one will be subject to foreclosure or punished with fees because of these -- the economic havoc brought on by this pandemic.

I will be voting in the affirmative and urge my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Let's try again, Ms. Dickens.

MS. DICKENS: Can you hear me, Mr. Speaker?

ACTING SPEAKER AUBRY: We hear --

MS. DICKENS: Can you hear me?

ACTING SPEAKER AUBRY: Yes, ma'am.

MS. DICKENS: Thank you -- thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill.

MS. DICKENS: I applaud my colleague and my Speaker for pushing forth this bill to support owner-occupied one to four properties; however, I will be seeking support to assist properties that are somewhat larger than one to fours, but, nonetheless, are owner-occupied. In many of the communities in New York City, we don't have the large buildings. Our buildings in our communities are -- are the smaller buildings, maybe 20 families, 25 families, and they are owner-occupied and they are suffering in the same manner that the one to fours. And, in fact, it's -- it's much more dangerous because they may lose their properties, as well.

Many people are -- are talking about the banks. And, yes, I agree that in financial downturns, economic downturns, the banks are bailed out, but they're bailed out for good reasons because they are the financial foundation of our City, our State and our country. Now, that may not fall so true and it falls somewhat short of minority banks, but that's not what I'm here to talk about, I'm here to talk about this bill.

So, although I'm going to vote in the affirmative on it, I am very concerned that it leaves out many of the small buildings that are larger than one to fours, but are still owner occupied, and those owners face losing their properties to foreclosure and to (unintelligible) agreements that they may be forced into because they cannot pay the -- the real estate bill and the tax bill that's coming forth on July 1.

So, I thank you for giving me the time and, again, I

thank my colleagues for putting forth this bill.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly Bill No. A10351-B. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference is initially voting no. If there are members that wish to vote yes, please contact the Minority Office right away, as quickly as possible, so we can ensure that your vote is properly recorded. Thank you, sir.

ACTING SPEAKER AUBRY: Certainly.
Republican Conference voting no.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This is a Party vote in the affirmative.

ACTING SPEAKER AUBRY: Democratic Majority

--

MRS. PEOPLES-STOKES: All members will be voting in the affirmative unless they come to the Chambers and/or give me a call.

ACTING SPEAKER AUBRY: Democratic Majority will vote in the affirmative other than calling in or coming to the Chamber and voting.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you very much, Mr. Speaker. Earlier this week I received a text message from Mike Wimer, who is the President of the Cattaraugus County Bank and the President of the Independent Bankers Association. And he pointed out that the State-chartered banks, they're not the big guys, State-chartered banks are your small, local community banks. And they are all under financial stress during the COVID crisis.

And so, while they want to do everything they can within their power to help their customers and, indeed, they are negotiating with all their customers to try to work out payment plans that make sense for both the customer and the bank. This bill goes way beyond that and says for our small community banks, the ones that are owned by our local residents, who focus on helping our local residents, for those banks we will offer their customers up to 30-year interest free loan, because one of the options here is that you can take one year of your payments and divert to the very end interest free.

And our community banks are small, local banks. They don't have the financial ability to simply write-off an entire year of mortgage payments from these residential customers. They're willing to work with them, they want to work with them, long-term

relationships is critical to their success, but they don't have that ability. And this bill will threaten the very survivability of the very banks that we want to keep in our community and for that reason, I'll be voting no. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

ACTING SPEAKER ROZIC: Mr. Goodell.

MR. GOODELL: Madam Speaker, you'll be pleased to know there are several Republicans that agree with your bill, and those include Mr. Ra, Mr. Garbarino, Mr. Walczyk, Mr. Byrne, Mr. Smith, Mr. Schmitt, Mr. LiPetri and Ms. Miller.

I love that big smile. Thank you, Madam Speaker.

ACTING SPEAKER ROZIC: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

The Clerk will read.

THE CLERK: Senate No. S08289-B, Senator Salzar (Assembly No. 10394-A, Rules Report No. 37, Lentol, Jacobson, Eichenstein, Ortiz, O'Donnell, D'Urso, Buchwald, Glick, Gottfried, Griffin, Mosley, Seawright, Simon, Thiele, Galef, Colton, Otis, Bichotte, Buttenschon, Barron, Dinowitz, Wright, L. Rosenthal, Cymbrowitz). An act to amend the Public Health Law, in relation to requiring residential health care facilities to prepare an annual pandemic emergency plan.

ACTING SPEAKER ROZIC: An explanation is

requested.

Mr. Lentol.

MR. LENTOL: Thank you, Mr. [sic] Speaker.

History, I think, has taught us that we need to judge a society by the way it protects and defends our most vulnerable. I think today we did pretty well by protecting victims of child abuse by what we've done already. However, I don't think there's anybody who believes that we did a great thing to protect and defend some of the most vulnerable older people of our City and our State. And this bill doesn't pretend to blame anybody, or want to blame anybody, it's a bill that would look to the future, future pandemics, future incidents of any type of an emergency infectious disease that comes our way to require residential health care facilities to prepare a pandemic emergency plan within 90 days, and annually thereafter, or more frequently if determined to be done by the Commissioner of Health.

The plan would need to be made available to the public on a facility's website and upon request. The emergency plan would include a communication plan for regular updates on the status of patients that are infected, and updates on infections and deaths that have occurred at the facility. The communication plan would also require facilities to provide residents with daily access without charge to videoconferencing technology to allow for communication. The emergency plan would also include protection plans against infection for staff, residents and families of residents, which includes a readmission plan to the facility after treatment and a requirement that

the facility have a two-month supply of Personal Protective Equipment, or have a contract to provide a two-months supply of PPE.

The plan would need to include provisions for preserving a resident's place in the facility if the resident is hospitalized, and the bill would also establish a requirement to correct non-compliance. A failure to prepare or comply with the pandemic emergency plan could be subject to civil penalties authorized for violations of the Public Health Law.

And that's the purpose of the bill, to look to the future. We can't abandon our seniors again. We shouldn't allow it.

ACTING SPEAKER ROZIC: Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

Would the sponsor yield?

MR. LENTOL: Certainly, Mr. [sic] Speaker --

ACTING SPEAKER ROZIC: Mr. Lentol, do you yield?

MR. LENTOL: Yes, I do.

MR. GOODELL: Thank you, Mr. Lentol. There's no doubt whatsoever that it would be important for our nursing homes and adult care facilities to have appropriate emergency plans and backup plans, including specifically the requirement that they include a pandemic as part of that planning process. And as you know, the current law requires them to have a emergency preparedness plan, and as we saw, there are a lot of challenges for this epidemic. One of the greatest criticisms of New York State's response is a directive that

apparently came out and required nursing homes to take active COVID-19 patients back into the nursing home. And there are some commentators who suggest that that resulted in the death of literally thousands of very frail, vulnerable senior citizens and others in nursing homes and adult day care facilities. And we knew at the outbreak that these were the people that were at the greatest risk of anybody, and yet, active patients were sent back in. So I'm concerned about the language in your bill on page 1, starting on line 21, that requires these nursing homes to have a plan, quote,"... for hospitalized residents to be readmitted to such residential healthcare facility after treatment." Isn't this is a statutory obligation that would perpetuate the horrific decision that was made earlier this year to require nursing homes to take active COVID patients back into the nursing homes? Shouldn't we be doing the opposite? Shouldn't the language of the bill say a plan for alternative placement or safe placement? But this language actually says a plan for hospitalized residents to be readmitted to such residential healthcare facility. Could you address that concern?

