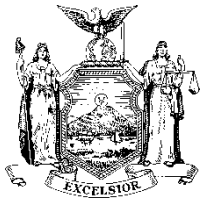


ANNUAL REPORT 2021



CARL E. HEASTIE, SPEAKER
CHARLES LAVINE, CHAIR

NEW YORK STATE ASSEMBLY
COMMITTEE ON JUDICIARY



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

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December 15, 2021
The Honorable Carl E. Heastie
Speaker of the Assembly
Room 932, Legislative Office Building
Albany, New York 12248

CHAIRMAN
Judiciary Committee

COMMITTEES
Codes
Ethics
Insurance
Rules

Re: Annual Report of the Committee on Judiciary – 2021

Dear Speaker Heastie:

As Chairperson of the Assembly Standing Committee on Judiciary, I am pleased to present to you the Committee's Annual Report for the 2021 Legislative Session.

The Annual Report reviews the work of the Committee on Judiciary and highlights many of its major initiatives. It also includes a brief overview of various budgetary matters that concern the courts of the state and other areas within the Committee's purview.

The Judiciary Committee tackled many high-profile issues in 2021, including protections for domestic violence victims, children and families, tenants and homeowners, workers and consumers and the elderly and disabled.

A top priority of the Committee each year is ensuring that funding is added to the state budget for civil legal services for low-income New Yorkers. The Judiciary Committee remains a strong advocate for providing civil legal services to those in need. This year, the Assembly continued its support for civil legal services in New York State by restoring its traditional funding as well as an increased appropriation for civil legal services through the Judiciary budget.

I would like to acknowledge the hard work of the members of the Committee on Judiciary and all of the members of the Assembly for their continued commitment to its work and to progressive legislation. As always, your continued support is deeply appreciated.

Sincerely,

Charles Lavine, Chairperson
Assembly Standing Committee on Judiciary

**2021 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON JUDICIARY**

Charles D. Lavine, Chair

MEMBERS OF THE STANDING COMMITTEE

Majority

Lavine
Zebrowski
Weprin
Braunstein
Quart
Steck
Seawright
Joyner
Abinanti
Wallace
Walker
Cruz
McMahon
Mitaynes
Rajkumar

Minority

Montesano
Norris
Walsh
Byrnes
Brown
Tannousis

Staff

Marty Rosenbaum, Assistant Secretary for Program and Policy
Kerry Mierzwa, Associate Counsel
Julia White, Associate Counsel
Joann Butler, Executive Secretary

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I. Committee Jurisdiction

The Assembly Committee on Judiciary has jurisdiction over legislation affecting all aspects of both state and local courts. It has primary jurisdiction over amendments to the Civil Practice Law and Rules, Judiciary Law, Uniform Court Acts, Family Court Act, Surrogate's Court and Procedure Act, Domestic Relations Law, Estates Powers and Trusts Law, Uniform Commercial Code, Lien Law, Debtor-Creditor Law, General Obligations Law, Real Property Law, Real Property Actions and Proceedings Law, Civil Rights Law, Partnership Law, Eminent Domain Procedure Law, and Indian Law. The Committee also shares budgetary oversight of the Office of Court Administration and the Department of Law with the Assembly Ways and Means Committee. In addition, all proposed amendments to the New York State Constitution are considered by the Judiciary Committee.

The highlights that follow demonstrate the breadth, diversity, and importance of the Judiciary Committee's work in 2021.

II. SUMMARY OF LEGISLATIVE ACCOMPLISHMENTS¹

A. PROTECTING SURVIVORS OF DOMESTIC VIOLENCE, CHILDREN AND FAMILIES

Requires support payments for adult dependents; provides that a person who would otherwise be chargeable under law with support of a minor child is also chargeable with the support of any such individual until such individual reaches the age of 26 – Chapter 437 – A.898-B (Woerner) / S.4467-B (Mannion)

This law allows the court to award child support payments for adults with developmental disabilities until the individual reaches the age of 26 where that adult child lives with the person seeking such support.

