

**TUESDAY, FEBRUARY 13, 2024**

**2:27 P.M.**

ACTING SPEAKER AUBRY: The House will come to order.

In the absence of clergy, let us pause for a moment of silence.

(Whereupon, a moment of silence was observed.)

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 Monday, February 12th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Monday, February the 12th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so

ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. To all the members that are in the Chambers as well as their guests that are here, good afternoon. It's nice to see you all. I do have another part of the James Weldon Johnson originally a poem, now a song that I would like to share. This one says *stony the road we trod, bitter the chastening rod, felt in the days when hope had died; yet with a steady beat, have not our weary feet, come to the place where our fathers sighed, we have come over the way with tears that have been watered, we have come treading our path through the blood of the slaughtered, out of the gloomy past, till now we stand at last.* Again, these words are from James Weldon Johnson and Civil Rights Activist, member of the NAACP and infamous writer of the Black National Anthem.

Mr. Speaker, members have on their desks an A-Calendar. After you have done any introductions and/or housekeeping we're going to begin our work by taking up on consent, Calendar No. 4 by Mr. Sayegh. We will then take up new bills beginning with Calendar No. 297, it's on Page 35. We will note, we're not taking up resolutions on Page 3 today, Mr. Speaker. We're going to start right with our legislative work. We will then take up the following bills on debate: Calendar No. 276 by Ms. Rosenthal, Calendar No. 289 by Mr. Bronson and Calendar No. 282 by Ms. Gallagher. There may be a need for additional floor work as we proceed, Mr. Speaker; however, if so, I will be pleased to

acknowledge. However, our Majority Conference should be reminded that of course right after we finish our floor work we're going to be going right into conference. And as always, we will determine what the needs of Mr. Goodell and his team may need as well. That's a general outline of where we are, Mr. Speaker. If you have any introductions or housekeeping now would be a great time, sir. Thank you.

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

We have a introduction by Mr. Conrad.

MR. CONRAD: Thank you, Mr. Speaker. I'd like to recognize Ed Mathes, the President of NYSSPA, and next to him is Emily Conrad Krueger, who is my sister and clearly the more intelligent one of the family. They're here advocating for our New York State Physician Assistance and all three of us are graduates of Sweet Home High School in Amherst, New York. They both are from Rochester, New York unfortunately, not from Buffalo, just kidding. But I want to welcome them to the People's House and offer them the privileges of the floor. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of your brother, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. You're family, you're always welcome here as well as your colleagues and we thank you for the great work you do in keeping New Yorkers healthy and well. Thank you again so much for

dropping by.

(Applause)

For the purposes of a introduction, Mr. Chang.

MR. CHANG: Thank you, Mr. Speaker. And you can see how I'm dressed right now on a auspicious occasion here, Mr. Speaker. I want to thank everyone in this great Body both here and the Senate unanimously passed a historic Statewide bill with recognition of Lunar New Year. I also want to thank Governor Hochul for signing the bill. Today is an auspicious occasion as we mark a Lunar New Year celebrated over 3,500 years ago, and a very auspicious animal, the dragon. Behind me sitting are at least 60 of prominent Chinese American who represent my district. They could be community leaders, businessmen, artisans themselves who want to witness this occasion as well. So let me read a few -- few names in here. Simon Chik, Bentley Zhao, Raymond Wang, Joyce Huang, Xiao Wang, Li Chi Por, Angel Wu, Bao Ling Li, Liang Qua, Liu Fu Yi, Huang Xiao Liu, Danny Zhang, Tsang Mui Sun, Zhong Li Liang, Chen Hao, Ray Huang, Allyson Guaman, Xiu Zhao. These are prominent sitting right behind me, and let me -- I want to add a few more things to this Body here.

Nearly 20 percent of world population has over two billion celebrating Lunar New Year. There are some other countries that celebrate but not fully, but you add those countries, that's about more than 50 percent of the world population celebrate Lunar New Year. And also I want to thank Leader Carl Heastie -- Speaker Carl

Heastie, Leader Will Barclay and Brooklyn Delegation also help me out to help this occasion. And Speaker, thank you and welcome my guests over here.

ACTING SPEAKER AUBRY: Certainly. On behalf of the splendid Mr. Chang, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. We hope that your trip here has been beneficial. We are pleased to celebrate Lunar New Year with you today. (Speaking foreign language)

(Applause)

Mr. Colton for the purposes of a introduction.

MR. COLTON: Thank you, Mr. Speaker. I also have a constituent here, somebody who is in my district, and in addition to all the others that have come here today, and many people have come and some are actually even on the way. We had a little snow in New York that we avoided in Albany so we're very fortunate to be here. This is a very important occasion, because as my colleague Assemblymember Chang said, we passed the Lunar -- Asian Lunar New Year bill and that allows all over New York State children to be able to have the schools closed, every school in New York State will be closed as result of that. And so there are many people coming up here today to celebrate that, and there will be an event at 4:00 where people will be coming up and celebrating this great historic event. And I have somebody here with me who has been playing a major role in my district in serving people and helping me serve

people. He's someone who been when there's a food insecurity issue, he arranges with his organization and with other organizations with the UA3 to be able to get food to distribute free to people who need it and it's available to all people. He's somebody who has been involved in many different issues in the neighborhood. The person I have here is Mr. Simon Chik, and he has been extremely active in bringing people together and serving the needs of people and truly he is a major part of the communities coming together and achieving this great event of the Lunar Asian New -- Lunar Asian New Year they now recognize all over New York State with all the schools being closed. So I thank this person for coming up from my district and I would ask that you give him the cordialities of the House on this special occasion.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Colton, the Speaker and all the members, we welcome you here, Simon, to the New York State Assembly, extend to you the privileges of the floor. Our thanks for the work that you do ensuring that people are taken care of. It is a great gift that you give the City of New York and the State of New York. Thank you so very much.

