

**WEDNESDAY, MARCH 27, 2019**

**1:57 P.M.**

ACTING SPEAKER AUBRY: The House will come to order.

Mufti Sayed Mohammad Ansarul Karim will offer a prayer.

IMAM MUFTI SAYED MOHAMMAD ANSARUL KARIM: (Singing in Arabic) In the name of the Lord, the most compassionate, the most merciful. Firstly, I would like to thank Mr. Speaker Heastie and Assemblywoman Karines Reyes and all you wonderful people. I'm delighted to say this. It is inspiring to see that all wonderful people are united for a common understanding.

Mr. Speaker, approximately 3,000 years ago from today, perfect Moses - peace be upon Him - he was asked by his

disciple, *Of all the commandments that you have received from your Lord, which one is the most important one?* And he replied, I quote from Hebrew from the Book of Deuteronomy, it is in Hebrew language. Perfect Moses - peace be upon Him - he said: (Speaking Hebrew). Interestingly, 2,000 years ago approximately from today, Jesus of Nazareth - peace be upon Him - he was asked by his disciples that, *Of all the commandments that you have received from Your Lord, which one is the first one?* And Jesus Christ - peace be upon Him - He replied, "Hear, O Israel! The first Commandment that I have received from My Lord is My Lord is the God, He is One." I have quoted from the Gospel of Mark, 12:29. Intriguingly, 600 years later approximately, 1,400 years ago from today, in the Valley of Mecca, Prophet Muhammad - peace be upon Him - he declared the divine message: (Speaking Arabic), Say Your Lord is Allah, the One and Only.

The common thread in these three Abrahamic Scriptures is this: The oneness of God. By this way, we are united. By this way, we are from the part of one divine family of God. We all are united. Diversity is our blessings. It is not a curse. We may look different from outward, from outlook, but inwardly we share the same essence. We may look colorful from outside, but inside we share the same color of blood. We are one. We are united. Unity is our strength. It's the evil, it's the Devil and evil forces who wants to break us apart. Diversity is our blessings. There's no place for racism. There's no place for racial discrimination. There's no place for

so-called "supremacy". There's no place for terrorism. Terrorism doesn't have any color, doesn't have any race, doesn't have any religion. We condemn. We have to stay away and together in united force we can combat all the evil, all the inequalities, all the evil from this Earth. With mutual understanding, with mutual love and compassion and tolerance, we can make this planet better and more beautiful for our generations to come, for our future generations.

Mr. Speaker, I leave you last, not the least with this code from the rich culture of Bangladesh. In Bengali (speaking Bengali). It means, we may look different, from outside we are colorful, but the color of our blood is the same.

Thank you very much, Mr. Speaker. It is -- it is really, really appreciating. Thank you very much for all you wonderful people and the legislators, all the distinguished guests. May God bless all of you. May God bless this wondrous land of America. May God guide us and be with us and help us in every step we take, in every decision we make in life. Thank you legislators. God bless humanity. God bless the planet. Thank you very much.

(Applause)

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, March 26th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that we dispense with the further reading of the Journal of Tuesday, March 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. To my colleagues, our guests in the audience, staff and interns, today's quote is from an American scholar and educator, a Stateswoman, a Civil Rights activist. Her name is Mary McLeod Bethune. She actually started a high school for girls that ended up being a college. And her quote for us today, Mr. Speaker, is, "That we have a powerful potential in our youth, and we must have the courage to change old ideas and practices so that we might direct their power towards good ends." Again, Mr. Speaker, Mary McLeod Bethune.

With that, Mr. Speaker, I would make note that members do have on their desks an A-Calendar. After there are introductions and any other housekeeping that you may have, we will continue our consent with Calendar No. 154, it's on page 14. And we also will be working off our main Calendar on debate. We may have a need for a Conference later, and we will check with our colleagues to see if they may have a need for a Conference, as well.

So with that, Mr. Speaker, as a general outline, if there are any introductions and/or housekeeping, we should take them

up at this time.

ACTING SPEAKER AUBRY: Certainly.

For the purposes of a [sic] introduction, Ms. Reyes.

MS. REYES: Thank you, Mr. Speaker, for allowing me the opportunity to welcome and introduce neighbors and friends from the Bangladeshi community, in recognition of Bangladeshi Independence Day. I'd like to thank Imam Mohammad Ansarul Karim for performing today's invocation. He is a clergy from Queens. So, on behalf of Members Crespo, Fernandez, Pichardo, Dinowitz, Hyndman, Weprin, Cruz and Barnwell, we would like to welcome this flourishing Bangladeshi community.

The story of Bangladeshi's Independence is illustrated in its flag, depicted by a red circle over a green background. The green represents its green fields, the red represents the sun rising over the emerging country. In its flag we see the hope and aspiration of its people. The 87th District is extremely fortunate to be home to the second-largest population of Bangladeshi-Americans in New York State. We are enhanced by their contributions to society through lively customs, cultural and religious observances. We are enriched by their boost to our local economies through flourishing businesses and hard work. The Bangla people have personified excellence and achievement of the American Dream. Thank you for all you've done for the great State of New York. I sincerely wish you all a very happy Bangladeshi Independence Day. Thank you.

(Applause)

ACTING SPEAKER AUBRY: On behalf of Ms. Reyes, Mr. Pichardo, Mr. Crespo, Ms. Hyndman, Ms. Fernandez, Mr. Weprin, Mr. Barnwell, Mr. Dinowitz and Ms. Cruz, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Thank you so very much for sharing this day with us. We hope that you will enjoy Albany, enjoy this opportunity to be with us in the People's House and continue to prosper and grow and make our State a better place. Thank you so very much.

(Applause)

And to the Imam, thank you for coming and offering prayer. We appreciate that. Hopefully you will join us again some time. *As-salamu alaikum.*

Ms. Cruz for an introduction.

MS. CRUZ: Thank you, Mr. Speaker, for allowing me to make an introduction. I want to welcome some of my most hardworking constituents from the New Immigrant Community Empowerment, otherwise known as NICE, and their Executive Director Manny Castro. NICE has worked with construction workers with and without status in Jackson Heights for many years. They have provided a place where folks can go and find work, can get an education about their workers' rights, and have done incredible advocacy to make sure that we understand that workers' rights are a priority and they have nothing to do with immigration status, but simply with the fact that they are working hard and deserve to be paid and deserve to be safe.

I want to also welcome you in a little bit of Spanish.

(Speaking Spanish)

(Applause)

You will see -- you will see some of them walking around today with a flower, and they might want to give you that flower. It is a symbol and a remembrance of all their brothers and sisters who have died in construction sites. They're here to advocate for workers' rights and I hope that we can welcome them and I ask that we extend the privileges of the floor, Mr. Speaker, and that we welcome them to the People's House. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Cruz, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Thank you for coming today and sharing your stories with us here in Albany. We prize and are always happy to have your kind of energy and effort here in our Capitol. Thank you so very much. Continue the great work you do in Queens.

(Applause)

For the purposes of a [sic] introduction, Mrs. Gunther.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can go to page 3, resolutions.

ACTING SPEAKER AUBRY: Page 3, resolutions, the Clerk will read.

THE CLERK: Assembly Resolution No. 220, Ms. Solages. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim April 2019, as Cesarean Awareness Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 221, Mr. DeStefano. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim April 2019, as Bullying Prevention Month in the State of New York.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can move to page 14, we're going to start our work today with Calendar No. 154 by Ms. Paulin.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A03486, Calendar No. 154, Paulin, Galef, Abinanti. An act to amend the Civil Practice Law and Rules, in relation to the licensing board in the County of Westchester.

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.)

ACTING SPEAKER AUBRY: First vote of the day, members. If you are in your seats, please vote now. If you are in the sound of our voice, please come to the Chamber and cast your vote. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Goodell.