Prohibits the making of decisions concerning guardianship, custody or visitation, or adoption petitions solely on the basis of a person's blindness – Chapter 442 – A.2113 (Simon) / S.4407 (Parker)

This law amends the Domestic Relations Law and the Family Court Act to prohibit the making of decisions concerning guardianship, custody or visitation, or adoption solely on the basis of the petitioner's blindness.

Establishes that domestic violence advocates may not disclose any communication made by a client to the advocate except in certain circumstances – Chapter 309 – A.2520 (Weinstein) / S.1789 (Sanders)

This law establishes that communications and confidential information between a victim of domestic violence and domestic violence advocates are privileged, although this privilege may be waived under certain, statutorily specified circumstances.

Increases the age of consent for purposes of marriage to the age of eighteen – Chapter 306 - A.3891 (Ramos) / S.3086 (Salazar)

This law amends the Domestic Relations Law to prohibit marriage between individuals in New York if either party is under the age of 18 years.

Prohibits the use of certain restraints on children under the age of twenty-one appearing before family court – Chapter 474 – A.7796 (Meeks) / S.6498 (Bailey)

This law prohibits the use of physical restraints on a child under the age of 21, except under certain conditions, and after certain findings are made by the court.

¹ All references to chapter laws, except where otherwise noted, are chapters of the laws of 2021.

The following bills were reported from the Assembly Judiciary Committee and were pending at the conclusion of session:

Relates to the rights of grandparents with respect to visitation rights or custody of minor children – A.1355 (Woerner) / S.2165 (May)

This legislation would eliminate the requirement that at least one parent be deceased for a grandparent to be able to petition a court for visitation rights or custody. The bill also would create a "strong presumption" in favor of a parent's choice with respect to visitation when determining if grandparent(s) can file a petition. Grandparent(s) would be required to give detailed reasons in support of the petition, and the court would be required to conduct its own inquiry in making its decision.

B. PROTECTING TENANTS, HOMEOWNERS AND PROPERTY OWNERS

Exempts a debtor's interest in a rent-stabilized lease from bankruptcy proceedings – Chapter 489 – A.113 (Perry) / S.290 (Myrie)

This law provides a bankruptcy exemption with respect to the debtor's interest in a rent-stabilized lease and prevents a person's lease on a rent-stabilized property from being nullified or held as collateral as a result of the filing of bankruptcy of the debtor.

Relates to notice to tenants in mortgage foreclosure actions – Chapter 83 – A.1972 (Williams) / S.885 (Comrie)

This chapter amendment to L.2020, c.354 clarifies that tenants who occupy property that later becomes the subject of a foreclosure action, as well as tenants who, in good faith, enter into leases with a property that was already the subject of foreclosure proceedings, may remain in occupancy of the tenancy for the remainder of the lease term, up to three years.

Relates to filings concerning reverse mortgages – Chapter 48 – A.1973 (Weinstein) / S.884 (Gounardes)

This chapter amendment to L. 2020, c.337 clarifies notice requirements by a lender that is foreclosing on a reverse mortgage by ensuring that the protections established operate within the already established framework in state and federal law.

Makes the affirmative allegation provisions for high-cost loans and subprime home loans applicable to foreclosures of residential mortgages covering one to four family dwellings – Chapter 395 – A.2502A (Weinstein) / S.5785A (Comrie)

This law requires that a plaintiff in any foreclosure action, not just subprime home loans, affirmatively plead ownership of the note and mortgage for all home loans. Furthermore, it provides a statutory defense in such actions.

Relates to eviction and foreclosure protections – Chapter 73 – A.3207 (Bronson) / S.471A (Kaplan)

This law affords protections from evictions to small businesses that employ 50 or fewer people if they demonstrate they suffered a financial hardship. This law also extends foreclosure

protections to owners or mortgagors of commercial properties that own 10 or fewer commercial units. These protections were extended until May 2, 2021.

Excludes certain seasonal use tenancies from statutory provisions regulating deposits or advances for residential dwelling units – Chapter 428 – A.4587A (Thiele) / S.6877 (Kavanagh)

This law clarifies that certain provisions of the Housing Stability and Tenant Protection Act of 2019 that regulate deposits or advances charged by landlords do not apply to seasonal use leases where the contract provides that the unit is a seasonal use dwelling registered with the appropriate registry maintained by the local municipality.