(Applause)

Page 3, Calendar No. 4, the Clerk will read.

THE CLERK: Assembly No. A00061, Calendar No. 4, Sayegh, Seawright, Gallagher, Sillitti, Lemondes, Stirpe, Santabarbara, Buttenschon, Gunther, Bores. An act to amend the General Business Law, in relation to requiring businesses which

provide for someone to spoof a telephone number to keep certain records.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 90th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 35, Calendar No. 297, the Clerk will read.

THE CLERK: Assembly No. A07395, Calendar No. 297, Darling. An act to amend the Mental Hygiene Law, in relation to providing definitions of mental health and family and youth peer and requires the office of mental health to establish peer service qualification programs.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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 Bill No. A08435, Calendar No. 298, Bores. An act to amend the State Technology Law, in relation to cloud computing.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Bores to explain his vote.

MR. BORES: Thank you, Mr. Speaker. I think we can all agree that technology should not get in the way of New Yorkers getting the best possible service from their government. And what technology is best for a particular product or service will vary. Sometimes the best thing will be to load a program in a data center, sometimes the best thing will be to go to the cloud. And so what this bill asks is that ITS aids State agencies in deciding the right specifications and qualifications for when to go to the cloud, and that every agency designed a written policy on when the best time to go to the cloud is and how they'll evaluate it. And that way, we'll avoid making willy-nilly decisions on the best way to provide services and provide the best possible experience to New Yorkers at the lowest possible cost. I proudly vote yes. Thank you.

ACTING SPEAKER AUBRY: Mr. Bores in the affirmative.



Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly Bill No. A08485, Calendar No. 299, Hunter, Santabarbara. An act to amend the Mental Hygiene Law, in relation to identifying information and training programs relating to the diagnosis and treatment of post-traumatic stress disorder for military veterans, and to amend a chapter of the Laws of 2023 amending the Mental Hygiene Law relating to a program for the diagnosis and treatment of post-traumatic stress disorder, as proposed in legislative bills numbers S. 7274 and A. 793, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. Hunter, 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.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. Last year we passed the bill unanimously that would require the Office of Mental Health to develop a PTSD training program for veterans, and to certify those who had taken the training. That bill, as I mentioned, had

unanimous support because all of us in this Chamber want to help our veterans deal with PTSD.

This Chapter Amendment eliminates the requirement that we passed last year for OMH to create a training course for those veterans suffering from PTSD and eliminated any certification. In other words, this Chapter Amendment eliminates everything we asked for last year when we passed the original bill unanimously. Instead, the Chapter Amendment only requires OMH to make a list of already available information and resources for veterans suffering from PTSD. I liked the original a lot better because it's more effective for veterans. And for that reason, I will be voting against this bill. I recognize, though, that even though this bill is not as desirable in my opinion as the prior bill, it's better than nothing. But in that regard, I would wonder why we're not asking our Division of Veteran Affairs to put together a list of existing resources for veterans rather than OMH. But for those two reasons, I will be voting against the Chapter Amendment although I do acknowledge and many of my colleagues will acknowledge that having OMH do something is better than having them do nothing. And so a Chapter Amendment rather than a veto is probably preferable. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly Bill No. A08510, Calendar No. 300, Peoples-Stokes. An act to amend a chapter of the Laws of 2023 amending the Business Corporation Law, the Partnership Law and the Limited Liability Company Law relating to certified public accountants, as proposed in legislative bills numbers S. 2473-A and A. 4189, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mrs. Peoples-Stokes, 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.

(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 Bill No. A08511, Calendar No. 301, Solages. An act to amend the Education Law, in relation to the scope of the work an athletic trainer is authorized to perform.

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

Read the last section.

THE CLERK: This act shall take effect on the 730th

day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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 Bill No. A08512, Calendar No. 302, L. Rosenthal. An act to amend the Education Law, in relation to physician coursework or training in nutrition; and to repeal Section 264 of the Public Health Law, relating to physician coursework or training in nutrition.

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 June 1st, 2024.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(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 Bill No. A08568, Calendar

No. 304, Jean-Pierre. An act to amend the Parks, Recreation and Historic Preservation Law, in relation to the term veteran and Gold Star families and the free use of campsites.

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

Read the last section.

THE CLERK: This act shall take effect April 1st.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 34, Calendar No. 276, the Clerk will read.

THE CLERK: Senate No. S08011, Calendar No. 276, Senator Kavanagh (L. Rosenthal--A08506). An act to amend the Administrative Code of the City of New York and the Emergency Tenant Protection Act of nineteen seventy-four, in relation to establishing the legal regulated rent for the combination of two or more vacant apartments; to amend the Emergency Tenant Protection Act of nineteen seventy-four, in relation to exemptions from rent stabilization on the basis of substantial rehabilitation; to define clearly the scope of the fraud exception to the pre-HSTPA four-year rule for calculating rents; and to amend part B of a chapter of the Laws of

2023 relating to defining clearly the scope of the fraud exception to the pre-HSTPA four-year rule for calculating rents, as proposed in legislative bills numbers S. 2980-C and A.6216-B, in relation to claims of fraudulent schemes and determination relating thereto and in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Ms. Rosenthal, an explanation has been requested.