MR. GOODELL: Thank you very much, Mr. Speaker, for allowing me to interrupt the proceedings to introduce a distinguished group of guests. Joining us today on the floor of the Assembly is the Cooperstown Boys Varsity Basketball Team, who was successful in becoming the Statewide Class C Champions this year. Their season was obviously very successful. The semi-final game was a real cliffhanger, because they went into triple overtime before they finally won. They had some great opposition. They defeated Greenport High School, another great team. They then went on to claim the Championship title, defeating Middle Early College by a score of 71-61 and, thus, became the first-ever State title for the Cooperstown Boys Basketball Program. And, as you know, Cooperstown is home of the Baseball Hall of Fame. They are now going to have to add a new exhibit for this great basketball team.

On the team this year was Ryan Burns, Jesse Furnari, John Kennedy, Jack Lambert, Ryan Lansing, Spencer Lewis, Noah Lifgren, Kyle Meyer, Calvin Sandler, Kyle Santello, Ben Tafuro and their coaches were John Lambert, Matt Hulbert, and their Assistant Athletic Director -- I'm sorry, the Athletic Director is Dave Bertram.

So, if you would, sir, on behalf of Assemblyman Salka and Assemblyman Miller, two of their best Assemblymen, if you would welcome this distinguished group of young gentlemen to our Chambers.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Salka, Mr. Brian Miller, the Speaker and all the members, we welcome this extraordinary team here to the New York State Assembly. We extend to you the privileges of the floor. We congratulate you on the success that you had this year. Certainly Cooperstown is no secret to all of us. We're now happy to know that it is a place where basketball thrives. Please continue that great work. Hope to see you again. Hope that as you proceed maybe on to college that you get a chance to play. And for the tall gentleman in the back, we just lost our Center last night to a knee injury.

(Laughter)

We have a game some time in May; we might want to draft you. Thank you so very much.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A03635, Calendar No.

155, Schimminger, Lupardo, Stirpe. An act to amend the Tax Law and the Alcoholic Beverage Control Law, in relation to mead.

ACTING SPEAKER AUBRY: On a motion by Mr. Schimminger, 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 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.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you for allowing me to interrupt the proceedings for the purposes of an introduction. Our colleague, Donna Lupardo, has some folks in the rear of the Chambers, Andre Mathis and nine students from the Union-Endicott High School where they do something called the Mock Senate After School Club. We'd like to see them rename that to the Mock Assembly After School Club, but right now today it's still the Senate. They are debating bills before the Mock Senate as a part of their curriculum. Would you please welcome these young debaters to the Chambers on behalf of Member Lupardo.

ACTING SPEAKER AUBRY: On behalf of

Assemblymember Lupardo, the Speaker and all the members, we welcome you here to the New York State Assembly and extend to you the privileges of the floor. You are in the People's House. You are always welcome here and we applaud you on your preparation for public career. I suspect that's in somebody's mind there. Hopefully you will be successful. Hopefully we'll see you again shortly. Thank you so very much.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, for another introduction. Our colleague, Karines Reyes, has her two handsome young sons with her today. Alexander is 12. He's in the seventh grade, and he actually can sing. And Sebastian is eight. He's in the third grade. He's a mathematician. So would you please welcome colleague Reyes' sons to our Chambers.

ACTING SPEAKER AUBRY: Certainly. On behalf of your mom, the Speaker and all the members, we welcome you, gentlemen, here to the New York State Assembly. You are family, so you are always extended the privileges of the floor. We hope that you will come and visit us again as often as you can as school allows. Thank you for being here. Please know that you're always welcome, and you make your mother very proud.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: On debate, Mr. Speaker,

could we call up Calendar No. 151 by Mr. Dinowitz, followed by Calendar No. 125, Ms. Niou.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A02653-A, Calendar No. 151, Dinowitz, Weprin, Gottfried, Arroyo, Joyner, Reyes, Sayegh, Galef, Epstein, D'Urso, Steck, Cook, Glick. An act to amend the General Obligations Law, in relation to requirements for the use of plain language in consumer transactions.

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

MR. DINOWITZ: This bill increases the applicability of the Plain Language Law to consumer contracts involving amounts up to \$250,000.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

MR. DINOWITZ: I will.

ACTING SPEAKER AUBRY: Mr. Dinowitz yields.

MR. RA: So as you said in the explanation, it's fairly straightforward what this bill does, but many of our colleagues might recall that we just last year increased this amount to \$100,000 in terms of the applicability which had remained, I believe, flat at \$50,000 since the initial inception of this law, correct?

MR. DINOWITZ: Correct.

MR. RA: So since we just upped the amount and obviously we deal with this in so many different areas that, you know, to keep true to the intention of -- of a law, we have to over time increase amounts, because obviously it was \$50,000 in the '70s, and the types of transactions that that was covering was no longer getting the job done, you know, in the 2000s, but what is the reason now for going to \$250,000?

MR. DINOWITZ: Well, a few reasons. The amount we did last year, while an improvement, really didn't keep up with inflation. And the only reason we did \$100,000 last year was because we had to compromise because of the Senate. Well, we have a much more consumer-friendly Senate now and, therefore, we can -- we're in a position to do the amount that we originally wanted to do. And if you think about it, 1977 I think was when the original bill -- law came into effect. Think about prices back then. Think about the price of a subway token or a slice of pizza. Things have gone up five-fold. So, let's see, \$50,000 times five, \$250,000. So, it makes perfect sense to have that level. And that's the level we would've liked to have done last year, but this year things are different down the hall so I believe we're in a better position to do that. And, of course, that will be very good for consumers in all of our districts.

MR. RA: So with the \$250,000 threshold, I know that there are several states who have -- after New York did this, that -- that did their own statutes and in doing a little bit of research, I see

some of them do have thresholds in terms of the amount of the contract that that would be applicable, some -- some do not. Is there -- do we think that this is going to cover the vast majority of consumer contracts, or are we going to be, at some point, looking to not have, say, a number at all?

MR. DINOWITZ: Well, it will certainly cover a significant number, certainly the -- the contracts that most of our constituents generally deal with. So, I think this will be a big improvement for consumers, and I'm glad New York would hopefully be the State to do this so that we're, again, on the cutting edge of fighting for the constituents that you and I represent.

MR. RA: Okay. Thank you.

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.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you. Seem to be in a unique situation here, so I thought I'd explained why I might be voting the way I am. When you're getting into the contracts of \$250,000 and you impose a language requirement, what that does is it forces the attorneys and everyone else that deals with that to take well-defined legal terms and redefine them into plain language. And when it does,

it creates ambiguity because well-defined legal terms that would otherwise apply are now replaced with other words and phrases that are not well-defined and where there is no case law.

If a consumer is engaging in a transaction that involves a quarter million dollars, they ought to be very careful and they ought to make sure they understand the contract, and they ought to seek counsel if they're engaging in a quarter million dollar transaction. And so, I would recommend that we keep our contract language threshold at \$100,000, make sure our contracts that are in a higher amount are well-understood by everyone else and that consumers seek appropriate guidance when needed. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 11, Calendar No. 125, the Clerk will read.

THE CLERK: Assembly No. A00711, Calendar No. 125, Niou, Wright, Barron, Kim, Dinowitz, Epstein, Simon, Frontus, Richardson, D'Urso, Fall, Sayegh, Weprin, D. Rosenthal, Blake, Reyes, Solages. An act to amend the General Business Law, in relation to requiring debt collectors to inform debtors that written communications are available in large print format.

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



MS. NIOU: I believe that this is a good little bill all around. It is thoughtful and considerate. It just makes sure that folks who need to can opt-in to having larger print when -- when debt collectors are trying to collect on them. That's all. Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. NIOU: Happily, sir.

ACTING SPEAKER AUBRY: She happily yields.

MR. GOODELL: Thank you, Ms. Niou, and if it's okay, I wanted to ask a few questions about that thoughtful, wonderful bill that you're proposing.

MS. NIOU: Sure.