Provides for certain commercial small businesses to be eligible for relief under the “COVID-19 Emergency Protect Our Small Businesses Act of 2021” – Chapter 154 – A.7127 (Bronson) / S.5742 (Kaplan)

This law gives small businesses that have up to 100 employees, or up to 500 employees--if the business was shut down for two or more weeks between May 15, 2020 and May 1, 2021--protection from evictions by submitting a hardship declaration under the “COVID-19 Emergency Protect Our Small Businesses Act of 2021.”

Extends the “COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020” and the “COVID-19 Emergency Protect Our Small Businesses Act of 2021”– Chapter 104 – A.7175A (Dinowitz) / S.6362A (Kavanagh)

This law extends temporary limitations that were placed on residential evictions and foreclosures for people who were adversely impacted by COVID-19 to allow them to remain in their homes. This law also places temporary limitations on evictions of certain commercial tenants experiencing financial hardship.

Relates to stipulations in summary proceedings to recover possession of real property – A.3320A (Epstein) / S.4455A (Krueger)

This legislation would require court approval of stipulations in housing court proceedings where one of the parties is not represented by an attorney. The Court must make sure that all required parties are identified and named, that the parties that sign the stipulation have the authority to do so, and that the unrepresented party is fully aware of a number of rights and protections listed in the law.

The following bills were reported from the Assembly Judiciary Committee and were pending at the conclusion of session:

Relates to adding certain notice requirements prior to enforcing liens on goods in self-storage facilities – A.662 (Rosenthal) / S.6898 (Sanders)

This legislation would require individuals who utilize a self-storage facility be given the option to be contacted by phone, in addition to electronically, for legal matters related to late or lien notices, within the self-storage occupancy agreement. Additionally, the legislation would extend the notice period between notice and a public auction of the goods from 30 days to 60 days. Finally, this legislation would prohibit the enforcement of a self-storage owners’ lien sale during the declared COVID-19 state emergency of 2020.

Relates to requiring the inclusion of suicide prevention resources along with a warrant of eviction – A.2205 (Dinowitz) / S.2230 (Sepulveda)

This legislation would require that when an eviction warrant is issued, the warrant must include suicide prevention information, such as the National Suicide Prevention Lifeline as well the applicable Suicide Crisis telephone number.

Relates to prohibiting the registration of mortgages in default prior to the filing of a notice of pendency – A.3081 (Peoples-Stokes) / S.3933 (Kennedy)

The bill would prevent municipalities from creating a registry of residential mortgages in default before a notice of pendency is filed by a mortgagee, limit the fee that may be charged for recording a residential mortgage in such a registry to \$75, and also prevent the passing along of any fine for noncompliance to a mortgagor in default.

Requires a certificate of merit in proceedings to recover possession of real property – A.3300 (Epstein) / S.923 (Ramos)

This legislation would require that in an action to recover possession of real property, an attorney indicate, in a certificate of merit, that the attorney has reviewed the facts of the case and that, based on consultation with the representatives of the petitioner identified in the certificate and the attorney's review of pertinent documents, there is a reasonable basis for bringing an eviction proceeding. This bill also provides that where a petitioner willfully fails to provide copies of the required papers and documents, the court may dismiss the petition without prejudice.

Requires notaries public and commissioners of deeds to complete and retain certain documents relating to the transfer of residential real property – A.4277 (Walker) / S.4292 (Lanza)

This bill would require notaries and commissioners of deeds who are not employed by a title insurance agency, law firm, or financial institution and who are involved in executing a document by conveyance to prepare and file with the clerk or office of the registrar a notarial record containing detailed information in connection with conveyance of title to residential real property.

Relates to tenant security deposit accounts and administrative expenses to which a person may be entitled – A.4396 (Walker) / No Same As

This legislation would allow landlords who deposit a tenant's security deposit into an interest-bearing account to annually receive an administrative fee equal to 20% of the interest earned on tenant security accounts, up to 1% of the security deposit.