MR. LENTOL: Yes, of course. And you're absolutely right. But the readmittance is in accordance with the laws and regulations that exist. So if they don't have the ability to care for the residents, as has already been said very often, then they don't have to take them back. And as the Governor has said many times, if the nursing home can't care for the person and doesn't have the wherewithal to do so, they don't have to take them back. And DOH

can help them find a place that will take them. And by the way, as I said in my opening remarks, this isn't looking to try and blame anybody for anything, because I don't want to do that. I want to look to the future now. These people are dead. I -- I put three -- three family members in a nursing home, and they all lived fairly long lives after I got them to go there. And I am as disappointed as anybody to see what's happened in this pandemic. But we have to now stop trying to blame folks for -- lay blame for the Mayor or the Governor or for the President. I want to do something for the people that we need to protect, and that's the older citizens of our State, and we have to plan for the future. That's the purpose of this bill.

MR. GOODELL: And I appreciate it, and I -- I agree and support your purpose, Mr. Lentol. But for all those families who lost a loved one in a nursing home over the last two months because those nursing homes were forced by the Department of Health itself to take COVID-active patients, shouldn't this statutory provision state that they should have a plan for the proper and safe treatment or care and not require them to have a plan for hospitalized residents to be readmitted? I think it's the readmitted statutory language that I have the greatest problem with. Wouldn't it be better if we just require these nursing homes to have a plan in place to ensure that they could be treated safely. And to say that this readmittance plan is going to be in accordance with regulations is hardly a comfort for the 5- or 6- or 7,000 families that lost a loved one after the Department of Health --

MR. LENTOL: I -- I agree with that.

MR. GOODELL: -- let these COVID-positive patients be readmitted.

MR. LENTOL: I got your question. I -- I agree wholeheartedly, and I don't think there's anybody who would disagree with you more now, after all of the -- all of what's happened, that we must be assured that for any readmittance to the nursing home that that person is free of whatever epidemic we're talking about or whatever infection we're talking about, and is cleared to go back to the nursing home that they came from after that person has been cleared by medical doctors and -- and is free of the virus.

MR. GOODELL: Thank you very much, Mr. Lentol. As always, I appreciate your comments.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, Mr. Goodell.

MR. GOODELL: I absolutely agree with my colleague Mr. Lentol that nursing homes and adult day care facilities and other facilities shouldn't have as part of their emergency disaster plan how deal with a pandemic. On that, we are in 100 percent complete agreement. The concern that I have is that the language of this bill requires that that plan include a, quote, "plan for hospitalized residents to be readmitted." And having lost thousands of senior citizens in these residential care facilities because they were forced to readmit COVID-active patients, I think it would be much better for us and more prudent for us to require that the plan deal with how these

individuals should be treated without necessarily a statutory requirement that the plan include -- the plan include how hospitalized residents will be re -- readmitted.

And for -- and so, if my colleague, whom I have great respect for - even if he's not wearing a tie at the moment - but my colleague whom I have great respect for wanted to change the language to take out the requirement for a plan for hospitalized residents to be readmitted I think you would have unanimous support. But with that language, I will not be able to support and I urge my colleagues not to support it either. And again, as I mentioned, if we get different language, you can count on my support. The concept is good, but we surely don't want a statutory requirement requiring the plan for hospitalized patients to be readmitted into the nursing homes..

MR. LENTOL: Mr. Goodell, if I could just interrupt you for a second, I think you're misreading --

ACTING SPEAKER AUBRY: Do you yield, Mr. Goodell?

MR. GOODELL: Yes.

ACTING SPEAKER AUBRY: Proceed, Mr. Lentol.

MR. LENTOL: Thank you, Mr. Speaker. I think the gentleman is misreading that provision because we want to assure that because the patient went to the hospital with an infection that he has a place to return. Now, that patient doesn't have to choose to return, but we want to assure that he has a place to go back to. And if the nursing home that he left can't take care of him, then the Department of Health

will take him to another nursing home so that he can be cared for.

That's what this bill provides for.

MR. GOODELL: Thank you, Mr. Lentol, for that clarification. And I -- I agree with the concept. And if this statutory language said a plan for hospital residents to be taken care of after they've been discharged from a hospital, which plan might include placement in a specialized care facility, you would have my support. But the danger that we have is we have just seen thousands of senior citizen die of COVID in nursing homes where it was just like a wildfire, because they were forced to readmit those individuals. And so I don't think we want statutory language that requires, quote, "a plan for hospitalized residents to be readmitted." I think what we want is a plan for the proper treatment and care of hospitalized patients, but not a statutory requirement that they be readmitted. But again, thank you very much. I certainly agree with the concept. I just can't agree with this language as written, and I'd be delighted to work with you on language that I think expresses our mutual concern for ensuring that we don't repeat the horrific tragedy that we've just witnessed over the last few months.

Thank you, Mr. Lentol.

ACTING SPEAKER AUBRY: Mr. Kim.

MR. KIM: Thank you, Mr. Speaker. Will the sponsor yield for a couple of questions?

ACTING SPEAKER AUBRY: Mr. Lentol, will you yield?

MR. LENTOL: Yes. Yes, I will, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. KIM: Thank you, Mr. Lentol. I agree, you know, agree with you that we shouldn't be engaged in blaming others and politicizing this moment. But it is, I think, very important for us to correct the mistakes that we made in our decision and policymaking. So I -- I just want to clarify a couple of things. In this bill, when we're asking nursing homes to prepare a pandemic plan, are we asking them to come up with a plan to take in COVID positives, or are we asking them to come up with a plan to keep infectious diseases out of nursing homes?

MR. LENTOL: That's exactly -- you said it exactly right. Better than I could have said it, Ron. It's protecting their homes, not sending them back sick and to get sick.

MR. KIM: Right. So we want to keep the infections out of nursing homes.

MR. LENTOL: Exactly.

MR. KIM: Right. So when we're readmitting the patients, can we then say if we -- if someone is COVID positive, it's up to the plan, the pandemic plan, to keep those patients out or transfer them or isolate them somewhere safe. Is that -- is that -- would that be part of the emergency pandemic plan?

MR. LENTOL: It's just like you would do -- you would do of anyone else who contracted the virus. You want to isolate them until they're well and then send them back when they are

well, and make sure that they have a place to go. And preferably to the place that they came from, as long as that place is not sick when -- when they attempt to go back.

MR. KIM: Okay. Thank you, Mr. Chairman. Are there -- are there any provisions in this bill that forbids nursing homes from seeking legal immunity for their corporate executives in their pandemic emergency plans?

MR. LENTOL: No. It doesn't go that far. But, you know, I would certainly welcome a plan like that included in something.

MR. KIM: Thank you.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, Mr. Kim.

MR. KIM: You know, I thank the sponsor, and I'll support this bill if it requires nursing homes to submit emergency plans during a pandemic. And as the Speaker has indicated over the last few days, this is just the beginning of a series of solutions we will be pushing, as well as an oversight hearing of nursing homes in the very near future.