MR. GOODELL: This bill, as I understand it, would have a notice on the letter from a debt collector to a debtor that says you may request large print documents from there on out, correct?

MS. NIOU: True.

MR. GOODELL: And how large is the large print?

MS. NIOU: Sixteen font.

MR. GOODELL: Sixteen font. And is the notice in the first letter that you are allowed to ask for large print, is that notice itself in 16-font under this bill?

MS. NIOU: It can be if they want it to be, yes.

MR. GOODELL: But this bill doesn't require that.

MS. NIOU: It doesn't require that.

MR. GOODELL: So we're assuming that if somebody can read the first notice, why wouldn't they be able to read subsequent notices that are in the same font?

MS. NIOU: It could be because, like, somebody like me or you helped them to read it in their constituent office.

MR. GOODELL: But most people are a little bit, you know, hard of -- can't see well, most of them, don't they have reading glasses or other means of reading?

MS. NIOU: Not all the time. I think they also, you know, I think that having that option there is really helpful for folks.

MR. GOODELL: So if an individual took advantage of this and wrote back and said, *Please send all future correspondence in 16-point font, would that then apply to any legal proceedings, as well, collection proceedings?*

MS. NIOU: It doesn't require it, but, yes, it would be probably.

MR. GOODELL: I'm sorry?

MS. NIOU: It doesn't require it, but, yes, it would be probably.

MR. GOODELL: Well, doesn't it apply to all subsequent communications from the debtor -- to the debtor?

MS. NIOU: From the debtor, yes.

MR. GOODELL: So, all subsequent

communications from the debt collector would have to be in 16-point print under this law.

MS. NIOU: Yes.

MR. GOODELL: And so, if the debt collector then begins a legal proceedings with a summons and complaint, the summons and complaint would have to be 16-point presumably?

MS. NIOU: Yes.

MR. GOODELL: And if they make a motion for summary judgment, that would also have to be in 16-point.

MS. NIOU: Yes.

MR. GOODELL: And if there were any legal filings, legal memorandums, things of that, that would be in 16-point.

MS. NIOU: Yes.

MR. GOODELL: Now, are you aware that many of the courts restrict the size of the font and the number of pages on court proceedings?

MS. NIOU: Sorry, what?

MR. GOODELL: A number of the courts have very specific rules on what size font and how many pages can be in a legal proceeding. So, is a debt collector who files a summons and complaint at 16-point now facing disciplinary proceedings because they violate the court rules?

MS. NIOU: No, I don't think so.

MR. GOODELL: So you think this would preempt the court rules?

MS. NIOU: It does not preempt the court rules.

MR. GOODELL: Some courts, particularly the Appellate Courts, have a limit on the number of pages in a brief, so obviously if you go from a 12-point standard type size to 16-point, do you know, being forced to reduce the size, you know, you can't obviously say as much if you're using large print-type.

MS. NIOU: That -- that's not the intention of the bill, so...

MR. GOODELL: Now, of course, most consumer debt relates to credit cards, unpaid credit card bills. Does this bill require the application for the credit card or the terms and conditions of the credit card be any minimum font size?

MS. NIOU: It's only from debt collectors if they're collecting a debt to be able to actually get the -- to be able to actually collect from folks, it's like for the request of a debt collection that their font has to be in large print if asked.

MR. GOODELL: Now as you know, this bill would impose a civil penalty on debt collectors if they didn't comply. A lot of debt collectors use computer software to generate a lot of the correspondence, including follow-up correspondence. So, if a debt collector sent out a mass mailing of 1,000 letters, would they then be facing a \$250,000 fine, \$250 for each letter?

MS. NIOU: Could you repeat the question?

MR. GOODELL: Certainly. This bill imposes an initial fine of \$250 for the first violation, \$500 for every other

violation. If a debt collector sent out a standard, preprinted letter using computer software, which is common, and let's say they send out 1,000 letters, would they be facing a fine of just under \$500,000?

MS. NIOU: If the consumer has already opted in to be able to get the 16-point font, then they need to make sure that every single person is getting that. It's not going to be all of those consumers, I'm guessing, but I'm sure that there's going to be one or two and, you know, they should be getting any consequent mailings from the debt collectors should be in 16-point font.

MR. GOODELL: Now this provides that the first violation is \$250, the second violation is \$500. Does this bill provide for any database to track the number of violations that might occur? How would you -- in other words, how would a person know that it's a second violation?

MS. NIOU: No, it would be AG enforcement.

MR. GOODELL: Okay. As you know, almost every single credit card application, every mortgage application, almost every single consumer contract has a provision in it that provides that the cost of debt collection is to be borne by the person who is applying for the credit card. And so, they always say, you know, if we have to bring an action to sue to collect a debt, you have to pay the cost of collection; a very standard form. Obviously, if debt collectors have to comply with this, it's going to incur -- they are going to incur additional cost. How much additional cost do you envision that consumer debtors will incur as a result of that charge-back provision?

MS. NIOU: None; minimal, if any.

MR. GOODELL: But I mean, each -- or each person that asks it, now the -- now the debt collector is going to have to go through special procedures. They're going to have to rewrite the documents, they have to reprint them, they won't be able to use any standard size documents. They're now going to be longer pages, which means the mailing is more expensive. And all those costs under standard consumer contract, particularly credit card, are charged back to the creditor -- I mean, charged back to the person who owes the money, that's -- that's the way those contracts are drafted. So my question is, how much more is this going to cost the consumer in order to have manually produced large print-type that now runs many pages long rather than standard letter?

MS. NIOU: It's a pretty simple process to change the font on any document. I don't think that it's going to be very onerous on anybody and I think that -- I mean, more people will probably pay back debt if they can see what they're owing.

MR. GOODELL: Now, of course, as we increase the cost of debt collection and make it harder for debt collection, credit card companies respond by raising the application fees, the annual fees and the interest charges, particularly for lower-income applicants. Because the credit card company is not going to incur the additional expense, they pass it on. So the wealthy who get, you know, the platinum cards, they don't pay any annual fee, they have low interest rate; that's great, but the working poor or the lower-income

individuals, every time we make it harder to collect debt, that additional cost goes right back on them. Isn't this a bill that will actually make it more difficult for lower credit individuals to get affordable credit?

MS. NIOU: No, I don't believe so. I think that it'll make it easier for them to be able to see if they are also hard of seeing. So, I think that, you know, I mean, I also have a couple of bills eliminating fees for certain low-income folks, regulating bank fees, so I would love if you would join me on those bills, as well.

MR. GOODELL: Well, I think what you will find is if you eliminate the fees that are charged for credit applications, banks simply won't process them. But, that's a discussion perhaps for another day. Again, thank you very much, Ms. Niou.

MS. NIOU: Did you want me to answer, or...

MR. GOODELL: I didn't think there was a question there, but...

MS. NIOU: Okay. I was just going to say that Con Ed and other -- other utility bills already do this, and so there is a model.

MR. GOODELL: Gotcha. Thank you, Ms. Niou. I appreciate it.

On the bill, Mr. Speaker.

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

MR. GOODELL: Certainly appreciate my

colleague's desire to make life easier for individuals who have trouble seeing, but unfortunately there are sometimes unintended consequences of -- of that effort. Right now, if a person is hard of seeing - I guess that's the best way to describe it - most of them already make arrangements to -- to be able to see reasonably-sized routine print material. And most of us -- I'm getting to that age where -- I'm sorry, most of us who are my age or older are getting to the age where we get readers, which are magnifiers, so we can read the smaller print. Of course, if you are actually legally blind, there's a whole host of additional equipment that's available that we, as the State, help fund.

So, we get initial notice that's in 12-point print and this bill anticipates that the recipient will be able to read the initial notice, and I think that's a good assumption. And it is much, much less expensive overall for an individual who is hard of seeing, if you will, or has trouble seeing to use their readers than it is to require all subsequent communications to be in 16-point print. We want to keep in mind, the credit card application, that's not in 16-point print. Your mortgage application, your mortgage document, that's not in 16-point print. Incurring the debt is not in 16-point print and it's reasonable to expect that those people who are engaged in these transactions can read or have the means to be able to read normal print.