Requires loan servicers of loans on vacant and abandoned residential real property to pay certain condominium common charges – A.4620 (Zebrowski) / S.7479 (Reichlin-Melnick)

This bill would require that loan servicers pay the common charges for vacant and abandoned condominiums, similarly to how homeowner association fees are treated.

Prohibits the imposition of certain fees at the expiration of a term on a motor vehicle lease which only reflects administrative, clerical, or handling charges – A.5551 (Englebright) / S.3236 (Sanders)

This legislation would prohibit a lessor from charging a turn-in fee at the expiration of a motor vehicle lease if there is no basis for the fee other than administrative, handling, or clerical charges.

Requires the modification of restrictive covenants prior to the sale of real property – A. 6152A (Steck) / S.4740A (Sanders)

This bill would require sellers, prior to the sale of real property, to remove unlawful restrictive covenants from recorded documents that discriminate against any of a number of statutorily specified protected classes.

Prohibits non-disclosure clauses in leases of real property to be used for hydraulic fracturing – A.6899 (Englebright) / No Same As

This legislation would prohibit a lease agreement of real property from including a provision that requires the parties to not disclose any lease terms with respect to property that is to be used for hydraulic fracturing. Any lease would be required to include all the terms and conditions of the use of the property, and a term that violates these provisions would be void as against public policy.

Relates to the rights of parties involved in foreclosure actions – A.7737A (Weinstein) / S.5473D (Sanders)

This bill would clarify certain provisions of law regarding the manipulation of statutes of limitations by lenders in certain foreclosure actions. It would provide that once a cause of action on a mortgage instrument has accrued, no party may unilaterally toll, revive, or reset that claim to extend the statute of limitations. It also would establish certain procedural protections and legal defenses for mortgagors in specific situations to mitigate the risk of an improper foreclosure action.

Includes unclaimed virtual currency as abandoned property; authorizes regulations recognizing electronic communication as written contract; and requires reporting unclaimed property belonging to deceased persons – A. 7742 (Lavine) / No Same As

This legislation would include virtual currency within the definition of property for the purposes of the State Comptroller's Abandoned Property Fund and require reporting of unclaimed property of deceased persons. Furthermore, the bill would require that the Comptroller promulgate rules and regulations regarding what constitutes a "written contact" for the purpose of establishing the time period for when virtual currency may be deemed abandoned.

C. ADMINISTRATION OF JUSTICE

Makes provisions regarding small claims jurisdiction where claimant is a tenant or lessee of real property owned by a defendant who is located elsewhere – Chapter 485 – A.297 (Gottfried) / S.69 (Hoylman)

This law gives residential tenants or lessees the ability to commence an action in small claims court that is located in the jurisdiction where the rental unit is located, as opposed to where the defendant resides or has a business office.

Relates to enacting the Rochester housing court act – Chapter 464 – A.1131A (Bronson) / S.3280B (Cooney)

This law enacts the Rochester Housing Court Act, which establishes a separate court in the City of Rochester specifically devoted to actions and proceedings relating to the enforcement of Rochester's housing codes and landlord-tenant matters.

Revises and clarifies the Uniform Foreign Country Money Judgments Recognition Act – Chapter 127 – A.4580A (Lavine) / S.523A (Hoylman)

This law clarifies and revises New York's law relating to foreign money judgments so that the current law is consistent with the Uniform Foreign Country Money Judgments Recognition Act of 2005. The law adopts the language of the Uniform Act with respect to definitions, the applicability of the act, recognition and enforcement of foreign money judgments, matters pertaining to personal jurisdiction, and the circumstances under which such an action may be stayed.

Relates to the role of the chief administrator of the courts with respect to the establishment of veterans treatment courts and also addresses the removal of certain actions to veterans treatment courts – Chapter 91 – A.5719A (Galef) / S.1957A (Hoylman)

This law authorizes the Chief Administrator of the Courts to establish a number of veterans treatment courts within New York State. The law also permits removal of certain criminal matters, to a veterans treatment court in an adjoining county on motion of the criminal defendant, subject to the District Attorney's opportunity to object. If granted, the matter may be removed to a veterans treatment court in an adjoining county with the consent of the District Attorney of that receiving county. Removal is also permissible where the District Attorneys of both the county where the charges were originally filed and of the adjoining county consent.