Mr. Speaker, on March 25th the Governor issued an Executive Order that required nursing homes to take in COVID-positive patients. Two months later, after recognizing this deadly mistake, the Governor reversed that order. But I think many of us, including nursing home facilities, still remain very confused. Are nursing homes hospitals? Do residents have rights? You know, what

happened to all of our residential medical records for the last two months? During emergencies, you know, we need a plan that strengthens the nursing home residents' Bill of Rights, and we need a plan to protect our workers in these facilities. You know, we have a number of other bills that will address these questions and more, and I look forward to working with my colleagues in saving nursing home lives and delivering justice for nursing home residents.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will vote no. If there are any Republican members that would like to vote yes, then I would encourage them to immediately contact the Minority Leader's office with their position. But until the language is clarified, many of my members will certainly have concerns with this.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I want to commend the sponsor of this legislation, both for his compassion and his method of describing the bill. And secondly, for his thought process of not wanting to point fingers here, but just try to come up with some solutions. I submit to you, Mr. Speaker, and to the sponsor, that we actually had solutions in the past that were set up to be solved on a national basis. An Office of Pandemic Preparedness in 2014. We don't have that any longer. Now, that's no excuse for how we did in New York State or did not deal with this crisis. There's no excuse for how any other state dealt with it. But the reality is, is this pandemic is not only global, but it's a national problem and it needs national attention. So until it gets national attention, I have to honor Mr. Lentol's bill that said that we need to do something in New York to make sure that any other pandemic that comes before us that we have a plan for it. And I don't think that we should stop necessarily at nursing homes and healthcare facilities. I think we need a plan for K-12. We need a plan for Higher Ed. We need a plan for hospitals. We need a plan for hotels. We need a plan for municipalities, for villages. Everybody needs to understand what is our role when it comes to a pandemic like the one we're experiencing right now.

So with that, I want to commend Mr. Lentol again

and say that this is a Party vote in the affirmative. And members are perfectly welcome to vote negative, but they would have to give us a call to let us know that and/or arrive in the Chambers and cast that vote.

Again, this is a Party vote in the affirmative.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Mr. Byrne to explain his vote.

MR. BYRNE: Yes, thank you, Mr. Speaker. I rise to actually vote in favor of this bill. I -- I just wanted to make a comment because I know like many of my colleagues, we all got inundated with calls at the peak of this virus, this pandemic, in early mid-April when families were calling us, trying to just connect with their loved ones who were in these nursing facilities. And I want to point out that this bill not only develops a pandemic plan, but also methodologies to communicate with loved ones, which I think is a very important point. We live in the 21st Century. I don't think there's any excuse for people not to be able to connect with a loved one, even if for social distancing and were not able to go in person. I think that's just a practical thing that we can address. And I know my colleagues raised some important concerns about the language at the -- the latter portion of the first page. And I know we've all read reports in the newspapers about the March 25th order from the DOH and how controversial it is, and I'm sure it's going to be evaluated many times over and we'll be hearing about it for a lot long -- a much

longer period of time. But I don't think it's necessarily harmful to say that someone can be readmitted after treatment. Treatment doesn't necessarily mean someone is positive with the virus still when they come back to a facility, so I -- I don't necessarily interpret it the same way. But I do think it's a legitimate concern and perhaps that one thing can be remedied with a chapter amendment.

But all the same, I -- I want to thank the sponsor of this bill and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Certainly. Mr. Byrne, we understand that the stork has visited you recently which means you have a new addition in the family. We all wish you well. Hope that the mother and child are in great shape and that you're home taking care and making sure that you don't get any sleep. Thank you so very much, and congratulations.

Mr. Kim to explain his vote.

MR. KIM: Thank you, Mr. Speaker, for allowing me to explain my vote. You know, recently New York City came out with the data that one of my zip codes in Queens and Flushing had the most number of fatalities. And when we looked at the numbers closer, we realized almost 40 percent of those fatalities came from nursing homes. In the middle of March, and -- and -- I mean, the middle of April, you know, I spent countless hours, just like my colleagues, trying to get to the bottom of what's going on in my nursing homes. Trying to, you know, find a way to communicate for my families to get in touch with their loved ones who were exposed to

COVID-19. And during that time while I was busy helping others, my -- one of my uncles actually passed away in a nursing home in Flushing. So this issue is deeply personal and traumatic for me and my family. And I just want to spend a minute just to talk about my uncle because this is probably one -- one of the only ways I can properly honor him through this Zoom call. You know, my uncle was a former U.S. Army Captain, one of the first Korean-American dentists. But, you know, more importantly, you know, he sponsored my immigration stat -- immigration paperwork to bring my family into this country when I was a young seven-year-old boy. And at the time he also happened to be the only Korean-American Republican in Flushing and a big fan of Ronald Reagan. So he decided to give me my name when I came here and name me after Ronald. I tell people I'm named after Ron Darling, you know, but I'm telling you guys the truth in open media that I'm actually named by Ronald Reagan. I spent the last 40 years trying to undue some of the bad policies that he's done to our nation. But joking aside, this is not going to end because the opportunity to fight for people like my uncle and others who lost their lives during this crisis.

Thank you, Mr. Speaker. I vote in the affirmative.

ACTING SPEAKER AUBRY: Certainly, Ron. And our condolences to you and the family for your loss. Rest in peace.

Ms. Melissa Miller.

MS. MILLER: Yes, hi. I want to thank the sponsor, also. I think this -- I did not interpret it the way Mr. Goodell did. I

think with a good plan, preparedness plan, the readmission would be something -- especially after what has happened with this pandemic I think that that would be gone over extraordinarily carefully, at least I would hope so. And I think this is just smart politics right here to make sure that we all have a preparedness plan.

So, thank you. I am voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Miller in the affirmative.

Mr. Salka to explain his vote.

MR. SALKA: Thank you, Mr. Speaker. And I want to commend the sponsor on this very important piece of legislation. Over the years in my employ as a medical professional I had an opportunity to work around a lot of skilled nursing facilities and nursing homes. And the positive spin on this horrible pandemic that we're seeing now is that we will finally start to address some of the chronic problems that we've seen in nursing homes, like low staffing and the ability to be able to provide the care that they're -- they're committed to -- to give. And I would just want to make sure, though, that we do hold the Governor accountable for his directives and his Executive Order that brought a lot of this about. But the bottom line is, again, thank you to the sponsor. I'm looking forward to working with him and giving him some perspective on what my years of dealing in health have given me, and I thank him for that.

And with that, I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Salka in the

affirmative.

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. I'd just like to explain my vote, and I want to commend the sponsor for this bill which is constructive and positive and forward-thinking. I, too, have nursing homes in my district, one of which is the -- in every picture of nursing homes where there had been a lot of COVID deaths. And it's actually an excellent facility, but it got caught up in not having the -- the right amount -- enough -- staff people got sick. They didn't have enough PPE, and they had to take people back into the nursing home. And so I think it's very important that we recognize things that happened before that didn't go well, and plan for the future knowing more, and really focusing on what it is we need to do to keep the people that we have in our -- in our nursing homes safe and protect everybody. And I want to also share my condolences with Mr. Kim as well.

You know, it's very unfortunate that we have lost so many people to this disease, and we hope that, number one, it never happens again; and number two, if we have some other pandemic that comes around the pipe, we need to know how to plan for it. And this will all be a very constructive thing for us to have done. So I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Griffin to explain her vote.

MS. GRIFFIN: Thank you for the opportunity to

explain my vote. I, too, have many nursing homes and assisted living in my district, and I know how very hard they worked for their residents. I was in touch with many -- almost all the nursing homes throughout this pandemic and still am, and I really commend the sponsor, Assemblymember Lentol, because I think this is a smart bill. It makes sense for every nursing home to have a pandemic plan and to have the assistance of the New York State Department of Health, and just to be able to be in a position to be proactive and take care of things before they get to be a really strict, sad problem. My condolences to Assemblymember Kim and his family, and my condolences to anyone that has lost someone.

Thank you very much. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Griffin in the affirmative.

Mr. Barron.

