NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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11:35 a.m.

REGULAR SESSION

SENATOR JEREMY COONEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT COONEY: The Senate will come to order.

I ask everyone to please rise and recite the Pledge of Allegiance.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

ACTING PRESIDENT COONEY: In the absence of clergy, let us bow our heads in a moment of silent reflection or prayer.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT COONEY: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 31, 2026, the Senate met pursuant to adjournment. The Journal of Monday, March 30, 2026, was read and approved. On motion, the Senate adjourned.

ACTING PRESIDENT COONEY: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Harckham

moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 10080B and substitute it for the identical Senate Bill 9020C, Third Reading Calendar 532.

Senator Fernandez moves to discharge, from the Committee on Cultural Affairs, Tourism, Parks and Recreation, Assembly Bill Number 7033D and substitute it for the identical Senate Bill 6487C, Third Reading Calendar 565.

Senator Hinchey moves to discharge, from the Committee on Codes, Assembly Bill Number 8492C and substitute it for the identical Senate Bill 8021C, Third Reading Calendar 618.

ACTING PRESIDENT COONEY: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good morning,

Mr. President.

On behalf of Senator Baskin, on page 7 I offer the following amendments to Calendar 180, Senate 6009, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT COONEY: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

Senator Gianaris.

SENATOR GIANARIS: I also wish to call up the following bills, which were recalled from the Assembly and are now at the desk: Senate Bills 1847, 5340B, and 4408.

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Calendar Number 141, Senate Print 1847, by Senator Comrie, an act to amend the Public Service Law.

Calendar Number 261, Senate Print 4408, by Senator May, an act to amend the Environmental Conservation Law.

Calendar Number 311, Senate Print 5340B, by Senator Stavisky, an act to amend the Education Law.

SENATOR GIANARIS: Move to

reconsider the vote by which these bills were passed.

ACTING PRESIDENT COONEY: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT COONEY: The bills are restored to their place on the Third Reading Calendar.

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT COONEY: The amendments are received.

SENATOR GIANARIS: Please recognize Senator Hinchey for an introduction.

ACTING PRESIDENT COONEY: Senator Hinchey for an introduction.

SENATOR HINCHEY: Thank you, Mr. President.

When Benjamin Franklin walked out of the Constitutional Convention at Independence Hall, he was asked if our new government would be a republic or a monarchy. His reply was both a promise and a warning wrapped into one: A republic, if you can keep it.

Franklin understood that for our great experiment to succeed, government could not survive on its own. It would need people, ordinary people -- people willing to show up, speak up, and hold their representatives to account.

That was 1787. Nearly 250 years later, those principles still persist. And the students who are here with us today uphold them in a way that should inspire us all.

We are joined in the gallery by students from the Democracy Matters Club at Emma Willard School in Troy, including one of my constituents, Fiona Kelly, from Hudson.

Democracy Matters was founded in 2001 by NBA player Adonal Foyle and his parents, Joan and Jay Mandle, who also happen to be constituents of mine from the Hudson Valley.

They built this incredible student-led organization on a simple idea: Civic engagement is for everyone, and especially for young people, who deserve a voice in shaping their futures right now.

This year alone, students have led discussions with their peers on the importance of

free and fair elections. They have written to their elected representatives. And they have raised their voices on so many issues that are important to them, from advocating for the right of 17-year-olds to pre-register to vote, demanding human rights and dignity in our immigration system.

They have sounded the alarm on the climate crisis and the urgent need to protect our environment, and they have wrestled with the hardest questions on foreign policy and international conflict.

They do not wait to be invited into these conversations. They have grasped something that takes most people years to understand, that democracy is as powerful as it is fragile, and it is not a spectator sport. It is imperfect, and it only works when people fight for it, generation after generation, relentlessly in pursuit of the greater good.

To the students here today, thank you for your courage and your conviction. We need more people like you fighting for a world that's better, more inclusive, and more accountable.

And thank you to the club advisor, who is here with them today.

Mr. President, I ask you to extend the privileges of the chamber, and please ask them to be recognized.

Thank you all so much for being here.

ACTING PRESIDENT COONEY: Thank you, Senator Hinchey.

To our guests, I welcome you on behalf of the Senate. We extend to you the privileges and courtesies of this house. Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT COONEY: Senator Gianaris.

SENATOR GIANARIS: Now please recognize Senator Rolison for another introduction.

ACTING PRESIDENT COONEY: Senator Rolison for an introduction.