So, then, what's the problem? Well, the problem is as soon as you start printing documents in 16-point print, a one-page letter becomes a three-page letter. A summons and complaint, instead



of being a few pages long, becomes quite long. If you have to go into court, your legal proceedings now violate court standards in terms of print size, length and other restrictions. So, there's a raft-load of problems. But, more importantly, is all the additional costs of producing custom-made documents at 16-point print. All those costs are billed back to the consumer. All of them, because it's in their contracts, it's in your standard mortgage contracts, it's in your standard credit card contracts.

So, this bill, in an effort to help certain consumers, raises the cost for all. And so, while I certainly am sympathetic to the concerns of those who have trouble reading, or seeing, this bill would raise costs to all the consumers and does not accomplish its objectives.

Thank you so much, Mr. Speaker and, again, thank you to Ms. -- Ms. Niou for your help.

ACTING SPEAKER AUBRY: Ms. Niou on the bill.

MS. NIOU: Thank you, Mr. Speaker. So, just to clarify for everyone. This bill is really about debt collection and making sure that folks can read when there's a debt collection letter from them. When you're talking about mortgages, when you're talking about big legal documents, when you're talking about all those things, you usually have a lawyer present or you have somebody to be able to help you. A small debt collection letter from somebody is -- is -- is going to be coming to your home and if you can't see it, then you might not know what it is.

So, I think that it's really important that we're actually

doing this. Utility bills already have an opt-in option and other billing for small billing, like phone companies, et cetera, already have that option, as well. So, I think that this is something that is really a model and something that we should be doing, and it's a -- it's a commonsense bill. I think that one of the things that I wanted to clarify is that this is -- this is only when a debt collector is sending something to somebody, it's not when it's talking about, like, legal -- subsequent legal proceedings, et cetera. So, those -- those documents are going to still be in whatever font they need to be in for -- to make sure that the courts can -- can have them in a certain number of pages.

But I think that -- and -- and -- and it's not three-pages, it's not that big of a difference. Sixteen-font and 12-font, it's -- so, if you're -- you're increasing the font number, you will see that -- and my staff went through it, 12-point font, 14-point font, 16-point font, the difference is one page for 12-point font, single spaced, and then when you're increasing it to 14-point font, it's actually only a little bit more, and then when you increased it to 16-point font, it only comes in for not even a page and six lines. So, I think that it's pretty apparent that that's not a huge difference, it's not going to be very onerous and changing paper size is also an availability.

So, thank you so much. I hope that people will vote for this very commonsense bill, I think that it's a very thoughtful, very considerate bill and we all have to remember that we're only all temporarily able-bodied. So, thank you so much.

ACTING SPEAKER AUBRY: Ms. Hyndman.

Ms. Simon, I'm sorry. How are you?

MS. SIMON: I'm good, thank you. How are you?

ACTING SPEAKER AUBRY: Please.

MS. SIMON: So, on the bill, Mr. Speaker. I would just like to compliment and commend the sponsor for this bill. First of all, I think that she's completely right that 16-point print is really no big deal and today we can enlarge fonts very easily; once upon a time it was a very different proposition. But, I'd also suggest that this already required under Federal law and there's no reason why New York should not codify this. We have a huge student debt problem. We have students and others who really need to be able to read what it is that they're obligated to pay and to find out what their options are. And I think it's just overly narrow to suggest that they -- they shouldn't have equal access to that information. So, I encourage everybody to vote in favor of this bill.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect on the 30th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Kim to explain his vote.

MR. KIM: Thank you, Mr. Speaker, for allowing me

to explain my vote. First and foremost, I want to thank the sponsor for taking this legislation. I think we all can recognize that debt collectors, they profit and they make more money if the debtors don't pay on time. So, if the intent by debt collectors is to make sure that the debt, people who are in debt are paying whatever they owe in time, they would organically, on their own, do whatever they can to communicate everything in the largest fonts possible. But by design, these companies, some of them are very predatory, do not want people in debt to pay on time, because of the longer they exist -- the longer they persist, the more money they're going to monetize of people in debt. And that's why we have this problem with student debt and a number of categories of debt in this country, and that is why we are facing 18 straight months of increasing household debt, which is, we're in a full crisis mode, even worse than ten years ago. So this is the right step to make sure that we call out the people in the business of collection to do the right thing to -- and help all of our communities. Thank you.

ACTING SPEAKER AUBRY: Mr. Kim in the affirmative.

Mr. Sayegh.

MR. SAYEGH: Thank you very much. Just, I'd like to also compliment the sponsor, and I think we're in an era where communication is golden and when it comes to debts and collection, and even in cases that I've experienced in my office, consumers that were complaining about a large company, I don't want to mention

names, you know, that is an appliance company that has relationships with a certain bank, whereas they convince customers you can purchase your refrigerator, you can purchase your home appliances and even if you want to pay the full amount, *Oh, you put it on your credit card and you can just pay a portion. The rest of it you can do an automatic payment and therefore, have it paid off.* And then they realize in fine print that within a certain period, for the six months, if it's not paid for, even though you have automatic payment, then they start charging you 29 percent interest, which is loan sharking. And people that don't know any better that have automatic payments and they think, *I'm in line, I'm doing everything the right way,* and meanwhile, they find out they're paying 300 percent more than the original amount.

So, I think any attempts to clarify and make sure the customer knows exactly what they're getting into is a good thing, and I don't feel it's such a strain or a cost factor for these companies. Thank you very much.

ACTING SPEAKER AUBRY: Mr. Sayegh in the affirmative.

ACTING SPEAKER LAVINE: 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, if we could

move to our next two bills on debate, we're on Calendar No. 105, page 10 by Mr. Pichardo, and Calendar No. 74, page 9 by Ms. Solages.

ACTING SPEAKER LAVINE: Page 10, Calendar No. 105, the Clerk will read.

THE CLERK: Assembly No. A02122, Calendar No. 105, Pichardo, Sayegh, Taylor, Arroyo. An act to amend the Public Service Law, in relation to making gas and electric billing information for residential rental premises available upon request.

ACTING SPEAKER LAVINE: An explanation is requested.

MR. PICHARDO: Absolutely, Mr. Speaker. What the bill entails basically that it would require utility companies to provide the use of utilities in a residential dwelling for a potential homeowner, renter, lessee, or the landlord upon request.

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

Mr. Ra.

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

ACTING SPEAKER LAVINE: Will the sponsor yield?

MR. PICHARDO: Happy to do so, Mr. Speaker.

ACTING SPEAKER LAVINE: The sponsor yields.

MR. RA: Thank you. So, in terms of how this

works, I understand the idea of being, you know, a prospective tenant is -- is going to, you know, want to have some idea of what the utilities are going to be in an apartment that they're going to rent, so by having this information they'll, you know, have some -- some idea of what they will be paying going forward. So, first off, this applies to what types of utilities, would it be all types of utilities?

MR. PICHARDO: So it would be sort of -- it covers electric and heating. And let me just clarify something I said earlier, this bill only applies to renters, just so that we're all clear.

MR. RA: So electric and heating for --

MR. PICHARDO: Yes, all utilities.

MR. RA: Okay. I'm aware that -- I guess there are some existing laws that require some of this information to be provided --

MR. PICHARDO: Sure.

MR. RA: -- but not from the -- necessarily from the utility themselves, but from the landlord; is that correct?

MR. PICHARDO: Well, the landlord isn't under any type of legal obligation to provide this information. Basically what happens is that landlord would give a person an estimate, not necessarily based on actual information of the use of the utilities, but rather sort of, kind of a guesstimate. This requires folks to actually get the information from -- or give them the opportunity to get the information from the source so that potential renters have a better sense of clarity of what the expenses will be for their new home,

including for the rent, as well.