MR. BARRON: Thank you. I also want to express my condolences to Assemblymember Kim and his family. But preparedness is what really hurt this nation. It really hurt the City, it hurt this State, the lack of preparedness. And particularly in the nursing homes. The Governor is being paraded across the nation as some great responder to this pandemic when, in fact, he was forcing nursing homes to take those who were already affected by the coronavirus which was the worst thing that could have happened in any state and in any city. Also, preparedness means that we should stockpile stuff. Stockpile PPE. Stockpile ventilators that will be

geared toward nursing homes and other environments and other population. Seniors were hurt badly. So had we prioritized seniors and nursing homes and prioritized black and brown communities and prepared these communities better, we would have been in far better shape. And no, what this State did was put a -- a 1,000-bed ship in the white community and used only 200 of the beds. This State decided that they'll take the Javitz Center in the white community and fix that up for a hospital and no things like this happened in black and brown communities where the rate of everything was higher. So preparedness means stockpiling. Having stuff ready. This President dismantled the -- the pandemic crises agency that Barack Obama set up. So, we have to be prepared. And preparedness means stockpiling equipment so if and when this hits again, maybe right in the fall, that they'll be stockpiled. Ventilators, PPEs, sanitizers, to get to the right communities and population.

I support this bill.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

Mr. DiPietro.

MR. DIPIETRO: Mr. Speaker, can you hear me now?

ACTING SPEAKER AUBRY: Yes, sir.

MR. DIPIETRO: Okay. I want to also say I apologize. And Mr. Kim, my condolences. I'm in the same boat you are. I live five blocks from Ground Zero in Erie County, which is all

of Buffalo, New York. And the nursing home in my little village has over 50 deaths and 190 COVID cases because of what the Governor did. We have been inundated. I live this every day. So I hope this isn't apologetics for the Governor. And one other thing I wanted to say on this bill, like a lot of them in my eight years, I always hear, *Well, if we could just change that language a little bit, okay?* It never happens. Dozens of times I've heard, *Well -- we've always said, We'll just change it a little bit to make it a little bit better.* It never happens. And I'm -- I'm sorry to say that, because this does say what Mr. Goodell says it's going to do. So I am going to be voting no and I urge all my colleagues to vote no on this. It can be done a lot better and a lot where we can get bipartisan support 100 percent, but you know, I always get the feeling that sometimes our colleagues don't care if it's bipartisan.

So with that, I'm going to vote in the negative and I hope everyone else does, also.

ACTING SPEAKER AUBRY: Mr. DiPietro in the negative.

Ms. Fahy.

MS. FAHY: Yes, thank you, Mr. Speaker, for allowing me to speak. I just want to add my thanks as well to the sponsor of this bill, and I want to add my condolences to Ron Kim. And I want to say that probably in the last two months this issue with regard to nursing homes has probably been the most stressful issue in my Assembly District as well. I represent numerous nursing homes,

many of which had very, very serious problems. Dozens of deaths and dozens and dozens more of those who tested positive. So, the -- the lack of preparedness, the lack of PPE which I know we experienced throughout this country, let alone throughout the world, we are still learning the lessons. We still have many more lessons to learn. And I, too, share the concern with the -- the Executive Orders as well. And I still share some concerns with the current Executive Order about testing twice. But I also want to give a -- I want to use this time to give a -- a quick shout-out to the Attorney General. Tish James and her office has been extraordinarily responsive. When we couldn't get attention to some of the issues here in the 109th District in Albany, we did turn to her office to ask her to please step in and investigate and make sure that we had some independent oversight there with regard to the nursing homes, and really commend her for the work, commend her for the investigations, and again, look forward to doing more.

So again, I thank the sponsor and I look forward to learning the lessons and making sure that this never happens again. Thank you, Mr. Speaker, for the time. And with that, I vote in the affirmative.

ACTING SPEAKER AUBRY: Affirmative vote.

Ms. Wright. Assemblymember Wright.

MS. WRIGHT: Thank you, Mr. Speaker, for the opportunity to speak on this bill. My condolences to Ron Kim and to all the families that have lost loved ones during this period. The nursing home crisis was a struggle for all of us. However, I do think I

welcome this opportunity for us to all take a moment and pause and to say that we want to invest in preparedness. Preparedness in our nursing homes will allow them to fully integrate into the healthcare system. Very often our nursing homes are left stranded, isolated, trying to operate independently. And in crisis situations I think that it's become apparent to all of us that we need to have them integrated and networked into the full healthcare system so that they can benefit from supply chains as well as information distribution. It was horrifying to watch them -- watch our nursing homes as they were forced to navigate these decisions and these -- this crisis by themselves. And I think that this period exposed every shortcoming that we had within the system. However, today's bill is a step in the right direction. It's going to allow us to invest in preparedness. To invest in systems and to help build the supports necessary to make sure that our nursing homes are thriving institutions that really do benefit all of us and are part of -- an integral part and a supported part of our healthcare system.

So with that, I vote in the affirmative and thank you very much for this opportunity.

ACTING SPEAKER AUBRY: Ms. Wright in the affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Actually, sir, I'm doing double duty. I'm going to explain my vote and then list all of my colleagues who disagree with me.

ACTING SPEAKER AUBRY: Rumor was you were going to do that, and so I'm glad you confirmed the rumor.

MR. GOODELL: It will only take one minute to explain my vote; it may take longer to list my colleagues. I think every one of the Republicans and Democrats are 100 percent behind Mr. Lentol's objective of ensuring that we have adequate and appropriate emergency preparedness plans in the future. We're on board. We all agree. That's not where the issue is. The issue is the language of the bill. Because the language of the bill doesn't talk about including in the plan not allowing someone back. The language is the opposite. It says, *a plan for readmitting patients*. So those who support the concept are going to vote yes. Those of us who are, perhaps, more particular about the language, as Mr. DiPietro mentioned, would prefer that the language more accurately reflected our unanimous support of the concept. And as I mentioned, I would look forward to working with Mr. Lentol and anyone else that had language that I think more adequately reflects our concerns.

Supporting the concept and the language as explained by Mr. Lentol are the following Republicans who are voting yes: Mr. Garbarino, Mr. Ashby, Mr. Blankenbush, Ms. Byrne [sic], Mr. Byrne, Mr. DeStefano, Mr. LiPetri, Ms. Malliotakis, Mr. Manktelow, Ms. Miller, Mr. Montesano, Mr. Morinello, Mr. Norris, Mr. Palumbo, Mr. Schmitt, Mr. Smith, Mr. Walczyk, Mr. Giglio, Mr. Salka, Mr. Hawley, Mr. Smullen, Mr. Miller, Mr. Fitzpatrick, Mr. Stec and Mr. Reilly. Also, Mr. Crouch and Mr. Palmesano.

ACTING SPEAKER AUBRY: So noted.

MR. GOODELL: Thank you, sir.

ACTING SPEAKER AUBRY: You're welcome.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 5, Calendar No. 38.

THE CLERK: Senate No. S08416, Senator Metzger (A10404-A, Rules Report No. 38, L. Rosenthal, Wright, Glick, Buttenschon, Otis, Bichotte, Ortiz, Dinowitz, DenDekker, Blake). An act to amend the Public Health Law, in relation to including audio-only and video-only telehealth and telemedicine services in those telehealth and telemedicine services eligible for reimbursement.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Rosenthal.

MS. ROSENTHAL: Okay. This bill would expand the definition of telehealth services to allow for audio-only or video-only communication, and to allow for such services to be eligible for reimbursement.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you. Would the sponsor yield for some questions, please?

ACTING SPEAKER AUBRY: Ms. Rosenthal, will you yield?

MS. ROSENTHAL: Yes.

ACTING SPEAKER AUBRY: Ms. Rosenthal yields.

MS. WALSH: Thank you so much. So, can you -- so I understand the concept of an audio-only call. That would -- that would be a phone call, right, Ms. Rosenthal?

MS. ROSENTHAL: Yes. Yes.

MS. WALSH: Yes. But what would a -- what video-only be? Video-only would be without sound, or would -- would it be with both sound and -- and video?