SENATOR ROLISON: Thank you, Mr. President.

Today we are joined by an individual who will be retiring very shortly, in about

30 days, from Dutchess County government after three decades of service to our community and to the state. And that is Assistant County Executive Ron Hicks, who is here with us in the gallery.

I have known Ron Hicks for decades myself, and Ron Hicks has always been the individual -- no matter where he was serving or whom he worked for, he was there for the community. And what Ron has been able to do in 30 years it may take some of us 50 years to do.

And he has worked on both sides of the aisle. He is a good-government person and of course a dear friend.

And I wanted just to note some of Ron's accomplishments. Of course there are volumes of accomplishments, and there are accomplishments that we don't even know about because he's never sought recognition for any of them.

But he previously served, Mr. President, as the district director for the late Assemblywoman Eileen Hickey who served the Assembly from Dutchess County with unbelievable distinction. And he was also a deputy county

clerk in Dutchess County. He was the regional director for Governor Pataki. He was also the regional director for the Empire State Development Corporation. And of course he has done so much as the assistant county executive in Dutchess County for essentially economic development.

And I remember I was in the county legislature when Ron was hired for that position, and it was said to us at the time, you know, we needed a Ron Hicks to come into county government to be that point person to unclog things with the multiple county agencies.

And Ron would be the individual to call if you had a problem with the health department or any -- DPW. We can go on down the list. And he would try to make things happen of course in a good-government way.

And he did that, Mr. President, for so many years. And we were just talking off the floor, and he was telling me about a picture that he has of my dad, from 1995, at an event up in Staatsburg with the late James Earl Jones.

And so Ron has traveled with all kinds of people to do good things. And he's here

today; he was honored earlier in the State Assembly.

And I'm going to leave Ron and Mr. President and my colleagues and friends here in the chamber with this: You know, Ron in his official acts was governed by a keen sense of duty, and he always showed a unique grasp of human problems.

Mr. President, again, it is my honor to have Ron Hicks here today in the New York State Senate. And I would ask you to extend all the courtesies of this house for him today.

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator Rolison.

To Ron and his family, we welcome you on behalf of the Senate. We extend to you the privileges and courtesies of this house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT COONEY: We thank you for your service.

Senator Gianaris.

SENATOR GIANARIS: All right, Mr. President, let's move on to previously

adopted Resolution 1681, by Senator Stec, read its title, and call on Senator Stec, please.

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Resolution 1681, by Senator Stec, congratulating the Potsdam Central High School Girls Hockey Team upon the occasion of capturing the New York State Public High School Athletic Association Girls Hockey Championship.

ACTING PRESIDENT COONEY: Senator Stec on the resolution.

SENATOR STEC: Thank you, Mr. President.

Good morning, all.

Absolutely delighted any time you get a chance to welcome constituents down here to our chamber, especially young people, people that have achieved something that they're going to remember the rest of their lives. They made their family and community proud, they worked hard, they had an outstanding season.

The Potsdam Lady Sandstoners are this year's Public High School Ice Hockey champions. They defeated Adirondack United --

another team down my way that I share with Senator Tedisco -- who was the two-time defending state champion, but they beat them for the state championship back on February 21st, my birthday, with a score of 3 to 2.

And it was just wonderful to meet them outside earlier before session started. But again, you know, to pause and just recognize the achievement of these young ladies that come from a hockey town; Potsdam's known for having great hockey, both at the high school and collegiate level.

And, you know, certainly having them down here with a fantastic record, 18, 2 and 3, I think it was, or 3 and 2 -- 2 and 3. They avenged an earlier loss to Adirondack United in the state championship, so I know that that probably made that victory even sweeter.

But, you know, Mr. President, through you, if you would please congratulate them, give them the cordialities of the house as we commemorate the Lady Sandstoners' 2026 Girls Ice Hockey State Championship.

Thank you.

ACTING PRESIDENT COONEY: Thank

you, Senator Stec.

To our champions, I welcome you on behalf of the Senate. We extend to you the privileges and courtesies of this house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT COONEY: The resolution was adopted on March 5th.

Senator Gianaris.

SENATOR GIANARIS: Senator Stec would like to open that resolution for cosponsorship.

ACTING PRESIDENT COONEY: The resolution is open for cosponsorship. Should you choose not to be a cosponsor, please notify the desk.

Senator Gianaris.

SENATOR GIANARIS: Please take up the calendar.