MS. ROSENTHAL: The purpose of this bill is to amend parameters within the Rent Regulation Laws for setting a new legal regulated rent when a regulated unit has been combined with a regulated or unregulated unit, clarifies the exemption from the ETPA on the basis of substantial rehabilitation and grounds for denial, and it clarifies the fraud exception to lookback period in overcharged cases.

ACTING SPEAKER AUBRY: Mr. Slater.

MR. SLATER: Thank you, Mr. Speaker. Will the sponsor yield for a question?

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

MS. ROSENTHAL: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. SLATER: Thank you, Ms. Rosenthal, I appreciate it. Last year in June, we debated the bill-in-chief quite extensively and I just wanted to follow up on the Chapter Amendment with a quick question. Does the new standard for fraud, which was discussed I think at length during our June debate, does the new

standard pertain to pending actions or perspective actions?

MS. ROSENTHAL: Pending actions.

MR. SLATER: Pending actions. Now, if I remember correctly I thought --

MS. ROSENTHAL: I mean pending and going forward, yeah.

MR. SLATER: I'm sorry, could you repeat that?

MS. ROSENTHAL: Pending and future cases.

MR. SLATER: So those that were already filed, that new standard for fraud --

MS. ROSENTHAL: Well, it's not new, it's actually what we've codified and what DHCR has put as a regulation in 2014. So it's nothing new, it's returning what we always had.

MR. SLATER: I mean, I think that some of my colleagues would disagree with that --

MS. ROSENTHAL: Okay.

MR. SLATER: -- with regards to how fraud is really going to be redefined under the statute --

MS. ROSENTHAL: No, no; not really.

MR. SLATER: -- but so I just wanted to make sure we're clear, because I thought in the debate you had said that it would only be prospective cases, not those that were already filed.

MS. ROSENTHAL: Well, this particular Chapter Amendment relates to pending cases.

MR. SLATER: Okay. Thank you very much. That

was my only question.

MS. ROSENTHAL: Thank you.

MR. SLATER: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Slater.

Mr. Blumencranz.

MR. BLUMENCRANZ: Thank you, Mr. Speaker. I just also had one question. So you're just using the --

ACTING SPEAKER AUBRY: Ms. Rosenthal, you'll ask her to yield?

MR. BLUMENCRANZ: Oh, sorry. Would the sponsor yield?

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

MS. ROSENTHAL: Yes.

ACTING SPEAKER AUBRY: Thank you.

MR. BLUMENCRANZ: So I just want to clarify the -- the definition and elements of Common Law Fraud are just, they're not -- they're not new, you're just going to the -- as you were saying the original definitions, correct?

MS. ROSENTHAL: Yes. Common Law Fraud was not the standard that was used in Grimm and Thornton and Coniston or what we codified and DHCR put in regulations.

MR. BLUMENCRANZ: Okay. All right. Thank you very much.



MS. ROSENTHAL: Thank you.

MR. BLUMENCRANZ: I don't have any more questions.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. ROSENTHAL: Yes.

ACTING SPEAKER AUBRY: Sponsor yields.

MR. GOODELL: Thank you, Ms. Rosenthal. To be honest with you, I'm a little confused on this language and so I was hoping you could help clarify it. I'm looking on this bill, section 2, it's on line 27, and it says that the fraudulent analysis is based on a knowing engagement in fraudulent scheme; correct?

MS. ROSENTHAL: I have to get it. What page?

MR. GOODELL: It's on Page 3, line 27.

MS. ROSENTHAL: Okay.

MR. GOODELL: And it references a knowing engagement in fraudulent scheme, right?

MS. ROSENTHAL: Mm-hmm.

MR. GOODELL: But then in the same sentence later on, it says there's no need for finding of all the elements of Common Law Fraud including any misrepresentation of a material fact. So you're saying that you can have a fraud claim without any

misrepresentation of a material fact?

MS. ROSENTHAL: No. I'm saying that we do not apply the Common Law standard of fraud.

MR. GOODELL: Right. And in these lists, very specific --

MS. ROSENTHAL: That's the interpretation --

MR. GOODELL: -- including a misrepresentation of facts. So you're telling us that a housing owner could be held responsible here without any misrepresentation of the material fact.

MS. ROSENTHAL: No. It's just all the Common Law cases are not in effect -- do not apply here. But that doesn't mean the fraud standard might not include some of that.

MR. GOODELL: Well, you specifically say including evidence, for example, of falsity. So you're saying that there's no evidence that the statement was false, you could still be triggered?

MS. ROSENTHAL: This is just referring to the Common Law definition of fraud.

MR. GOODELL: So you list every single element of Common Law Fraud it appears. You say that you can be held as engaging in fraudulent conduct even though, it says even though there's no finding of a misrepresentation of material fact, that's line 33, no falsity, no scienter - which means no intent - reliance or injury. And it goes on to say none of these have to be satisfied. How can you hold a landlord liable for fraud without establishing some or all of

those factors? How can you hold them liable for fraud if there's nothing that was false, no reliance, no injury, no intent.

MS. ROSENTHAL: Okay. So a fraudulent scheme, and there are many examples of that: Fail to file registrations, omitted mandatory lease riders, filed false or misleading registrations engaged in other conduct that would cause unsuspecting tenants to delay in filing their overcharge claims until after the deadline had expired. So those are part of the fraudulent scheme definition. And all this is to allow HCR -- DHRC to examine the rents.

MR. GOODELL: But doesn't every single fraudulent scheme require some statement that's false?

MS. ROSENTHAL: I explained to you what the fraudulent scheme that is codified in Thornton and Grimm and Coniston and those are some of what I just said to you.

MR. GOODELL: I see. Now, if we could look at a different section, this is on Page 2, line 45.