MS. ROSENTHAL: Well, it could be both, but for people who are deaf, you know, they might just use audio -- video without an audio.

MS. WALSH: Oh, great.

MS. ROSENTHAL: And blind people -- blind people or people with seeing difficulties would probably use audio only.

MS. WALSH: That's true. Okay. So what kind of insurance coverages would allow for this expansion of telehealth? Would -- for example, would Medicaid and Child Health plans be encompassed by this bill?

MS. ROSENTHAL: Okay, for Medicaid this is subject to approval of -- of the Federal government.

MS. WALSH: Okay. So this bill would not reach that, then, because that would require Federal approval? Is that correct?

MS. ROSENTHAL: Yes. It -- It -- you know, it is --

it is allowed now. The hope is that it continues after the emergency.

MS. WALSH: Okay. So in -- in Child Health Plus is the way I think of it, that's also -- that also receives Federal funding, so is that also exempted from this bill unless it's approved by the Federal government?

MS. ROSENTHAL: Yes. Well, the Federal government has approved this, but our Commissioner would have to approve the Medicaid reimbursement and the Child Health Plus as well.

MS. WALSH: Okay. Now, you brought up the Commissioner of Health, so the question I have is, does the Commissioner of Health currently have any guidance or regulations about the types of medical matters that could be handled through telehealth?

MS. ROSENTHAL: Let me see. You know, obviously, surgery isn't involved but they're still looking into -- into everything it could encompass.

MS. WALSH: I'm sorry, I didn't quite understand what you said. I -- you know --

MS. ROSENTHAL: It's something -- okay, it's something that would be approved on a case-by-case or service-by-service basis, but after they get more information. So one would apply and then you'd have to be approved based on what you are requesting coverage for.

MS. WALSH: And who would be the individual that

would be applying for the coverage? Would it be the medical provider would be asking the insurance carrier or -- or the Commissioner of Health, for approval to do telehealth at a certain -- a particular patient's situation? Is that how this would work?

MS. ROSENTHAL: I think it would work the way any insurance would work.

MS. WALSH: Okay. So -- well, I mean, sometimes it's the patient who makes a request to the insurance carrier and sometimes it's the -- it's the provider that's looking for pre-approval for a service. So it's not completely clear to me who is making the request under this bill.

MS. ROSENTHAL: I mean, probably the provider would ask and wait to see if it was approved before proceeding.

MS. WALSH: Okay. All right. Thank you very much, Ms. Rosenthal.

MS. ROSENTHAL: Sure.

MS. WALSH: Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, Ms. Walsh.

MS. WALSH: So first of all, let me just say that I am a huge fan of telehealth, generally speaking. I think that -- I just had a telehealth physical follow-up appointment with my own doctor last week. Worked out great, was not a problem at all. That was a fairly routine, thank God, visit so it was pretty easy. I do think, though -- I have some concerns about different types of appointments that might

not be appropriate for this kind of telehealth. Particularly like an audio call, if that's what the request would be. It would seem to me -- and I'm not a doctor -- but it would seem to me to not be appropriate for certain types of visits. If, for example, it was a dermatologist, a dermatologist, I would think, in order to figure out what might be going on with a patient would have to actually view the area of concern that the patient has. Or I know that people who have diabetes, the very first thing that happens when they go to see their doctor is the doctor asks to see their feet because it's really important that they see the bottoms of their feet to check out and evaluate their health. So I'm concerned about using audio visits. I do think that as we've gone through this COVID crisis that it's -- the -- the opportunity to do telehealth has been probably very reassuring for some people that did not want to go into a doctor's office and possibly be exposed to the virus. So I'm not against telehealth. But I do think that there are some visits that are not as appropriate. And I think, you know, I -- I know the Governor has recently talked about reimagining education, which is a topic for a completely another day. But to the extent that this could be part of reimagining healthcare, I have some concerns about it.

So that's it. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms.

Walsh.

Mr. Ashby.

MR. ASHBY: Thank you, Mr. Speaker. Will the

sponsor yield?

ACTING SPEAKER AUBRY: Ms. Rosenthal, will you yield?

MS. ROSENTHAL: Yes.

MR. ASHBY: Thank you, Ms. Rosenthal. I know that we had a little bit of a discussion on this during Health Committee, and I'm curious as to -- in the justification it states that the pandemic is the reason or the rationale for why we're asking for audio-only telehealth. But if that's the case, why is there no sunset clause on this?

MS. ROSENTHAL: Well, 34 states have telehealth plans and it is certainly the wave of the future. I think this State would have gotten around to -- to doing this, but certain people who have needed healthcare services during this COVID time and do not have access to computers and only perhaps have a flip phone, have needed to speak to their -- their provider. And so it -- it -- and in addition, the Federal government has provided a waiver because of COVID-19 to use audio-only.

MR. ASHBY: I can certainly appreciate that and -- and the compassion that you have, that we all have for those -- for those people who may be in need of this. And it being well-documented, if that were the case then, why is -- why are there not provisions specifically outlined for those people that are -- could be diagnosed with lacking in terms -- in terms of vision or hearing or -- or those sort of things? Why is it -- was is it broadly done?

MS. ROSENTHAL: You mean limiting who can use it?

MR. ASHBY: Correct. Yeah, limiting -- limiting who can use it, and then also looking at the Federal guidelines for this. There's three CPT codes to use audio-only telehealth, and the only difference between those three is the duration of services. Meaning that any procedure could be -- could -- you know, they could -- they could attempt to bill for this. And I understand that, you know, something like surgery would certainly not fall into that category and be rightfully struck from being able to be billed. But other things may not be. And I -- I know that my colleague earlier had alluded to school-based -- school-based services, and I've heard from a number of OTs, PTs, speech therapists out there having to conduct and -- and -- and have been asked to perform certain services like patient/family education and joint mobilizations and instructing range of motion on patients via -- via telehealth with audio and visual, and they don't feel comfortable doing that. And there's really no provisions in here that would restrict that from happening. So I'm -- I'm just curious as to why we are not asking or including more -- more regulation on this.

MS. ROSENTHAL: Well, we leave that up to the Department of Health. I'm not a doctor. Most of us are not healthcare providers. And so it -- it would not be appropriate for us to either include or exclude services that people need. But for example, going to a dermatologist. I'm assuming that that is not a service the Department of Health would authorize because you have to see the

problem that the person is experiencing. So we have to give a little leeway to the Department of Health. In addition, we have to give a little credit to the healthcare provider that they are not going to request reimbursement for something that is, you know, more or less impossible to do over the phone. But people are not in -- kids are not in school, so some of their OT, PT or even psychology or social work needs can be met over the phone. And so we want to provide enough flexibility, but it's ultimately the Department of Health that will write the regulations on this.

MR. ASHBY: I agree. And when -- and when you say "phone," do you mean audio-only or audio and visual?

MS. ROSENTHAL: No, phone I mean audio.

MR. ASHBY: Okay. And so do you anticipate the Department of Health maybe weighing in on this and maybe adding more guidance?

MS. ROSENTHAL: Absolutely. Because as I said earlier and as we've seen, more and more people as a result of this COVID-19 crisis are going to opt to work from home, for example. There's going to be a wholesale change in how society functions, and we have to be prepared for that. Telehealth was already on its way to becoming more dominant, and I think this is just pushing it along.

MR. ASHBY: And I -- I agree. But it -- that concerns me, too. When we may not be able to return to having services provided person-to-person, I feel that we may be permanently reducing the standard of care for -- for our most vulnerable. And I

know we've already had some of these conversations regarding our elderly population, kind of bringing me around to my next question. So, would a physician be able to call into a nursing home and conduct audio-only consults for patient?