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Calendar Number 252, Senate Print 8440A, by Senator Fahy, an act to amend the Highway Law.

ACTING PRESIDENT COONEY: Read the

last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Fahy to explain her vote.

SENATOR FAHY: Thank you, Mr. President.

I rise today with an aye vote on this bill. It's the renaming of a local bridge. And I just would bear repeating of a few comments I'd made earlier regarding Sergeant Henry Johnson, who has been such an extraordinary local if not regional hero.

He first enlisted in World War I in 1917, into the segregated all-Black 15th New York National Guard Infantry Regiment, which was the 369th U.S. Infantry Regiment, which ultimately was referred to as the Harlem Hellfighters.

While on duty in France in 1918, his party came under attack by a German raiding party. They were completely outnumbered. He alone fought off, with his rifle -- because all

of his party, his side, was injured. He fought using his rifle, then used it as a club, then used a bolo knife in hand-to-hand combat. He suffered 21 injuries, yet held off the entire raiding party.

Fast forward 80 -- it took 80 years for him to even get a Purple Heart, although he was given the highest distinction and honors in France at that time, 80 years before he got the Purple Heart.

In 2022 he finally received the Distinguished Service Cross and in 2015, almost a century later, with advocacy from so many, including Senator Schumer, he was finally awarded the Medal of Honor, our nation's highest military award.

In 2023 a bipartisan congressional delegation renamed a Confederate-named Louisiana fort from Fort Polk to Fort Johnson in his honor.

Very sadly, last year President Trump took that name off the fort, reverted it to its old name of Fort Polk with a different enlisted individual by the name of Polk.

After a century of advocacy to right

the wrongs of history, it's been a painful chapter. Our way of making amends on that, since we can't change those federal actions, is to elevate his legacy and his name here in the Capital Region by renaming the Patroon Island Bridge right here in Albany -- it connects to Rensselaer County -- after the Medal of Honor recipient, Sergeant Henry Johnson Memorial Bridge.

It is a way to try to preserve this extraordinary history and make sure that we honor this extraordinary hero despite the attempts to rewrite history at the national level. It just beared repeating.

Thank you for bearing with me again on this. It's just incredibly important, and I'm just so proud to have been a sponsor of this bill with so many.

And with that, I vote in the affirmative. Thank you, Mr. President.

ACTING PRESIDENT COONEY: Senator Fahy to be recorded in the affirmative.

Senator Ashby to explain his vote.

SENATOR ASHBY: Thank you, Mr. President.

I rise to explain my vote and thank the sponsor for this legislation.

Wounded 21 times, kept his comrades from being captured and kept the Germans from advancing, and then died at the age of 36, in 1929. A remarkable life, a remarkable achievement that went unnoticed for too long.

And in this chamber today we solidify his memory here in New York State and in the Capital District with the renaming of the Patroon Island Bridge to the Sergeant Henry Johnson Bridge.

And it's something that I'm very proud to cosponsor. To think of the lives of our veterans and what they stand for, their sacrifices, and what their families have endured, and what Sergeant Henry Johnson did at that time.

To think that he was awarded the Purple Heart in 1996, so many decades after his sacrifice -- it's painful to think about. But what we're doing here today is a remarkable accomplishment, and I'm proud to vote aye.

Thank you.

ACTING PRESIDENT COONEY: Senator Ashby to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 252, voting in the negative: Senator Brisport.

Ayes, 58. Nays, 1.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 532, Assembly Bill Number 10080B, by Assemblymember Wieder, an act to amend the Public Officers Law.

ACTING PRESIDENT COONEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 532, voting in the negative: Senator Brisport.

Ayes, 58. Nays, 1.

ACTING PRESIDENT COONEY: The bill

is passed.

THE SECRETARY: Calendar Number 565, Assembly Bill Number 7033D, by Assemblymember Zaccaro, an act to amend the Arts and Cultural Affairs Law.

ACTING PRESIDENT COONEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Fernandez to explain her vote.

SENATOR FERNANDEZ: Thank you so much, Mr. President.

This is an exciting bill. As I've mentioned before, the greatness of the Bronx and the beautiful diversity that we are, we have the community of Little Yemen in the neighborhood of Van Nest.

And this community has grown exponentially. It is so vibrant, it is so beautiful in what it's been able to do, reflecting the American dream when immigrants

come to New York and this country to build a better life, to build community, to build identity.