MR. RA: Okay. And is there any ability here for -- for the utilities to, you know, charge a fee to the landlord or to -- to anybody for this information?

MR. PICHARDO: No.

MR. RA: So the information would have to be provided free of charge, correct?

MR. PICHARDO: Yes.

MR. RA: Okay. And in terms of the information they're providing, presumably, you know, the utilities would have information that's already on file that they wouldn't have to produce anything new, but that might be a bill for, you know, for a past tenant that might have information on it identifying that tenant. What about the privacy concerns with regard to this?

MR. PICHARDO: All the personal information is redacted, only the information that is legally asked to be provided is simply the use of set utilities upon request of the lessee, the lessor or the landlord of the residential property.

MR. RA: Okay. And in terms of, then, the level of detail, could, I mean, would it just be maybe past bills with identifying information redacted or would they have -- or would they have to, you know, generate some type of new documentation?

MR. PICHARDO: No. Basically, what they can provide, it's -- it's just a bill with -- without the names or personal information that may be from previous tenants who occupied that



space. Again, what the bill is trying to do is give people the opportunity to actually understand what is going to be the cost of living in said residential property, because, you know, the rent is maybe a fixed cost, but, you know, obviously depending on the seasons, a utility cost may be a little bit more, a little bit less, and a person potentially renting that particular piece of property, it gives them a better sense of what their cost is going to be if they do decide to enter a contract with that landlord.

MR. RA: Sure. Just two last things.

MR. PICHARDO: Sure.

MR. RA: In terms of the time they would have to go back, it's either two years or if the apartment would maybe be newer than that, it's just from the beginning of the apartment coming on -- on the market?

MR. PICHARDO: Sorry. Give me one second. It's basically the life of the unit or two years, whichever is shorter.

MR. RA: Okay. And then lastly, I know that the requirement is that the utility fulfill the request within ten days. What is the situation if the utility does not fulfill the request? Are there any fines involved in this?

MR. PICHARDO: So -- so, they can -- they can provide the information either a hard copy or digital, whatever, just to help them produce that information.

MR. RA: Okay.

MR. PICHARDO: I'm sorry. Let me be clear: So,

the Public Service Commission is going to make the regulation whether or not they have to provide that information hard print or digital or both, or either/or.

MR. RA: Okay. Okay. So, some of that will be handled by the -- by the PSC after -- if this is -- if this is signed into law, the PSC would then --

MR. PICHARDO: Yes.

MR. RA: -- put in place some type of regulatory structure for procedures and enforcement?

MR. PICHARDO: Absolutely, yes.

MR. RA: Okay. Thank you very much.

Mr. Speaker, on the bill.

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

MR. RA: Just quickly. I think generally, you know, this is a positive idea in terms of trying to get as much information as possible for a prospective tenant, but, you know, I do see and -- and there have been some objections raised and some have opposed the bill in the past because, you know, we're essentially putting -- putting a situation there where we're going to go to the utility, say you have to provide this information free of charge, and it might actually be something that needs to be generated, some type of documentation, especially, you know, if it is two years worth of bills, whether it's, you know, manually redacting bills, even if, you know, I -- I would hope that when the regulatory structure is put in place, there would be an opportunity for that to be done digitally, because it'll, I think, A, it'll

help the consumer get the information quickly. Usually if we're, you know, in the process of -- of leasing some type of unit, people may be in a hurry to get that -- get that done and not want to wait too long for information to be, you know, put through in the mail and all of that.

But I do think there are concerns that well, for an individual situation, this doesn't seem like much. It could punitively really require a lot of time and effort and resources from the companies to be able to provide all this information, whereas perhaps if we -- we utilize some of the provisions in existing law and, you know, allow maybe the landlord or through somebody to provide that information, they'd have the information to provide to any tenants. You may have multiple prospective tenants of a unit who are requesting this same information and each time the utility is going to have to go back and fulfill those requests.

So -- so, I think for those reasons, some of -- some of our colleagues may be casting their votes in the negative. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

Mr. Palmesano.

MR. PALMESANO: Yes, thank you, Mr. Speaker.

Will the sponsor yield for just a couple quick questions?

MR. PICHARDO: Happy to do so, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALMESANO: Thank you, Victor, and I commend the intention of this bill. I think the intention of the bill is

really to provide some certainty for planning purposes for someone, what their utility costs are going to be when they move into a place, correct?

MR. PICHARDO: That is absolutely correct.

Mr. Speaker, it's hard to hear. There's a lot of noise. I'm sorry.

ACTING SPEAKER AUBRY: We have a few people around you. They're going to clear out. Shh. Please, go right ahead.

MR. PICHARDO: My apologies, Phil. Just, can you just repeat the question, I just wanted to make sure I got it right.

MR. PALMESANO: Sure. Yes, I applaud the intention of the bill because I think the purpose and your intent with the legislation is to provide some sort of certainty or planning for a prospective tenant or resident who is moving into a place to know what their -- their energy costs are maybe over the course of a period of time so they can plan that into their budget, correct?

MR. PICHARDO: Absolutely. Again, you know, each family's household's budget is unique and different and all of the information that we can provide or the landlord or the utility company can provide to make that picture clearer for families or individuals looking to lease or move into a home is the best thing we can do.

MR. PALMESANO: Yes, and I know from talking to some of the utility companies and other organizations, like, when you call up, they will provide that information, they'll give you like an

average -- average monthly what a budget plan would be, how much those costs are over the course of a 12-month period, what the usage was for a previous tenant, what that usage was, how much that cost was and basically you average that out over a 12-month period to give you a budget amount to help with that planning purposes. Don't they do that now? It's my understanding they all do that now if you call them up and request that.

MR. PICHARDO: So, again, the -- the -- you are correct, Phil. What they provide is an estimate, it's not necessarily the full and clear and true picture of, like, what say, you know, your December utility bill would be versus your July utility bill. I mean, the average can be, you know, you can take that into account, but the more accurate information we can provide for potential tenants or if landlords request it, I think the better -- the better it is.

MR. PALMESANO: Sure, and I can understand that point of view from that perspective. Isn't there any concerns relative to possible, when they're giving bills and documentation about proprietary information --

MR. PICHARDO: Sure.

MR. PALMESANO: -- and stuff like that. How do they handle those privacy issues?

MR. PICHARDO: So, again, all the information, personal information, proprietary information will be redacted if those documentations are requested. Again, what's the potential rents or landlord has requested that information, all they will get is basically

the bill for that given month or the period of time that is -- that would be legally obligated for these utility companies to provide.

MR. PALMESANO: And there would be no -- the utility companies can't charge the information -- for the information that's being provided --

MR. PICHARDO: No.

MR. PALMESANO: -- printing costs or anything like that, correct?

MR. PICHARDO: No, they can't charge a fee for this -- for this information to be processed.

MR. PALMESANO: Okay. Thank you, Victor, for your time.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Yes. First of all, I do applaud the sponsor. His intentions behind this legislation are well-intended. I support the intentions behind the legislation. I think the concerns I have and some of the -- some of the colleagues on our side of the aisle and others might have is -- is certainly this could lead to cost, because, first of all, if you're having to print out two years worth of utility bills, that -- there's a cost to that. And then you have a tenant, individual after individual requesting a specific bill, that's going to add a cost whether it's digital, whether it's paper, whatever it may be. I think there's a concern there. And I think the goal, and our sponsor indicated the goal is to provide for planning purposes, to give them a

good perspective. And, right now, if you were to call up -- I remember when I went to an apartment, I called up to try to figure out what those costs were to give you that average over the course of the year, it gives that individual what those costs are averaged out over that year to give you an idea, maybe not the exact dollar amount, what the usage was in July or December. I think most people recognize you're going to have your air condition [sic] on a little bit more during the winter, it's going to be a little colder during the winter -- summer -- or, the other way around. Let me rephrase that around.