MS. ROSENTHAL: Page what?

MR. GOODELL: Page 2, line 40 through 45. Now, as I understand it, you can get out of a regulated rent if there's a substantial renovation, right, but your ability to get out of that regulated rent structure with a substantial regulation requires approval from DHCR.

MS. ROSENTHAL: Yes.

MR. GOODELL: Division of Housing and Community Renewal.

MS. ROSENTHAL: Yes.

MR. GOODELL: And they can deny your request if there was action by the landlord and it was saying that was harassing tenants to force them out, or if the substantial rehabilitation was just a subterfuge, it wasn't really necessary, correct?

MS. ROSENTHAL: Okay.

MR. GOODELL: And then on line 45, it says that the application can be denied for, quote, "any additional grounds as set forth in regulation.", closed quote.

MS. ROSENTHAL: Yes, yes.

MR. GOODELL: So are we saying by this law that DHCR can come up with any basis whatsoever with no statutory guidance?

MS. ROSENTHAL: DHCR already does that.

MR. GOODELL: They already have regulations that have no statutory basis?

MS. ROSENTHAL: They already have grounds to approve or disapprove, and they've had cases where they approve, they've had cases where they disapprove and harassment is part of it.

MR. GOODELL: But this is a carte blanche authorization, right, for them to come up with whatever they want to deny it.

MS. ROSENTHAL: Well, they already have come up with whatever they want, and it's been used for substantial rehab applications over time.

MR. GOODELL: I see. Thank you --

MS. ROSENTHAL: Thank you.

MR. GOODELL: -- on both issues.

Sir, on the bill.

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

MR. GOODELL: We're asked to pass a bill today that has two very unique provisions in it. First, it's an absolute delegation of legislative power to an administrative agency. Now, some of you, of course, thought that only the Legislature can pass laws. And, indeed if you got as far as Article III, Section 1 of the State Constitution, it says the power to pass law relies in the Legislature. And the courts have said that of course administrative agencies can flesh out our legislation. They can fill in the details consistent with the direction that we give them. But what we cannot do, consistent with the Constitution is say to the administrative agency, you can do whatever you want; yet, that is exactly what this bill says.

This bill says that an application to be approved for substantial rehabilitation shall be denied on two statutory grounds, or, quote, "any additional grounds as defined by regulation." It's a carte blanche authorization to DHCR to decide how to run the program without any statutory guidelines or direction, and it's unconstitutional in delegation of authority. Now, some of you may say this is great, we love DHCR. Maybe you love them today, you might not love them

tomorrow. And that's why elected representatives, not unelected bureaucrats have the responsibility to define under what conditions this waiver shall be granted, and what conditions it shouldn't. That's our job, not theirs.

But the second problem which is more troubling to me is we say wait a minute, we can go back and challenge a landlord if we think this action was fraudulent. And then the statute goes on to say, however, in determining whether something is fraudulent, quote, "the court need" -- I'm sorry, the court, quote, "need not have a finding that all the elements of Common Law Fraud, including evidence of a misrepresentation of a material fact, falsity, scienter, which is an uncommon word that means intent, reliance and injury were satisfied. So we say you can find the landlord that is engaged in fraudulent activity without finding that anything he said was false? That there was no fraudulent intent? That nobody relied on any statement? This bill eliminates every common law element from being decisive in a fraud action against landlords.

Now, my friends, I hear over and over that New York State is facing a housing crisis. That's what I hear. The Governor says it, I hear it from my colleagues. So what are we doing to encourage landlords to invest their hard-earned money in making apartments available to our residents? What are we doing to increase the housing stock? And will this bill help or hurt the housing crisis? And if any of you are thinking of taking your hard-earned money and investing in housing, think again because you could be held liable for

fraud even if your statements were never false, even though you'd never had a fraudulent intent and nobody relied on it and there was no damage. Do you think that's going to improve the housing crisis?

If we, every -- every year and every month pass legislation that hurts landlords and drive landlords out of the housing market, we're not helping the housing crisis, we're making it worse and that is exactly what this bill does. I want to improve the housing crisis, I want to address it, I want to encourage private sector investment, I want to make more houses available. I want to have more people have an opportunity for affordable housing. And prosecuting landlords for fraud when there's no required element of Common Law Fraud to be shown is the exact opposite of what we should be doing and, therefore, I will not be supporting it.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. McGowan.

MR. MCGOWAN: Thank you, sir. Would the sponsor yield?

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

MS. ROSENTHAL: Yes.

ACTING SPEAKER AUBRY: Ms. Rosenthal yields, sir.

MR. MCGOWAN: Thank you, ma'am. In hearing the debate, I heard you say to some of our colleagues that the standard

here is not Common Law Fraud, correct?

MS. ROSENTHAL: Yes.

MR. MCGOWAN: Can you explain how this standard is different from Common Law Fraud?

MS. ROSENTHAL: Well, Common Law Fraud's definition is laid out, and your colleague and my colleague read it. This talks about fraudulent schemes. So there's evidence such as not providing required information such as a lease or rider to tenants, large rent increases such as taking vacancy bonus when there was no new tenant, claiming MCIs or IAIs when not doing work. It basically -- those are some of what constitute a fraudulent scheme.

MR. MCGOWAN: So you've listed a number of circumstances. Would those have to be shown in conjunction, or can one of those circumstances that you just listed by itself be sufficient to establish the standard set forth in this bill?

MS. ROSENTHAL: Well, you -- yeah, it's a totality. So one -- one -- one example of incorrect rent is not enough. You have to examine the totality of circumstances.