MS. ROSENTHAL: Again, it's up to the Department of Health to write the regulations.

MR. ASHBY: But under the service --

MS. ROSENTHAL: I -- I don't think -- I don't think you need to -- to fear. We just want to provide more options, both for healthcare providers and for patients to get the help they need. So most people might prefer to do either audio and video or go in person. But some may not have the -- either the computer to do video or wants to do it audio. And there's certain things that you can accomplish through audio-only or video-only or audio/video without going to the office. And doctors now who've been so over burdened, and nurses, have said they can check in on their patients on the phone, and it's only helpful. It is not a replacement, it is another option.

MR. ASHBY: I don't -- I disagree with that, respectfully --

MS. ROSENTHAL: Okay.

MR. ASHBY: -- that it could be less than helpful if the person, if the patient, does not have the option. So, someone who's in a nursing home, for example, may not have the option of having visual or in-person correspondence with -- with the attending physician if they're choosing to just do audio. Which may be the case

because many nursing homes do not have attending physicians on site. Many of them come in, unfortunately, sometimes only on a weekly basis to round. So this is a very likely thing that could happen among that population. And during this time right now I just -- I -- I have some real concerns with that.

My next question --

MS. ROSENTHAL: You know, let me -- let me just respond. The whole issue of nursing homes is clearly a morass that we need to investigate and create better regulations around. However --

MR. ASHBY: This is a perfect opportunity.

MS. ROSENTHAL: Well, you don't have to vote for the bill. But providers are not required to be involved in this. If you, as a provider, do not want to engage with your clients on the phone, then you don't have to.

MR. ASHBY: Again, I understand that. But my concern is with the patient on this.

The next question. As far as prescriptions go, would physicians be able to prescribe medication via audio -- audio-only telehealth?

MS. ROSENTHAL: I believe they would if the Department of Health authorizes it. You know, this is done all the time. How many -- how many instances of patients calling their doctor saying, *I have a fever and I have a sore throat*. This is pre-COVID. The doctor phones in the prescription. And this has

happened for ages and ages. So this is no different.

MR. ASHBY: Well, there have been -- there are some differences that has been expanded on pretty rapidly in the last couple months. So, yes, telemedicine has been around for some time, but audio-only, we are seeing large-scale expansions of that.

MS. ROSENTHAL: I think -- I think you have to look at people who are low-income and cannot afford anything more than a flip phone or borrowing a phone from an acquaintance.

MR. ASHBY: I -- I am --

MS. ROSENTHAL: Not everyone has access to a computer, and we want to make sure that those people of low income, low means, no access to anything beneficial, also can have good healthcare.

MR. ASHBY: I -- I -- I am considering them, as I stated before, and hoping that they have a better option than audio-only, but some may not. So that's why -- that's why we're -- we're trying to get to the crux of -- of that issue. It's my -- it's my understanding that physicians can prescribe with this, and it's also my understanding - to the credit of the Federal government - that in order for them to prescribe narcotics - in light of the opiate crisis, I know that many regions around the State have see an influx in overdoses - that it would require two-way telehealth in order for that to happen. So it would require audio and visual.

MS. ROSENTHAL: I don't believe that's true.

MR. ASHBY: Under DEA current guidance, I

believe it is. At least I hope so.

MS. ROSENTHAL: Not under -- not under the waiver. It's a waiver now.

MR. ASHBY: So they -- so they could --

MS. ROSENTHAL: They waive --

MR. ASHBY: So a physician could prescribe --

MS. ROSENTHAL: They waived the in-person --

MR. ASHBY: -- an opiate without two-way telehealth? They could prescribe an opiate with audio only?

MS. ROSENTHAL: Yes. The first prescription for certain medications, like medication-assisted treatment, like buprenorphine - which is meant to limit the cravings and actually take people off drugs like heroin - is allowed to be prescribed audio only. Not in person. Actually, it's video/audio, but it's not in person.

MR. ASHBY: Thank you, Ms. Rosenthal.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ASHBY: I think based off of the discussion that we were able to have, and I'm grateful that we were able to do that, through what would be, you know, seemingly virtual dialogue, much like that we're talking about, you know, right now. Again, it's not the preferred method, right, and it's not necessarily as good of a quality as having everybody here. So I would ask my colleagues to consider that. You know, are we prepared to be lowering -- perhaps permanently lowering the standard of care with telehealth. Given all

-- given all of its -- all its positives through this conversation I -- I really think there are some grave concerns here, especially in dealing with our most vulnerable populations, and given the information that's come to light for prescribing opiates and the many overdoses that we've seen across the State.

For those reasons, I will be voting in the negative. I encourage all of my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Ms. Bichotte.

One minute, please.

MS. BICHOTTE: Sure.

ACTING SPEAKER AUBRY: Ms. Rosenthal. I'm sorry.

MS. ROSENTHAL: Some of the comments made by -- made by my colleague who spoke earlier, there are more overdoses now in all parts of this State. And part of the reason is because people are not gaining access to medication-assisted treatment which stops them from overdosing because they don't use heroin that way. They use drugs that stymie the cravings and keep people stable. So I think they're misinterpreting an opioid prescription. Certainly, doctors are not handing out opioid prescriptions to people they don't know for reasons that they're not familiar with, first of all. Secondly, this would not let the physician off the hook for providing proper care. If proper care is in person and the patient is not comfortable with audio, then they don't have to use audio. And nothing in this bill requires them to work via audio only. This is -- this bill just authorizes. It does not

mandate the Department of Health. CMS would all weigh in. And as per all of our laws, we don't set out the regulations. The regulations are set by departments. And I wouldn't even deign to think that I could write those regulations. I don't think any of my colleagues would, either. So what we're trying to do is expand access to healthcare to people who are indigent, people who have needs that -- that they can't meet in other ways. And medicine is changing. And this is just -- this is the wave of the future. That is why the Federal government waived in-person induction of buprenorphine, for example, and other prescriptions and other guidance that patients need. Look at it as a way for people to gain treatment when they have no other options. They will go audio only. And obviously, a doctor who says that they can operate or they can do whatever speciality they may have audio-only, then there's something wrong with that doctor.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

Assembly Bill A10404-A, this is a Party vote. Any member who wishes to record it as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference will be voting no. Those members who wish

to vote yes should immediately contact the Minority Leader's office and advise them otherwise.

Thank you, sir.

ACTING SPEAKER AUBRY: Republican

Conference votes no.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference will be voting in the affirmative on this piece of legislation. We want to commend the sponsor for introducing it. And if anyone would like to vote no, they should please come to the Chambers to cast their vote and/or give us a call. Otherwise this is a Party vote in the affirmative.

ACTING SPEAKER AUBRY: Majority Conference votes in the affirmative.

(The Clerk recorded the vote.)

Ms. Bichotte to explain her vote.

MS. BICHOTTE: Thank you, Mr. Speaker. Thank you, Mr. Speaker, for allowing me to explain my vote. This bill would expand telehealth services to allow audio-only and video-only communications and allow such services to be eligible for reimbursement. I'd just like to say that in response to COVID-19, the medical field has had to evolve quickly to meet the needs of patients in an era where social distancing is required, and in-person visits are not always advisable. And in many cases, many people in the hardest-hit areas do not have access to video-enabled devices. People

without iPads or smartphones cannot talk to a doctor. People in my community have lost their jobs, and many of them cannot even afford a smartphone or an Apple device. They can't even really afford to put food on the table. You know, one example is my mother. My mother who is elderly, she is 82 years old. She has heart conditions, she has arthritis, she is -- English as her second language, is her second language. And the doctor called me, her cardiologist called me and said, *Hey, we want to do this video thing*, and it was just difficult. We couldn't do it. I was here, she was there. Her home health aide could not do it. So we resorted to audio. And guess what? It worked. It worked with her flip phone. And her doctor was able to prescribe the medication that she needed. She needed this medication. So the irony is that this community, in particular in Brooklyn, that need access to doctors the most, they are the people who -- many are essential workers, many who got sick, many who were turned away from hospitals because the hospitals were overcrowded really need this. And as our -- the sponsor of the bill mentioned, we're changing the ways of doing everything, and telehealth is -- is one way.