But, I just think that right now, these companies will provide this information to the individual and they'll give it to them right on the phone so they know. I'm concerned I think just because of the cost that could be involved with having to print up all this documentation over two -- two years worth of bills and how that might work. There is definitely going to be a cost to that, it's not free. So, that's borne by the utility. And I remind my colleagues, when we talk about the rate -- the utility -- costs on the utility, that, in essence, is the ratepayer paying those energy bills.

So, again, I applaud the sponsor for his intentions. I support what he's trying to do. I think there's a mechanism in place to do that, I'm just concerned where this might be going and what this could lead to in the future. So, for those reasons, as much respect as I have for the sponsor, I will be opposing the legislation and ask my colleagues to do the same. Thank you, 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: One of the concerns I have, I recently met with Con Edison and they were talking about the new program they're rolling out, which is going to be targeting the way customers use their utilities. So, they're going to be discounting rates if you use your utilities off peak. So, one of the concerns I have with that is, well, if we're looking to give the information to potential new occupants of that residency, they may not have the same usage as the person who was in that program. So, if they use it on peak time when they move in, they're going to be expecting their bills to be a certain way and it's not going to be accurate to the prior tenant.

So, there's -- there's a whole bunch of things I think we really need to look at because they're looking -- that pilot program is just rolling out now across the City, and I'm sure - in New York City - and I'm sure it'll be expanding exponentially because they're looking to cut down usage. So, I think that's something that we really need to look at. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Mikulin.

MR. MIKULIN: Will the sponsor yield?

MR. PICHARDO: Happy to do so.

ACTING SPEAKER AUBRY: The sponsor yields,  
Mr. Mikulin.



MR. MIKULIN: Just two quick questions.

MR. PICHARDO: Sure.

MR. MIKULIN: Do you need to tell the landlord that they are contacting the utility company?

MR. PICHARDO: Can you repeat the question, I'm sorry.

MR. MIKULIN: Do you need to tell the landlord that you're contacting the utility company?

MR. PICHARDO: No.

MR. MIKULIN: Well, what happens if there was a renovation, such that before they came to the apartment, let's say they changed an electric oven to a gas oven --

MR. PICHARDO: Sure.

MR. MIKULIN: -- or if there was a major renovation that would either decrease the utilities or increase the utilities. Couldn't this give the potential renter some information that's not true and induce them to go into something or not depending upon wrong information?

MR. PICHARDO: Well, when -- my understanding, you know, when I rented apartments in the past, when I've had conversations with potential landlords, you know, I would ask them if there were any renovations, any major improvements that were done to an apartment, and they would disclose whether or not there was an electric oven or some sort of new energy efficient refrigerator or something that's installed. So, if you would see a jump or a cut

somewhere and if you request this information from the utility companies and you can say, *Well, he installed it here, the tenants used it here*, then that sort of makes sense for the -- for the change of cost, but I don't think it would necessarily -- again, what the bill is trying to do is just arm people with as much information before they sign a contract, like renting an apartment, in the future and understand what exactly they're looking to pay, because, I mean, the more information we can provide for renters, the better I believe.

MR. MIKULIN: Thank you. No further questions.

MR. PICHARDO: Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 120th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Pichardo to explain his vote.

MR. PICHARDO: First of all, thank you, Mr. Speaker, for allowing me to explain my vote. To my colleagues, thank you; I appreciate the debate. Phil, I respect you, too, as well. No -- no personal offense taken.

Again, what this bill, again, does it provides potential tenants more information about what they're buying into. Again, every single dollar in terms of family's budget or an individual budget can make the difference of whether or not a person can or can't afford

to live in a specific place, in a specific area, in a specific apartment, and the more information that we can provide to these individuals, the better. Also, the fact that the PSC will sort of determine how that information needs to be provided, I think if we are able to provide that information in a digital manner, it's the cost to said utility company would be potentially miniscule and it would be barely noticeable, especially depending on the size of the company.

So, with those reasons, I will be voting in the affirmative and I encourage my colleagues to do the same.

ACTING SPEAKER AUBRY: Mr. Pichardo in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 9, Calendar No. 74, the Clerk will read.

THE CLERK: Assembly No. A03002, Calendar No. 74, Solages, D'Urso, Dickens, Ramos, Simon, Barron, McDonough, Lawrence, Lavine, Galef, Buchwald, Rozic, Jacobson, Griffin, Schmitt. An act to amend the General Municipal Law and the Public Authorities Law, in relation to requiring each industrial development agency to live stream all open meetings and public hearings and make the recordings of such meetings and hearings available on the webpage of the industrial development agency.

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

MS. SOLAGES: This bill would require each industrial development agency to live stream and post video recordings of all meetings and public hearings, as well as require each IDA to post such recordings for a period of not less than five years.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. SOLAGES: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you very much. I note that this bill would require IDAs and authorities to videotape and stream live their meetings, unless it's an executive session, of course, but it has a caveat; it says "to the extent practical."

MS. SOLAGES: I'm sorry. Can you repeat that last phrase?

MR. GOODELL: Yes. It has an exception, and that is -- the exception "to the extent practical." Can you give me an idea of what that means?

MS. SOLAGES: You know, we -- we understand that there might be some challenges, so we -- we kept the language broad in case, for instance, you know, blackout happens, some type of storm. We just wanted to make sure that, you know, we weren't being too restrictive in giving the IDAs an opportunity to be able to live

stream.

MR. GOODELL: Would that exception cover the situation where the IDA doesn't have the video equipment and doesn't want to buy it?

MS. SOLAGES: Well, nowadays technology is so affordable. In addition, an individual with a cell phone can be able to live stream. They can purchase an app at a reasonable rate and -- and be able to live stream to the broader constituents, New Yorkers who are wanting to view this.

MR. GOODELL: But, of course, the IDA might want to have a more professional presentation, so could the IDA say, *Well, we want to have a professional presentation, therefore we want a fixed camera and that's more expensive and we don't have it in the budget so, therefore, we're not going to do it.* Would that be, in your opinion, a reasonable explanation for why they consider it not to be practical?

MS. SOLAGES: Mr. Speaker, you know, this technology is so affordable. An individual can even go on to a website and purchase this at a very, you know, affordable rate. And when we're talking about the amount of tax breaks that IDAs are given, they should be able to at least afford basic equipment, as a microphone, which, if you look on some websites, a microphone may cost \$10, as well as a cell phone which most individuals do have. If not, they could purchase a web camera. The other day I purchased a web camera for -- for my mother for about -- you know, less than \$30.

So, you know, it doesn't seem like a monumental task to purchase this web equipment. I went into offices of, you know, IDAs and I've seen leather chairs. So, if an individual can afford a, you know, leather chair, I'm sure they can also afford equipment to live stream.

MR. GOODELL: Well, not all IDAs, as you can appreciate, even have live webpages, so...

MS. SOLAGES: I'm sorry, Mr. Speaker. Can you -- I can't hear the gentleman.

ACTING SPEAKER AUBRY: Certainly. Shh. Ladies and gentlemen, we are on debate. We will try and hold down to the least possible noise.

Proceed.

MS. SOLAGES: In addition, the IDAs all have a website and that is required in law in the Public Authorities Law.

MR. GOODELL: And is it easy and inexpensive to add a live feed to an existing webpage?

MS. SOLAGES: As I said before, you know, technology has made live streaming accessible to all individuals.

MR. GOODELL: Well, just so you understand, I -- I agree with your bill and I think it's a good idea to have more transparency. And I think your bill strikes the right balance. And the reason why I was asking you all these questions about what's meant "to the extent practical" is because a few years ago, this Legislature amended our own Rules to require that we have a video live stream of all Committee meetings and it says, "The audio and video broadcast of

Committee meetings shall be made available on the Assembly Internet site when practical." And that was a few years ago. We still don't have it. Do you think a Legislature that votes on a \$50-plus billion budget can come up with the funds and the technology to live stream our Committee meetings, or should we use our lack of leadership --

MS. SOLAGES: Is that germane to the bill? I'm sorry. Mr. Speaker, is this germane to the bill? I believe this is about IDAs.