MR. MCGOWAN: So there's -- is there room for a defense of just a mistake or omission, something that's perhaps a negligent filing or a negligent act rather than something that rises to the level of fraud?

MS. ROSENTHAL: I mean, there are cases that are like that and there are cases where they've ruled that it is fraud. It's a case by case.



MR. MCGOWAN: Okay. You're aware that generally Common Law Fraud comes with some, for example, a heightened pleading standard to be plead with particularity under the law, under common law -- common law. Are you aware of that?

MS. ROSENTHAL: The -- the standard here is not common law.

MR. MCGOWAN: Understood. I'm asking -- my question is, is there a heightened pleading requirement here that is applicable to Common Law Fraud?

MS. ROSENTHAL: It's a colorable claim of fraud.

MR. MCGOWAN: And can you explain what that means under this statute?

MS. ROSENTHAL: That means a tenant is not just -- is alleging fraud, that's not enough. There needs to be evidence of possible fraud, and I gave you some examples of what is defined as fraud.

MR. MCGOWAN: So it's if we see it, it's there kind of standard?

MS. ROSENTHAL: If it's what?

MR. MCGOWAN: If we see it, then it's there? Kind of an ad hoc determination?

MS. ROSENTHAL: No, no, no. It's not providing required information such as a lease or a rider, large rent increases such as taking a vacancy bonus when there was no new tenant, claiming MCIs when not doing the work. This is a totality of

circumstances.

MR. MCGOWAN: But the list that you provided, that's not an exhaustive list, correct?

MS. ROSENTHAL: No, that's not exhaustive.

MR. MCGOWAN: So something could be added on a case by case basis.

MS. ROSENTHAL: And it has to be knowingly.

MR. MCGOWAN: Okay. So different than intentionally, right? Knowingly. Let me ask it this way.

MS. ROSENTHAL: It's -- it's not just a mistake, like your pencil wrote seven when it should be two; that's a mistake, for example.

MR. MCGOWAN: So there has to be some showing on the part of the tenant, or the claimant in this case.

MS. ROSENTHAL: Yes, I said that. I said that.

MR. MCGOWAN: And you said it's a knowing standard, it's not an intentional standard. Or are you using those in the same way?

MS. ROSENTHAL: Well, I'm explaining to you what constitutes fraud, and those were some of the examples. There's filed false registrations, used a market lease form when it's a rent regulated lease that's required.

MR. MCGOWAN: Here when in debate we've talked about the elements of Common Law Fraud and they're listed here, that those elements need not be satisfied, right?

MS. ROSENTHAL: And this is not Common Law Fraud, we're talking about in these circumstances.

MR. MCGOWAN: Understood, right. So I'm just trying to establish -- we've talked about the elements need not be established, but there has to be some showing. What's the standard by which the claimant has to show this, as you said, colorable claim of fraud?

MS. ROSENTHAL: Mm-hmm, that's the standard, colorable claim of fraud.

MR. MCGOWAN: Okay. And in general, and I understand this is not common law, but I'm trying to understand where -- where that ends right, Common Law Fraud. Generally it's a higher standard of proof. It's --

MS. ROSENTHAL: Okay, I explained to you what the fraudulent scheme, what was evidence of that. That's --

MR. MCGOWAN: Okay. So my question is, is there still that clear and convincing evidence standard rather than a preponderance? What -- what is the standard by which the claimant must prove, as you said, a colorable claim beyond just saying that it's colorable, or saying that the act is fraud?

MS. ROSENTHAL: Okay. In 2010 under a case called Grimm v. DHCR, the Court held that a colorable claim of fraud is required for DHCR or courts to issue a further determination that a landlord engaged in a fraudulent scheme to deregulate an apartment. That was the law for years. Didn't discuss common law.

MR. MCGOWAN: Okay. And it's your statement today that that standard, that prior -- that prior case law, it's your position that that would apply to this statute, is --

MS. ROSENTHAL: Is what?

MR. MCGOWAN: That the prior existing case law would apply to this, that -- that's your position.

MS. ROSENTHAL: Grimm and Thornton cases, yes.

MR. MCGOWAN: Right, but that is, as you know, the job of the judiciary to determine what cases apply to the statutes. Is there anything in the statute that sets forth the standard, the pleading requirements? Aside from saying the common law elements fraud do not apply, is there anything else in this statute that speaks to what degree a claimant has to establish one of these claims?

MS. ROSENTHAL: Let me just get my paper here.

(Pause)

Okay. It's a preponderance of evidence standard, and in 2014 HCR codified these cases.

MR. MCGOWAN: So a preponderance which is again, a lower standard than generally a common law fraud claim, correct?

MS. ROSENTHAL: The problem with one of these cases is that it used the common law standard that was not relevant during Grimm, not relevant during Thornton. It was counter to every standard we have had since 2005.

MR. MCGOWAN: Okay. Thank you, ma'am.

Mr. Speaker, on the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MCGOWAN: This is -- this is troubling as an attorney trying to figure out what actually has to be proven here. I'm sure there'll be lawyers who will make a lot of money with this because the vagueness and the grayness of this statute. When the claimant has a claim and they go to speak to an attorney and they say, hey, I need help with this, it was the job of the claimant to look -- the attorney to look at the statute and know what's the standard, what are we proving this by, what evidence has to be established.

The way I read this and from what I've learned from the debate today and I appreciate the sponsor's responses to my questions, it's basically if you want to call it fraud, it's fraud. And that's a big problem. Why we are deviating, why there is such a -- clearly we're going to separate this from Common Law Fraud I think is troubling. Fraud in our State requires generally a heightened pleading standard that of clear and convincing evidence rather than a mere preponderance of evidence. A heightened pleading requirement, the fact to be pled of particularity, because using the term fraud is very, very dangerous. You've gotta prove it. Here, I don't know what you have to prove. It sounds to me that basically colorable, a colorable claim, you can just say, oh, this was fraud because a landlord failed to do something.