Extends the authorization for the New York City marshals to exercise the same functions, powers, and duties as sheriffs with respect to the execution of money judgments – Chapter 117 – A.5858A (Dinowitz) / S.6494A (Hoylman)

This law extends provisions that enable New York City Marshals to exercise the same powers, functions, and duties as Sheriffs with respect to the execution of money judgments issued by the Supreme and Family Courts in New York City until June 30, 2022.

Extends provisions of law relating to the use of electronic means for the commencement and filing of papers in certain actions or proceedings – Chapter 118 – A.5859 (Dinowitz) / S.6622 (Hoylman)

This law extends provisions of law dealing with electronic filing through September 1, 2022.

The following bills were reported from the Assembly Judiciary Committee and were pending at the conclusion of session:

Provides that limited liability for persons held jointly liable shall not apply to parties held liable for failing to provide reasonable security – A.172 (Paulin / S.354 (Hoylman))

This legislation would remove limitations on liability for people who are jointly liable in a civil action when the person owns, manages, and/or controls property, and that person is found liable for failing to provide required security.

Increases the statute of limitations for actions based on discriminatory practices in the workplace – A.233A (Rosenthal) / S.849A (Gounardes)

This bill would increase the statute of limitations for actions arising out of unlawful discriminatory practices in the workplace to six years.

Relates to securing payment of wages for work already performed; creates an employee lien – A.766 (Rosenthal) / S.2762 (Ramos)

This legislation would allow an employee to obtain an “employee’s lien” against an employer to secure the payment of unpaid wages from the employer for work already performed by the employee.

Increases the amount of the award to a person who initiates a qui tam action where such action includes disclosure of information related to the use of government funds during a state of emergency – A.1431 (Dinowitz) / S.1120 (Kaminsky)

This bill would increase, by up to an additional five percent, the amount a person may recover for reporting the fraudulent use of government funds during a declared state disaster emergency.

Increases the jurisdictional limits from \$3,000 to \$5,000 for justice courts and increases certain filing fees – A.1864 (Zebrowski) / No Same As

This legislation would increase the jurisdictional limit for civil justice courts from \$3,000 to \$5,000. It would also increase the filing fee for actions involving claims up to \$1,000 from \$10 to \$15, and, in actions seeking more than \$1,000, the legislation increases the filing fee from \$15 to \$20.

Relates to expediting actions involving insurance claims for damages resulting from a state disaster emergency – A.2189 (Dinowitz) / No Same As

This legislation would require that, in any action involving an insurance claim for damages occurring to property in a county where a state disaster emergency has been declared, the court

must hold a preliminary conference within 30 days after the request for judicial intervention is filed.

Relates to establishing a cause of action for medical monitoring – A.2265 (Niou) / S.298 (Thomas)

This bill would establish a cause of action for persons to seek court-ordered medical monitoring based on toxic exposure to toxic substances.

Provides for the payment of interest with respect to court-approved settlements of actions brought by certain parties– A.2547 (Weinstein) / S.469 (Hoylman)

This legislation would amend the Civil Practice Law and Rules and the Surrogate's Procedure Act so that a court order approving settlement of an action brought by or on behalf of an infant, judicially declared incompetent, or conservatee would accrue interest where there is a delay in obtaining the required court approval of the settlement into which the parties have entered.

Provides, in tort cases when one defendant has settled, that remaining defendants must make certain election prior to trial relative to liability; repealer – A.3024 (Dinowitz) / No Same As

This bill would require that in tort cases, where one defendant has settled, the remaining defendants must elect, prior to trial, whether to reduce their liability by the amount of the settlement or by the amount of the settlor's equitable share of the damages.

Relates to limited scope appearances – A.4938 (Epstein) / S.6807 (Thomas)

This legislation would allow an attorney to represent a client in a civil action for limited purposes by filing a notice of limited appearance which details the scope of the appearance with the court and, at its conclusion, by filing a notice of completion of the limited scope appearance.