MR. GOODELL: I'll bring it back to your bill. So my question is --

ACTING SPEAKER AUBRY: Thank you. Please bring it back to the bill.

MR. GOODELL: So my question is, should we use our lack of leadership as a standard for determining what's practical for IDAs?

MS. SOLAGES: Mr. Speaker, I don't believe this is germane to the bill. I would like to speak about IDAs.

ACTING SPEAKER AUBRY: You have the -- certainly the right to not yield.

MS. SOLAGES: Thank you.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: I -- I would hope that the standard of what's practical for a live video taping and display of IDA and authority meetings is based on what is, my colleague expressed, a

reasonably inexpensive and a reasonable easy -- reasonably easy process and that they follow the meaning and intent of this proposed legislation and not follow our lack of leadership internally.

And so I do support the bill and I would encourage our own Assembly to move forward in implementing our own Rules that require the same type of video showing. Thank you so much, Mr. Speaker and, again, thank you to my colleague.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I rise to applaud the sponsor of this piece of legislation. All of us have IDAs in our communities. Most of them, as you know, Mr. Speaker, are probably maybe four to 11 people or so. And with all due respect to my colleague on the other side of the aisle, he's absolutely correct that we did change our Rules to provide an opportunity for all of our Committees to be live streamed, and while technology is moving quickly, it is a bit of a challenge for us to figure out how we set up more than 25 different offices, some Committees as large as 30 people. There's no need to have a process set up where all members can't be on camera when they are speaking.



And so there are some challenges that we're still looking at and we're still working to solve that problem, but while we do that, I think it's a laudable of the sponsor of this legislation to look to providing access to IDAs to have their meetings live streamed, and I want to commend her for that and take my vote in the positive.

Thank you, Mr. Speaker.

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

Mr. Montesano.

MR. MONTESANO: Thank you, Mr. Speaker, to explain my vote. I just want to thank the sponsor for this bill. While I applaud the work that the IDAs do, especially back home in Nassau County and the adjoining counties, I think that some, you know, some public observation of these meetings is going to be very helpful because in the past couple of years back home, some communities were caught off guard with some of the decisions made by the IDAs which had very adverse tax implications to property owners that resulted in court cases and challenges and reversals and things of that nature.

So, I think the more the public's involved and can watch these proceedings with the live stream which today's technology is extremely easy and cost-efficient and if there's a recording of it that people could look up in a library or any other public place would be helpful. I think it goes a long way to getting some public support for some of the decisions made by the IDAs, and

also, I think it keeps the IDAs cognizant that the public is watching the kind of deals and transactions that they're approving. So, I'm voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Montesano in the affirmative.

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, if we could now turn our attention to page 8, we're going to Calendar No. 69 by Mr. Magnarelli.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A01800, Calendar No. 69, Magnarelli, D'Urso, Peoples-Stokes, Steck, Cook, Galef, Zebrowski. An act to amend the Real Property Actions and Proceedings Law, in relation to inspecting, securing and maintaining vacant and abandoned residential property.

ACTING SPEAKER AUBRY: Before -- on a motion by Mr. Magnarelli, the Senate bill is before the House. The Senate bill is advanced. An explanation is requested, Mr. Magnarelli.

MR. MAGNARELLI: Yes, Mr. Chairman. The purpose of this bill is to require mortgage holders of vacant and abandoned residential properties that are part of a homeowners' association or co-op to continue paying HOA or cooperative fees

when a property has been abandoned during the foreclosure process.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Will you yield, Mr. Magnarelli?

MR. MAGNARELLI: Yes, sir.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Magnarelli. Would this bill apply to all homeowner association fees including timeshares, condos?

MR. MAGNARELLI: It -- it applies to homeowners' associations and condos and co-ops.

MR. GOODELL: Condos and co-ops. And that would include timeshares?

MR. MAGNARELLI: I don't believe so. We could check on that, but I don't believe so.

MR. GOODELL: And the bill says that the bank would be responsible for the homeowners' association or cooperative fees as needed to maintain the property. Often, homeowners' associations fees include charges for maintaining the pool, tennis courts, recreational facilities. Are those all intended to be included within the scope of this bill? Or only the ones that are relating to the physical maintenance of the property?

MR. MAGNARELLI: Well, I think all of those

things are important to the maintenance of a property and what the other tenants or residents of that co-op or HOA are expecting. And like anything else, when a property becomes abandoned, it has an affect on everybody else. So, all of these things -- that would be in part of the fees.

MR. GOODELL: Many buildings, as you know, particularly timeshares and co-ops and cooperatives to a certain extent, the owners certainly aren't there all year round. They may be snowbirds, they may go to Florida for just over six months so they're not New York residents, as an example. What constitutes an abandonment of the apartment or co-op or a condo or a timeshare?

MR. MAGNARELLI: That's a good question. I'm being told by counsel that there are factors that are being -- that are discussed in an earlier part of the law that we're changing.

MR. GOODELL: Of course, all of these homeowners' associations, all the fees that are associated with that, they're all, by contract, between the owner of the co-op or cooperative or the timeshare and the homeowners' association, right; that's all set by contract?

MR. MAGNARELLI: It -- it could be by contract. It could be by deed. It could be by a number of things, bylaws.

MR. GOODELL: And the bank, though, is not a party to those bylaws or contracts or deeds, correct?

MR. MAGNARELLI: That's correct, but the banks are not parties to utility contracts in residential homes either, and

we've already set a long list of things that banks are responsible for. Once a property becomes abandoned, becomes a zombie property in a foreclosure action. That's what we're talking about here, we're talking about a zombie property in a foreclosure action.

MR. GOODELL: I beg to differ a little bit because under the existing law, we require a bank to enter into an agreement to maintain the utilities, but this would require the bank to pay fees that -- on a contract between two other parties. So my question really is, what authority do we have as a Legislature to require someone who is not a party to any contract or not a party to the deed, not a party to any bylaws, a completely separate third-party to require them to pay fees that someone else agreed to? Isn't that a fundamental violation of due process?

MR. MAGNARELLI: Well, I don't believe so and I don't believe that the section that we're amending says that. I think -- I think that what we're doing here is just adding to the number of things that a bank is going to be required to do if there is a zombie property in a foreclosure. And it doesn't seem to me any different than being a reasonable measure to prevent the growth of mold, which we passed in 2016. These are -- we're just trying to make sure that the health and safety of the people within that homeowners' association or condo or co-op are protected.

And I -- I also believe that the --the bank does have an interest in the property. It does, by the fact that it holds a mortgage on the property. It has an interest in that property. We're saying that

they have to make sure that that property is maintained, not only to protect its own interest, which it should want to do, but also to protect the health and safety of the people that live in that condominium, co-op or homeowners' association.

MR. GOODELL: Now, the agreements that we're talking about with a condo, cooperative, timeshare whatever --

MR. MAGNARELLI: You keep saying timeshare, and I did not say that it covered timeshare, okay?

MR. GOODELL: Okay. Condo or cooperative, but certainly all the entities are covered by this, those agreements always provide the condo or the co-op the right to sue the delinquent owner and get a judgment lien and collect against the property, just like the bank would have a lien against a property. So my question is, why are we elevating the condo lien, in essence, to be on the same status or even higher than the bank lien for an unpaid purchase price?

MR. MAGNARELLI: I guess I look at it in a different way, sir. I -- I take it that we're trying to make the condo or co-op owner or owners, the other owners, on the same level as the people who live in a neighborhood where a residence is taken -- is not being taken care of because the property is abandoned.

MR. GOODELL: Now am I correct that this bill would take effect immediately upon signing by the Governor?

MR. MAGNARELLI: I believe it does, yes.