Now, we all know mistakes are made in any industry, in any field. Someone can make a mistake, but it doesn't make it

fraud. That's why we have Common Law Fraud, that's why we have fraud set forth in other statutes in our law requiring a material of misrepresentation, an intent to defraud, reliance and then an injury. Here, none of that is shown. Just say it's fraud and it's fraud. Point to some omission, some error on the part of the landlord and now, you rise to the level of fraud claim that is a reduced standard, simply a mere preponderance.

I think this is troubling, I think this doesn't do our State any good, and I will be happily voting in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation. Those who support it are certainly welcome to vote in favor here on the floor of the Assembly. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is going to generally be in favor of this piece of legislation; however, there may be a few of our

colleagues who would desire to be an exception. They should feel to do so at their seats. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, ma'am.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Slater to explain his vote.

MR. SLATER: Thank you, Mr. Speaker. I really appreciated the debate that we just heard, but I just wanted to make one more point on the matter as to why I will not be supporting it. And I encourage my colleagues to take a look at *The Wall Street Journal* just recently, and I think we forget about this, I think we forget about the equilibrium that we're working in. And every time we pass a piece of legislation or enforce a new policy, there's a reaction. And if you look at *The Wall Street Journal* just the other day there's an article about regional banks, one in particular with multi-family housing with an affordable portfolio, and the value has substantially decreased, impacting the value of the actual bank.

And so what I think we need to keep in mind is when we're making it more difficult for New Yorkers, landowners, landlords to operate in this State, it does have a trickle down effect that we're not thinking about completely. And now we're seeing regional banks being impacted because of some of these restrictive laws and ambiguous laws as we just heard today, and the impact that it has. And so for those reasons among others, I will be voting in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you. Mr. Slater in the negative.

Mr. Flood to explain his vote.

MR. FLOOD: Thank you, Speaker. So last year was my first year in the Assembly, like many others, and towards the end of Session every committee killed every single one of our bills for nonsense reasons when we had very good, well-tailored bills. This bill is atrociously over -- overbearing, overarching. My two colleagues just explained why, in very well detail, this bill is very vague, open for interpretation; quite frankly, I think if brought in front of a court, a court will determine that this bill is unenforceable because it doesn't lay out any real issues. This is something that this Body should -- should learn from. You look at us and you just ignore our legislation, call it terrible, don't let anything get passed and you put these kind of bills on the floor that are clearly not going to be enforceable when it goes to a court. I just -- it's mind-boggling that this is how we run this place.

So I am voting in the negative. I encourage my colleagues to do the same and maybe, you know, maybe just look at our side and say, hey they have some good ideas. Thank you.

ACTING SPEAKER AUBRY: Mr. Flood in the negative.

Ms. Rosenthal to explain her vote.

MS. ROSENTHAL: Thank you, to my explain my vote and to clear up any confusion people might have. In 2005, in



Thornton v. Baron, the Court of Appeals held that in cases of fraudulent schemes, tenants could go beyond the four-year statute of limitations on overcharged cases. The Court held that the fraud in Thornton was a fraud on the entire rent stabilization system. The Court upheld this fraud exception twice more, in Grimm in 2010 and Connison in 2013. In 2014, DHCR codified this rule. The Courts made clear that fraudulent schemes to deregulate include both deregulation cases like Grimm and inflated rent cases like Connison. This rule remained in place until a stray footnote in Regina Metro, which listed the definition of Common Law Fraud. This footnote led to confusion in the courts about whether or not a footnote overrode decades of cases. In March, the Appellate Division First Department in Burrows went further turning 20 years of previous case law on its head, holding that where an inflated rent was on the lease and listed in the rent registration, a tenant could not plead fraud. The new rule required every tenant to either educate themselves about all the rent laws, or hire an attorney. For tenants who could not afford attorneys or who did not understand the laws, landlords would be able to illegally inflate rents with impunity.

We now follow in the footsteps of the Legislature, which passed the Rent Regulation Reform Act of 1997 and clarified the law on overcharges. These amendments make clear that Burrows is no longer good law, and are returned to the Thornton, Grimm, Connison line of cases. In cases involving inflated rents, tenants who can prove fraudulent schemes can go beyond the statute of limitations.

The Legislature intends to discourage and penalize fraud against the rent regulation system itself and therefore, we codify the Thornton, Grimm and Connison standard for applying the fraud exception. And I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Mr. Dinowitz to explain his vote.

MR. DINOWITZ: Thank you, sponsor. I'm against fraud, that's why I support the bill. If you're against fraud, you support the bill. If you're not against fraud, well, you can figure it out. If you're against fraud, you vote yes on the bill. And I vote yes.

ACTING SPEAKER AUBRY: Mr. Dinowitz in the affirmative.

Mr. Pirozzolo.

MR. PIROZZOLO: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: No, sir; you're explaining your vote.

MR. PIROZZOLO: Oh, I'm sorry.

ACTING SPEAKER AUBRY: That's all right.

MR. PIROZZOLO: I just -- a little bit late, I apologize.

ACTING SPEAKER AUBRY: Okay.

MR. PIROZZOLO: So then I would like to explain why I'm going to say no.

ACTING SPEAKER AUBRY: That's a good idea.