Relates to the time to file a claim in a toxic tort case – A.5031 (Ramos) / S.667 (Sanders)

This bill would increase the timeframe of the discovery of the cause of the injury in causes of action relating to exposure to specific toxic ecological factors from five years to ten years, and also increase the statute of limitations in such actions from one to three years.

Relates to violations of nondisclosure agreements in certain settlement agreements – A.5580 (Rozic) / S.738 (Biaggi)

This legislation would amend the General Obligations Law to prohibit settlement agreements involving harassment, discrimination, or retaliation claims from including any terms or conditions requiring a plaintiff to pay liquidated damages, or forfeiting consideration received for the agreement, because the plaintiff violated a nondisclosure or non-disparagement clause in the settlement agreement.

Repeals section 470 of the judiciary law relating to out of state attorneys, thereby eliminating the requirement that they maintain an office in this state – A.5895 (Weprin) / S.700 (Hoylman)

This bill would repeal section 470 of the Judiciary Law, which requires that nonresident attorneys practicing in New York maintain a physical law office within the state.

Relates to notifying certain individuals of the ability to seek an extreme risk protection order – A.6126 (Simon) / No Same As

This legislation would require that whenever an order of protection or a temporary order of protection is applied for, issued, modified, or extended, the applicant or individual who is granted an order of protection be notified of their ability to apply for an extreme risk protection order.

Creates a private right of action for improper debt collection procedures – A.6254 (Weinstein) / S.1234 (Gianaris)

This bill would create a private right of action in favor of a debtor in the event that a creditor violates New York law relating to debt collection procedures; a prevailing debtor would be entitled to actual damages sustained, reasonable attorneys' fees, and any punitive damages awarded by the court.

Relates to the filing of objections in child support cases in the family court – A.7795 (Wallace) / S.6824 (Persaud)

This bill would amend the Family Court Act to allow a party to file objections to a support order up to 35 days after the electronic transmission of such order.

D. TRUSTS AND ESTATES AND GUARDIANSHIPS

Relates to the statutory short form and other powers of attorney for purposes of financial and estate planning – Chapter 84– A.2353 (Weinstein) / S.888 (Hoylman)

This chapter amendment to L. 2020, c. 323 clarifies that power of attorney instruments must be acknowledged and witnessed by 2 individuals who are not named in the instrument as agents or as permissible recipients of gifts. It defines the term "witnessed," and clarifies that the ten-day time limit in which to honor or reject a power of attorney instrument is not applicable to the Department of Health, including social service districts in the administration of Medicaid programs.

Removal of absolute prohibition as to convicted felons from receiving letters of administration as to an estate – Chapter 486 – A.2573A (Fall) / S.294A (Myrie)

This law gives a court discretion to allow a person convicted of a felony to serve as the executor of an estate.

The following bills were reported from the Assembly Judiciary Committee and were pending at the conclusion of session:

Time to bring, types of damages available in, and persons authorized to commence, wrongful death action – A.6770 (Weinstein) / S.74A (Hoylman)

This bill would permit the families of wrongful death victims to recover compensation for non-economic losses such as emotional anguish. This bill would also extend the statute of limitations to three years and six months.

E. CONSTITUTIONAL AMENDMENTS REPORTED BY THE COMMITTEE

Removes ten-day advance voter registration requirement – A.502 (Carroll) / S. 517 (Gianaris)

This resolution would amend Section 5 of Article 2 of the New York constitution to remove the ten-day voter registration requirement.

Calling for ratification of the Equal Rights Amendment – A.760B (Seawright) / No Same as

This resolution would amend section 11 of article 1 of the New York State Constitution to guarantee equal protection of the laws of New York to persons on the basis of a person's ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity or expression, or disability.

Relates to the functioning of the independent redistricting commission; repealer – A.1916 (Zebrowski) / S.515 (Gianaris)

This resolution would clarify the procedures for the independent redistricting commission. The resolution would also clarify the duties of the legislative and executive branches during the redistricting process, expand the state senate from 50 seats to 63 seats, and require the state to count incarcerated individuals as residents of the district where they last resided. The measure was not approved in the 2021 General Election.