I will -- I'm happy to vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Bichotte in the affirmative.

Ms. Woerner to explain her vote.

MS. WOERNER: Thank you, Mr. Speaker, for allowing me to explain my vote. We -- I think we recognize that in

the face of this pandemic the medical community has stepped up and -- and adapted as they needed to to provide services and treatment to their patients. And telehealth -- telehealth and telehealth technologies has certainly become an integral part of how healthcare services are delivered. And I am supportive of this bill because in -- as somebody who represents communities where broadband is still sadly lacking, audio-only becomes one of the only options. But I feel compelled to raise the concern that the private insurance plans, unlike Medicaid and Medicare, choose to reimburse telehealth services at a far lesser rate than regular office visits. So to -- to the extent that our healthcare delivery system is shifting to embrace more telehealth services, this will put our providers at risk, particularly our primary care providers in smaller rural communities. And I would encourage my colleagues to work with me to embrace a payment parity statute that other states have adopted to ensure that private insurers reimburse telehealth services at the same rate, just the same way that the CMS has done that for Medicare and that we do it within the State for Medicaid patients.

Thank you, Mr. Speaker, and with that I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Woerner in the affirmative.

Mr. Byrne.

MR. BYRNE: Thank you, Mr. Speaker. I want to thank my colleagues from both conferences for speaking on this bill. I

understand the concerns that were raised. I think they're legitimate. It's good to get everything on the record and -- and talk these things through. I am going to support the bill, and I just want to briefly explain why. I do not believe that telemedicine is a replacement for in-person visits. I --I think that's an important point and I think that is largely understood from the comments I heard this evening. However, we talked about how we're going to increase access to care for people who need it, whether it's low-income or seniors who just don't have the ability to do -- you know, have a smartphone or they may just be limited in -- in how they can commute to the doctor's. Right now with the pandemic and COVID-19, I can tell you I have a lot of concerns from speaking to folks in the medical community because their patients are not going to the doctors as they should. We still have issues right now because of the restrictions from COVID-19 and the disaster declaration with dentists and orthodontics, where people are still going without having their daily checkups. And unless it's an emergency they're not able to see their dentist or their orthodontist. So what they are doing - and I know this personally because I've had to do this as I've had to get some work done - they do telemedicine to the extent where you can take a picture and you send it. But that only gets you so far. And it gets to a point where, you know, it's still gonna be harmful. They need to get that in-person visit. And I think that's always going to be the case. So I do hope that, you know, our State does open up for dentists because they're responsible folks. I know my colleague Assemblywoman Nicole Malliotakis has pushed an

effort for that. But telehealth is a good thing. It just, to me, it's options. We're not forcing providers to do one thing or the other. But if we do have patients that do not know how to use a smartphone, they may be ability-impaired. It's a good option, so I will be voting yes. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Byrne in the affirmative.

Mr. Mosley to explain his vote.

MR. MOSLEY: Thank you, Mr. Speaker, for this opportunity. Although I embrace technology and -- and all of its advancements, like some of my colleagues have said, you know, I do -- do so with trepidation. This pandemic, it only highlighted some of the many -- the many inequities we have in our society, and I hope that as we advance with technology on these virtual visitations by our physicians that we take into account that we don't want to leave behind our seniors, we don't want to leave behind the poor, we don't want to leave behind those who live in our rural communities because those are the individuals that need it the most, while at the same time we understand that they don't have the tools or they lack the very tools to necessitate such advancement.

So I support this piece of legislation, but I hope that we just don't look at this in the -- in a vacuum, that everyone has the access, everyone has the same tools, everyone has the same accessibility to this service, and have a level of sensitivity to make sure that those who we know or can anticipate will have the hardest

time getting this type of service are provided the resources to do so.

And I proudly vote in the affirmative. Thank you,
Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Mosley in the
affirmative.

Ms. Melissa Miller to explain her vote.

MS. MILLER: Can you hear me?

ACTING SPEAKER AUBRY: Yes.

MS. MILLER: Thank you. I also want to explain my
vote. I -- I had plenty of questions about this bill in the Health
Committee yesterday, because we have over the past few months have
had plenty of experience with telehealth visits, some of which were --
were with video and we couldn't even get the video to work so it
wound up being basically audio only. And I think that it -- it could
work, and I think that it also demonstrated the limitations. But to
those who don't have any other access, if they live in a very rural area
and they don't have Internet or they can't figure out the video. Like I
know my mom with Alzheimer's is not going to be able to figure out,
you know, how to get on a -- a video teleconference. So I think it
provides access for everybody, as Kevin Byrne said, if there are
options. If it's their choice. My fear is that a physician may say they
only do audio visits. They don't offer the options of either doing it
with video or an in-person visit. And there -- like as has been
discussed, there are many, many things that you simply can't do over
the phone. You cannot do physical therapy. You can't assess

somebody's respirations or how their lung sounds are through the -- the telephone call. And I would have faith that the Department of Health and the Commissioner and the providers themselves would choose which, you know, specialties just this does not apply to.

So having faith in that and being able to provide access to everybody that really needs it, I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Miller in the affirmative.

Ms. Linda Rosenthal to explain her vote.

MS. ROSENTHAL: Thank you, Mr. Speaker, to explain my vote. Maybe some of us are too young. However, in the past, the way people saw doctors was when the doctor came to their home. It was all home visits, basically. And what do we have now? We have people going to the doctor's office, people seeing their doctors through video, and also people speaking to their doctors on the phone. The intent of this legislation is to provide that option when clinically appropriate. It is a decision the patient would make and the healthcare provider. I think any healthcare provider who said that they were only available by audio would soon have no patients. And this is an attempt to meet the future, as have 34 other states, to allow the widest access to people who need medical attention. And that is why during COVID-19 the Federal CMS, Centers for Medicaid and Medicare Services, authorized audio-only telehealth services. In the midst of a pandemic, audio has probably been a lifesaver for people.

And it is not something we should abandon because it's new. We have to put some faith in the government that they will write appropriate regulations, that healthcare providers will follow them, and that we'll all live happily ever after.

And I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Mr. Tague to explain his vote.

MR. TAGUE: Thank you, Mr. Speaker. Many of you know I come from a very rural area, and one of the things that's very near and dear to my heart is school-based healthcare. And I'm very concerned with our schools being out since the end of February or early March that some of these children, the only healthcare they get from now until they get later in their life is school-based healthcare. And I'm going to support this bill, and I want to thank the sponsor. And she's probably scratching her head right now that I'm supporting one of her bills, but I think this is a -- I think this is a good one. And especially with the COVID-19 situation, I want to make sure that all our children in rural New York, rural Upstate New York have an opportunity to healthcare, and I think right now this may be the best way.