MR. PIROZZOLO: Thank you, sir. I didn't see any provisions in this bill that would say if a tenant was committing fraud by not paying their rent, with the intent of not paying their rent, would the landlord be able to sue them for fraud? I would also like to know if a tenant commits fraud by passing on a low rent lease to another person and not giving the apartment back to the landlord, would that tenant now be able to be sued for fraud?

So if these provisions aren't in the bill, why are we going after landlords and not going after tenants where they both can be accused of enacting, improperly at times. Why is it always in going after the person with equity. People commit crimes on both sides, they should be punishable on both sides. This is a one-sided bill. It doesn't protect landlords and it has to stop and that is why I'm voting no and urging everyone to vote no. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Pirozzolo in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Goodell for the purposes of a introduction.

MR. GOODELL: Thank you very much, Speaker, for the opportunity to introduce some distinguished guests on behalf of our Assemblyman Jarett Gandolfo and the entire Long Island Delegation, it's really my honor and privilege to introduce to us Anne

Brigis, who is the President and CEO of the YMCA of Long Island. And she's here accompanied by her husband, Anthony Brigis. As the CEO, she does a phenomenal job operating the YMCA, which we all know is a tremendous asset to all of our local communities and what they do for our youth and everyone else in terms of promoting athleticism, healthy living, and solid values. So if you would please extend a warm welcome to Anne Brigis and her husband, Anthony Brigis.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Goodell, Mr. Gandolfo, the entire Long Island Delegation, we welcome you both here to the New York State Assembly, extend to you the privileges of the floor. Our deep appreciation for the work that the Y has done over the years. Please continue that great work. Our young people and our seniors and all of us need the opportunity to have a place to go to exercise and to renew ourselves. Thank you so very much.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, do you have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: We have a piece of housekeeping.

On a motion by Mr. Carroll, Page 18, Calendar No. 117, Bill No. A04243-A, amendments are received and adopted.

We have a resolution, 855, the Clerk will read.

THE CLERK: Assembly Resolution No. 855, Mr. Kim.

Legislative Resolution commemorating the Asian American Community's Celebration of the Lunar New Year, the Year of the Dragon, on February 10th, 2024.

ACTING SPEAKER AUBRY: Ms. Lee on the resolution.

MS. LEE: As a Co-Chair of the Assembly's Asian Pacific American Task Force, I am proud to speak on this resolution to recognize Lunar New Year in New York State. This resolution celebrates the over 1.6 million Asian New Yorkers by honoring the biggest and most widely celebrated traditional holiday in Asian culture. This year, Lunar New Year is especially significant. It is the first since we led and successfully passed legislation making New York the first state in the country to recognize Lunar New Year as a Statewide public school holiday. Now, millions of families across the State will no longer need to choose between sending their children to school and celebrating their heritage. This holiday is in recognition of the many contributions Asian Americans have made to the City and State, which sends a message to the Asian American community that we are New Yorkers, we are American, and we belong here. It is also the Year of the Dragon, but more specifically, the Wood Dragon, a unique zodiac sign that only appears once every 60 years. The sign of the Wood Dragon signifies leadership, innovation, and problem solving.

As we work together this Session for New Yorkers, let us be guided and inspired by the spirit of the Wood Dragon. Let's use 2024 as an opportunity to take bold, innovative action on behalf of New Yorkers. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Colton on the resolution.

MR. COLTON: Yes. Thank you, Mr. Speaker. I would also like to speak on behalf of this resolution. This resolution representing the passage of a bill which now makes the Lunar New Year a school holiday throughout New York State has truly excited communities all over the State. This resolution means, or the actual bill means, which we are celebrating today, the bill means that schools will be closed throughout the State and that the Asian community will finally feel that it is being recognized in a very special and important way.

The Asian Lunar New Year has been a holiday celebrated for some 4,000 years. It is celebrated by people all over the world. And New York State is a state that has the benefit of many of the Asian community coming to reside in it. The country itself has had the benefit of Asians working for many, many years, going way back in the building of the Continental Railroad; going way back in serving in our armed forces; going way back and participating in this great country's democracy. And now, these families, finally, in New York State, throughout all of New York State, will have the ability to be able to celebrate this very festive and important holiday with their

families without having to be concerned as to whether or not they may be missing a day from school.

The last -- this past weekend, I have been to many such celebrations. I have seen many families with their children enjoying and learning about and participating in celebrations on the Asian Lunar New Year, which this year fell on September -- February 10th. And this holiday was one that children perform dances, hear entertainment, eat food, enjoy it with their families as they learn about this great tradition.

So what we have done in New York State has created a situation where children will learn about each other's traditions, we have created a situation where children will have less hate towards each other because all children in their schools, whether their Asian or not, will learn about each other and come to work together and understand each other's traditions and enjoy each other's traditions. And finally, the Asian Lunar New Year will be a holiday when all children in the school will have the day off and will enjoy it and come to develop better relationships.

So I really think that this is an important holiday that New York State has now passed. When this bill was introduced, I did not expect at first it would pass. It had been introduced over many years. Finally, two years ago when I introduced it, we had the opportunity to pass it, and I want to thank the Speaker for that, and I also want to thank my colleague, Grace Lee, for that. Because together, we were able to do something that was historic for all of

New York State and we're going to see the benefits of that happening for many years.

So Mr. Speaker, I support this resolution and I look forward to many, many more years of faithful and good celebrations of the Asian Lunar New Year. Thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

(Applause)

Mr. Kim on the resolution.

MR. KIM: Thank you, Mr. Speaker. It is that time of the year again, it's Lunar New Year time everybody. Endless celebrations, it's time to celebrate our communities, Asian American contributions to our State.