Relates to the jurisdiction over the classes of actions and proceedings which shall be originated in the New York City Civil Court – A. 3109A (Dinowitz) / S. 514A (Sepulveda)

This resolution would amend the New York State constitution to increase the monetary jurisdictional limit from \$25,000 to \$50,000 for actions and proceedings in the New York City Civil Court.

Authorizes ballot by mail by removing cause for absentee ballot voting – A.4431 (Vanel) / S.360 (Comrie)

This resolution would amend Section 2, Article 2 of the New York constitution and expand the ability of a voter to vote by absentee ballot.

Relates to the protection and promotion of the mental health of the residents of New York State – A.5238 (Barrett) / S.3995A (Reichlin-Melnick)

This resolution would amend sections 3 and 4 of Article 17 of the New York State constitution to require that the state both protect and promote the mental health of the inhabitants of the State of New York.

III. JUDICIARY HEARING

PUBLIC HEARING ON ELECTRONIC AND REMOTE NOTARIZATION

The New York State Standing Committee on Governmental Operations, the New York State Standing Committee on Consumer Affairs and Protection, the New York State Standing Committee on Banks, and the New York State Standing Committee on Judiciary conducted a hearing that examined the impact of authorizing licensed notaries public to conduct notarizations through electronic or remote methods. The COVID-19 pandemic made it increasingly difficult to conduct business safely in person. The inability to conduct business in person rendered services such as notarization difficult if not impossible due the nature and method of how documents must be notarized. An executive order was issued by the Governor that authorized notarizations to be done through a remote process. The legislature had various proposals that aimed to authorize electronic or remote notarization. Witnesses included legal experts and advocates who generally supported the legislative proposals as a way to increase access to services to those who are ill or of limited resources. The public was invited to submit written testimony.

IV. NEW YORK STATE JUDICIARY FUNDING

The 2021-2022 State budget adopted the Judiciary's budget request in the amount of \$3.31 billion. This is an increase of \$40.2 million, or 1.23% from SFY 2020-21. The SFY 2021-22 budget includes appropriations at higher levels than in SFY 2020-21, with spending reductions made on a cash basis. The budget submission reduced disbursements by \$263 million for SFY 2020-21 and held SFY 2021-22 flat; this reduction consists of \$163 million in State Operations savings and \$100 million in General State Charges savings. The budget includes appropriations totaling \$100 million to support the recommendations of an Office of Court Administration Task Force to expand civil legal services, unchanged from the SFY 2020-21 level. Cash reductions, however, are assumed for these services. The Judiciary's budget includes \$25 million to support continued improvements to court technology infrastructure, including modernization of the judiciary's secure high-speed area network, security equipment, records management and facility renovation.

V. Funding for Legal Services

The SFY 2021-22 budget includes \$100 million to support the recommendations of an Office of Court Administration Task Force for expanded support for civil legal services, unchanged from SFY 2020-21. These services will help with an array of civil legal services, particularly to individuals that may not be able to afford services otherwise. The funding can be used to cover any civil services, including housing, domestic issues, and legal services.

2021 SUMMARY SHEET

SUMMARY OF ACTION ON ALL BILLS REFERRED TO THE COMMITTEE ON

JUDICIARY

TOTAL NUMBER OF COMMITTEE MEETINGS HELD 14

ASSEMBLY

SENATE

TOTAL

BILLS

BILLS BILLS

BILLS REPORTED FAVORABLE TO:

Codes	36	0	36
Judiciary	0	0	0
Ways and Means	8	0	8
Rules	41	0	41
Floor	16	0	16
TOTAL	101	0	101

COMMITTEE ACTION

Held For Consideration	0	0	0
Defeated	0	0	0
Enacting Clause Stricken	7	0	7
REMAINING IN COMMITTEE	294	25	319

BILLS REFERENCE CHANGED TO:

Codes 2

Ways and Means 2

TOTAL	4		4
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