So I will be in the affirmative, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Tague in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to Mr. Tague, the following members will be voting in the affirmative: Mr. Ra, Mr. Schmitt, Mr. Norris, Ms. Miller, Mr. Morinello, Mr. Friend, Mr. Walczyk, Ms. Malliotakis, Mr. Brabenec, Mr. Smith, Mr. Manktelow, Mr. Kolb, Mr. Byrne, Mr. LiPetri, Mr. Palumbo, Mr. Reilly, Mr. DeStefano, Mr. Fitzpatrick, Mr. Blankenbush and Mr. Palmesano. Mr. Salka, Ms. Byrnes, Mr. Hawley, Mr. Giglio, Mr. Miller, Mr. Stec. And I believe that's it, sir. You have Mr. Manktelow. Mr. Mikulin should be yes as well.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 6, Rules Report No. 39.

THE CLERK: Senate No. S08236-A, Rules Report No. 39, Senator Gaughran (Assembly No. A10409-A, Rules Report No. 39, McDonald, Otis, Buttenschon, Ortiz, Jacobson, DenDekker, Blake). An act relating to authorizing local governments to extend building permits and local zoning boards of appeals and local planning boards active approvals for a period of up to 120 days; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. McDonald.

MR. MCDONALD: Thank you, Mr. Speaker. This legislation allows local governments at their option to extend the expiration date of building permits, zoning permits, planning board permits up to an additional 120 days from the date originally issued.

ACTING SPEAKER AUBRY: Mr. Garbarino.

MR. GARBARINO: Thank you, Mr. Speaker. Will the sponsor yield for a couple of questions?

ACTING SPEAKER AUBRY: Will you yield, Mr. McDonald?

MR. MCDONALD: Yes, sir.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GARBARINO: Thank you. Mr. McDonald, just a quick -- couple of quick questions. You said it's an extension from 100 -- 120 days extension from the, not the grant, but the expiration date? So, if a building permit was to expire on March 15th, they would be -- if the town did this, it -- they would get an extension for four months from the 15th?

MR. MCDONALD: From the 15th of the original expiration date.

MR. GARBARINO: So, it's whatever -- whenever that individual permit expired, they get 120 days.

MR. MCDONALD: Yes.

MR. GARBARINO: Okay. So, that's -- that's great for building permits. I think this is a -- a very good idea because, you know, during the shutdown you have a lot of construction, everything

was shut down. People who had permits, they paid their permit fees --

MR. MCDONALD: Mm-hmm.

MR. GARBARINO: -- and they couldn't continue that work. I think this is great because, you know, a lot of them, the permits would have expired, they would have to have paid -- expired -- expiration fees just to renew the permit.

I do have a concern, though, about the local zoning -- the granted extension of a local zoning board. I know there's case law now that says that once a town or a village has created a board of appeals --

MR. MCDONALD: Mm-hmm.

MR. GARBARINO: -- that the -- the town board or the village no longer retains power to grant variances, it's now delegated to that board of appeals. Currently, I -- I do practice some land use law and -- and when I've had to get variances approved and then extended, I've always had to go back to the board of appeals.

MR. MCDONALD: Mm-hmm.

MR. GARBARINO: This -- from -- from the way this is written, it says local governments can, by one resolution, extend these grants up to 120 days. Is there a reason, or maybe it's just the way I -- I'm reading it, that the town board now has the power to extend these board of -- these variances when the board of appeals was -- originally granted them?

MR. MCDONALD: Yeah, so, you raise a good point, you know, the -- the zoning board obviously went through

deliberations and made the decision, *We're going to grant this appeal.* An argument can be made that the zoning board is a creation of a local government, therefore the town board would have the authority to extend it. Because it's more, really, an administrative process. This isn't really judging the project again based on whether it's right, wrong or indifferent. The bottom line is, the zoning board did its appropriate deliberations, the public had its opportunity to discuss the project, the zoning board took all the factors into account and made a decision, *We're approving this project.* All we're doing is extending it another 120 additional days.

I understand what you're saying because there appears to be some case law - and you practice law, I practice medicine, so I'll defer to you on that - where, you know, if some judge wants to take a tight look at the language, they would be saying, *Well, no, the town board can't extend it* -- because the town board's not granting any more, they're just extending what was granted by the zoning board of appeals. I can see where, as lawyers like to do, they look very closely at these things and dissect them. You know, I guess my only comment to that would be is that, you know, if there's a concern about that at the local level -- and, once again, this local government doesn't have to do this. This is something they would elect to do --

MR. GARBARINO: Mm-hmm.

MR. MCDONALD: -- by resolution. They may want to do it concurrently with the zoning board just to make sure to

cover it. Because I -- the intent here is not to go back and revisit these projects that have been approved.

MR. GARBARINO: It's just to give the extension.

MR. MCDONALD: Yes.

MR. GARBARINO: So, it -- so it would -- there's nothing in this law that would prohibit, instead of the town board from granting the extension of the variances, could instead the board of appeals take up a motion extending them itself? Doing them all or --

MR. MCDONALD: The intention was really for the -- the town board to do that. Remember, the zoning board of appeals are usually created because the town board at some point they have -- the mothers and the fathers of the town board decided, *We want a zoning board to deal with this, not the town board.* The -- in --

MR. GARBARINO: A lot of unpopular decisions, they didn't want to make them.

MR. MCDONALD: They -- well, it is what it is, right?

MR. GARBARINO: Yeah, exactly.

MR. MCDONALD: We have a lot of towns out there and there's a lot of different --

MR. GARBARINO: Yeah.

MR. MCDONALD: -- different ways of addressing these issues. But the reality is, the zoning board is a creation of the town board. This is, in my perspective, an administrative action. It's just extending a permit. I think there's comfort in knowing a town

board would have that authority. And there's nothing wrong with the town supervisor and the board saying, *We'd like to have a concurrent resolution from the ZBA to give us the extra potential.*

But, quite honestly, this came to us through the Conference of Mayors because there's always been this thought they could do this, but let's face it, we want to get people back to work, we want to get the economy rocking and rolling again, and we don't want to have to go back and get caught up in a technicality saying, no, that permit expired. No, we want people to get back to work and do things.

MR. GARBARINO: No, I agree. I think this is a great bill, I just wanted to make sure because, like you said, I don't want a technicality all of a sudden --

MR. MCDONALD: Yep.

MR. GARBARINO: -- somebody is suing later on and saying, oh, the town board didn't have this authority, it had to go back to the board of appeals, but I think we've -- you've cleared that up. This is by statute we're -- we're giving the power to the town board --

MR. MCDONALD: Yep.

MR. GARBARINO: So that -- authorizing the town board to do this. So, I -- I appreciate your answers and I appreciate this bill, thank you very much, I'll be supporting it --

MR. MCDONALD: Thank you.

MR. GARBARINO: -- and encourage my colleagues

to do the same.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, do you have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: We have, Mrs. Peoples-Stokes, we have both. On a motion -- just housekeeping.

On a motion by Ms. Weinstein, page 38, Calendar No. 248, Bill No. A06909-B, amendments are received and adopted.

On a motion by Ms. Simotas, page 9, Calendar No. 40, Bill No. A00794-D, amendments are received and adopted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I want to thank the members from both sides of the aisle, as well as the staff for this extraordinary first remote Session that we have completed here tonight. And I want to call to folks' attention that we will be back

tomorrow and there are going to be Committee meetings. So, the -- Housing is going to start at 9:30; Ways and Means at 10:00 and Rules will be at 10:30. Session will be at 12:00 noon. If we can all be prepared in remote Session to go right through our process, much as we did today, we will complete our work for the week.

Mr. Speaker, with that on -- now I move that the Assembly stand adjourned until Thursday, May the 28th, and that we reconvene at 12:00 noon for Session.

ACTING SPEAKER AUBRY: The House stands adjourned. Some things remain the same.

(Whereupon, at 11:25 p.m., the Assembly stood adjourned until Thursday, May 28th at 12:00 p.m., Thursday being a Session day.)