Today, with that spirit, we have an event in Albany at 4:30 that the APA Task Force is leading, everyone's invited for some delicious food, and at that event, we're also honoring a number of organizations, starting with CAIPA that's sitting next to me and the board members are up there sitting with us today. I'm joined today by Dr. Pauline Lau, an oncologist for over 20 years from Main Street, Flushing. There's only one Main Street in New York City, and that's in Flushing, New York and that's CAIPA, that is where they're located, along in Chinatown as well. Dr. Pauline Lau, Shirley Huang (phonetic). CAIPA stands for Coalition of Asian Independent Physicians Association. They serve thousands and thousands of patients, actually, over half a million of Asian Americans every year, and it's a coalition of thousands of independent physicians that are



leading the way of reforming and making a broken healthcare system more efficient every single day. And above all, organizations like CAIPA, make us feel proud to be Asian American at a time when Asian Americans are constantly being reduced, targeted, and -- and spat on at times on the streets, CAIPA makes us proud, CAIPA makes us feel like we don't have to just compete to fit in, but we actually belong in this country.

And that's what celebrating Lunar New Year is about. It's about telling every child that's growing up in this environment that you no longer have to just compete to fit in in a crowd, you belong here, you can walk tall and you can walk proud. That's why we do what we do every single year passing this resolution, that's why we're supporting the law to make sure that it is an accepted holiday for the State of New York, and that is why this year we're going to work to make sure that Asian American history is properly taught in our school curriculums as well.

So with that, Mr. Speaker, I am so proud to pass Lunar New Year Resolution, and I thank my colleagues for supporting this. Thank you so much.

ACTING SPEAKER AUBRY: Thank you.

Mr. Chang.

MR. CHANG: Thank you, Mr. Speaker, and thank you to the sponsor of this resolution, thank you to my colleague, Bill Colton and Grace Lee to help out this and get this Lunar New Year bill of last year passed. It's very important for this to be recognized.

And earlier I just made my introduction to a group of Chinese -- 60 of my constituents from my state -- from my district. But anyway, this is a history in telling and I just want to add my voice to it. And thank you very much, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: Thank you.

On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Resolution No. 856, the Clerk will read.

THE CLERK: Assembly Resolution No. 856, Mr. Manktelow.

Legislative Resolution honoring the life and heroic actions of Daniel S. DeWolf renowned firefighter, devoted father and grandfather, and distinguished member of his community.

ACTING SPEAKER AUBRY: Mr. Manktelow on the resolution.

MR. MANKTELOW: Thank you, Mr. Speaker. And thank you to Speaker Heastie for allowing me to bring this resolution forward.

This week we celebrate love, we've celebrated the love of the library, we've celebrated a lot of different loves. Tomorrow we'll be celebrating Valentine's Day with our loved ones, with our spouses and whoever that love may go to. I'd like to talk a little bit about this individual.

On January 21st, 2024, Fairville Fire Department volunteer Dan DeWolf was called to a structure fire. He was a

52-year-old firefighter, he'd been a member of the Fairville Fire Department for 32 years. That morning at the structure fire, he went into cardiac arrest and succumbed to -- to the cardiac arrest.

I just wanted to share a little bit about his love, the love for his family, the love for his community by serving, the love that he had for his fellow firefighters, the love for his church, and a special love that he had for his granddaughter who was part of his life, part of who he was. He did so much for that small community. Being a small, rural fire department, all volunteers, every year they would do a carnival. Dan's job, he would go around and check every single ride that was there to make sure it was safe for all the children, all the people that rode the rides. One of their biggest fundraisers is the Fairville fish fry that they do now every Friday during Lent. That's their biggest fundraiser. He helped and was there at every single one of those. He was there for the parades as well. It didn't matter what the situation was there -- was, he was there to help his community, help the people of -- of the community and help the residents. He gave his all for that community, he gave his all for his family and for the firefighters.

So it's a great honor to present this resolution today on his behalf and his family's behalf, and I want to say thank you to Governor Hochul. On January 31st, she ordered the -- she ordered the flags flown at half mast -- half staffed across New York State in regards to Dan. So to all of you who volunteer, who are firefighters in your districts or in your areas, thank you for all those first responders,

thank you for those volunteers. And, Mr. Speaker, thank you for allowing me to present this resolution on his behalf. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Gallahan on the resolution.

MR. GALLAHAN: Thank you, Mr. Speaker. I had the opportunity to meet Dan several years ago in my sales career, and I just wanted to add a few things to what Assemblyman Manktelow stated. Dan was a wonderful, wonderful guy. He was a great grandfather, he was a wonderful husband, he was a wonderful community member. But I just wanted to make it known that he was one of the most talented machinists that I ever worked with in my 35 years in sales. And he could make anything, he could make any machine that was out there. Hum the song, and I just wanted to recognize Dan for that, because he was the most talented machinist that I have ever met in my life. God bless him.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Mrs. Peoples-Stokes, we have numerous other resolutions, we will pass with one vote.

On these resolutions, all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 855-860 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you call on Mr. Jacobson for the purpose of an announcement?

ACTING SPEAKER AUBRY: Mr. Jacobson for the purposes of an announcement.

MR. JACOBSON: Thank you, Mr. Speaker. A long-awaited announcement that yes, we are having a conference today for the Majority immediately after Session ends in Hearing Room C.

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

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned and that we reconvene tomorrow morning at 10:30 a.m., Wednesday, February the 14th, tomorrow being a Session day, and I hope that everyone has a great Valentine this evening.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 3:55 p.m., the Assembly stood adjourned until Wednesday, February 14th at 10:30 a.m., Wednesday being a Session day.)