MR. GOODELL: And so it would apply to existing contractual arrangements between the bank -- I mean, it's not going to

apply to mortgages that are entered into after this date, correct? It would apply to existing mortgages?

MR. MAGNARELLI: I believe it applies to mortgages now that are in effect.

MR. GOODELL: Well, isn't that fundamentally unfair to a bank that developed the interest rate and the application fees based on assuming no liability, and now they're being required by this statute to assume liability? I mean the bank might raise the interest rate or the application fees or the credit ratings for future mortgages. How can we impose a new financial obligation retroactively on a bank? I mean, isn't that fundamentally unfair to the bank?

MR. MAGNARELLI: I don't think this is any different than the legislation that the Legislature passed and went into law in 2016. We're putting responsibilities on a bank that it's never had before, I agree, but we feel that it's important to the people that are living in those neighborhoods or, in this case, in the condos or HOAs.

MR. GOODELL: But would you address the issue why is this fair to a bank that we are dramatically increasing their potential liability, after the fact, with no opportunity for the bank to address it? For example, could the bank, under this bill, cancel their existing mortgage and say, *We're not going to continue the mortgage unless you increase the interest rate because our risk has gone up?* Are they allowed to cancel an existing mortgage because they changed

the risk?

MR. MAGNARELLI: I don't believe so, no.

MR. GOODELL: So why is this fair to a bank?

MR. MAGNARELLI: Well, I think a bank -- I just believe that the banks will take care of themselves going forward, one way or the other. They'll figure out a way.

MR. GOODELL: Now, as you know, the mortgage is just a lien to ensure that the bank is ultimately paid, right? It's just a lien, they don't actually own the property, it's just a lien. Is there anything in this bill that would prohibit a bank from simply releasing a lien and not paying any of those condo fees?

MR. MAGNARELLI: Well, I believe that this bill is only effecting zombie properties that are in foreclosure.

MR. GOODELL: Right, but at any time --

MR. MAGNARELLI: So that's goes contrary to what you're asking. If they're going to release the lien, they're not in foreclosure.

MR. GOODELL: Right, so -- I mean, but at anytime a bank can release a lien --

MR. MAGNARELLI: Yeah, I'm sure they can; yeah.

MR. GOODELL: And this doesn't prevent that?

MR. MAGNARELLI: That doesn't prevent them.

MR. GOODELL: Now, of course, there are other liens that would apply to a condo or a cooperative, perhaps a judgment lien, a lien for an unpaid credit card. I mean, any judgment lien would



apply. Do any of the other judgment lienholders have a corresponding duty?

MR. MAGNARELLI: No.

MR. GOODELL: Just the bank?

MR. MAGNARELLI: Mortgage holders that could be other than banks, too.

MR. GOODELL: And so, is there anything to prevent a bank from releasing its lien, going on an expedited procedure, a motion for summary judgment in lieu of a complaint under Section 3213 of the CPLR and immediately getting a judgment and then just simply by-stepping this entire process?

MR. MAGNARELLI: I -- I guess they could.

MR. GOODELL: Is there an equal protection issue if we require one lien holder, a mortgage holder, to pay all these extra expenses, but we don't require any of the other lien holders to share in any of those expenses; doesn't that create an equal protection issue?

MR. MAGNARELLI: I don't believe it does.

MR. GOODELL: Now, as you know, the Federal Constitution makes it illegal - unconstitutional, sorry - makes it unconstitutional for the Legislature to pass any law that impairs an existing contract. When we change the risk factors and impose new liabilities on a bank, aren't we violating the Constitutional provision that prevents us from changing a contract or impairing a contract?

MR. MAGNARELLI: Well, all I can go on is what we have done in the past. This Legislature has imposed other

responsibilities on banks and holders of mortgages in the situations that this amendment is dealing with.

MR. GOODELL: One other thing, of course, if you are a homeowner in a condo or cooperative, typically you have voting rights and you can meet along with the other owners and vote whether or not to make capital repairs or not, or approve the budget or not. Does this give a bank voting rights, as well, or just the obligation to make payments?

MR. MAGNARELLI: I believe the bill is -- it's just the obligation to maintain the property. That's all we're trying to do.

MR. GOODELL: If the bank is making all the payments of the homeowners' association or a cooperative, does that give the right to the bank to then also use the apartment or sublease it during the foreclosure proceeding?

MR. MAGNARELLI: I -- I guess they'd have to pursue that in court if they wanted to go in and -- and get into the property.

MR. GOODELL: Thank you very much, Mr. Magnarelli, for your comments, and I appreciate it very much.

MR. MAGNARELLI: Thank you.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: We seem to have this perception that banks, because they have our money in them in our savings account, have unlimited resources and, therefore, we seem to think

that it's okay to ask banks to pay for everything. And this takes it one step further and says we're now going to try to require banks to pay someone else's contractual obligations or legal obligations for homeowners' fees that might cover the maintenance of a pool or a tennis court, or include, perhaps even the neighboring golf course.

It's fundamentally unfair to say to a bank, *Because you loaned money to enable a person to buy a cooperative or a condo, therefore, because you loaned them money, because you helped them, therefore, you should pay all their condo fees or homeowners' fees, even though at the time you made the loan, you didn't include any of those costs or any of those risks in the calculation of the interest rate you should -- you should charge.* In my opinion, it violates several fundamental Constitutional provisions, including the Constitutional provision that prevents us from impairing the validity of an existing contract, and that's exactly what we're doing, because we're grafting on a whole new contractual obligation to an existing contractual relationship. It creates equal protection issues because we treat one lienholder, the bank, completely different from every other lienholder. Judgment lienholder, they don't have to maintain it; the condo, if they get a lien, they don't have to maintain it. They don't get a right, any superior right.

So, there's equal protection issues, there's Constitutional due process issues. Can you imagine, if you're in a contract with somebody, you lend somebody some money, and you later find out that because you lent them money, you have to pay their

bills to somebody else? I mean, not only is the borrower not paying you, now you're obligated to pay the borrower's bills to some third-party. That's exactly what this bill does. That's why it violates due process. And what is the long-term ramification? If we pass this bill, I'll tell you what the long-term ramification is. It increases the risks to banks who lend money to help people buy a condo or a cooperative. It increases their risks and when it increases their risks, they raise the interest rate. And that's what this bill will do is it will increase interest rates while flaunting the Constitutional provisions. Thank you very much, sir, and thank you to my colleague.

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. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. I would just like to commend the sponsor for -- for this legislation. Those of us who've had an opportunity as attorneys to deal with mortgage foreclosure situations find a lot of frustration because banks seem to want to keep properties on their balance sheet and not end the process. And while the process is dragging on, they allow the properties to become abandoned and they become eyesores in the neighborhood. I have seen several situations where the bank would win the lawsuit, in effect, whether by stipulation, by default or whatever, and then not

move forward and the properties would just sit there and sit there and sit there. The banks don't take control.

So, the long-term implications of this legislation is that the banks will become more responsible, that they will be forced to face the facts that they are the only ones who can control the property and that they will have to move forward. They'd have to act more reasonably, they'd have to put people in charge of these properties, they have to move the process along faster so that the community doesn't suffer while they sit there with abandoned properties building up their balance sheets so they look like they're much stronger than they really are.

So, I commend the sponsor of this legislation and I do urge all of my colleagues to vote for it.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

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, could you call on Mr. Otis for an announcement?

ACTING SPEAKER AUBRY: Mr. Otis for the purposes of a [sic] announcement.

MR. OTIS: Following the conclusion of Session, there will be additional, exciting discussion in Democratic Conference

in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Democratic Conference immediately following Session.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: Resolutions which we can take up with one vote. On the resolutions, all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 225-226 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned until 1:00 p.m., Thursday, March the 28th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly will stand adjourned.

(Whereupon, at 4:22 p.m., the Assembly stood adjourned until Thursday, March 28th at 1:00 p.m., Thursday being a Session day.)