And Little Yemen has built itself to be a community that we cannot forget, we cannot oversee, we cannot overlook. They are a community that has stood up to violence, if you will. When the first Muslim ban was enacted to our country, they started the bodega strike to show that we will not take this hate to our communities.

Little Yemen is a community that has opened its doors to many, that has created opportunity for many. The many businesses that have grown and developed and opened, thousands of jobs, the economic boost to the neighborhood.

Not only do we have great restaurants, but we have clothing stores, we have community centers, cultural hubs. And soon the biggest mosque that will come to the state is to open in Little Yemen.

So this cultural district is now going to recognize Little Yemen as a place that we welcome everyone to come see, we welcome business, we welcome tourism. But we thank the

Yemen community for their contributions to not only the Van Nest neighborhood, but to this state, showing that all things are possible and we can see prosperity grow in some of the darkest times.

So thank you. I proudly vote aye.

ACTING PRESIDENT COONEY: Senator Fernandez to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 565, voting in the negative:

Senator Walczyk.

Ayes, 58. Nays, 1.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 579, Senate Print 2648, by Senator Addabbo, an act to amend the Insurance Law.

ACTING PRESIDENT COONEY: Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 579, voting in the negative are Senators Borrello, Gallivan, Ortt, O'Mara and Walczyk.

Ayes, 54. Nays, 5.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 581, Senate Print 5047, by Senator Bailey, an act to amend the Insurance Law.

ACTING PRESIDENT COONEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number

583, Senate Print 1462, by Senator Kavanagh, an act to amend the Public Authorities Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT COONEY: Lay it aside.

THE SECRETARY: Calendar Number 601, Senate Print 5535, by Senator Baskin, an act to amend the Executive Law.

ACTING PRESIDENT COONEY: Read the last section.

THE SECRETARY: Section 6. This act shall take effect one year after it shall have become a law.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Baskin to explain her vote.

SENATOR BASKIN: Thank you, Mr. President.

Years ago when I served as the chair of the county legislature, I gaveled out of a session and proceeded across the street from county hall to our county services building, where I encountered a woman and her young son.

The woman did not speak English. She spoke her language to her young son, and then he in turn asked me: "Miss, what door do we go through so that we can sign up to get food?"

I instructed them on what was the proper door to go through and what floor that they needed to go through. Of course the little boy then explained to his mother in his language.

And at that time I realized the hour of the day and how young that little boy was, and that he was likely supposed to be in school, learning, getting educated, socializing with his friends, learning how to be a contributing member of society. But he was there at the county social services building, trying to help his mother navigate a way to get food.

Mr. President, this bill before us today expands on a previous action that this honorable body has taken to provide language access services across the State of New York.

This bill will ensure that all agencies of the state are included, not just those under the Governor's purview. It provides services in the top 12 languages statewide and the top three languages in each region, ensuring

access reflects local communities.

In Western New York, where I represent, some of the most prominent languages include Arabic, Chinese, Bengali, Hindi, Swahili, and Somali. Eleven percent of Erie County residents speak a language other than English at home. And in the City of Buffalo, that number is 20 percent.

This bill recognizes the diversity of New Yorkers, but also it recognizes that legislation is not one-size-fits-all. And that cannot be done in a successful state. Legislation must fit the realities of each region. And I am happy that this bill does that.

This bill is not only good for public service for our residents, but it is also an investment into our residents who are seeking to be a part of New York's economy. We want people seeking jobs to be able to navigate the New York State Department of Labor's job list. We want people to be able to understand their legal rights.

And we want our children, many of whom unfortunately act as informal interpreters for their families, we want them to be able to be

focused on their education, to establish themselves as first-generation New Yorkers, instead of having to be pulled out of the classroom to help their families fill out an application or speak with a caseworker during an appointment.

Mr. President, I want to acknowledge all of the advocates who have pushed for this bill time and time again. Many people who speak limited English or who need an interpreter to feel heard, they feel unheard, they feel that government is not here for them. They feel that government is not here to support them -- or even worse, they feel that government is here to punish them.

But I hope that this bill instills some hope and some confidence that we here in this honorable body, and in New York, will represent and represent all people who call New York home with dignity, in their preferred language.

This body passed this critical legislation last year. And I rise today to urge my colleagues in the Assembly to do the same this session, to show all New Yorkers that they

deserve a government that is accessible, a government that is respectful and responsive to everyone in their native language.

I vote in the affirmative, Mr. President, and I encourage all of my colleagues to do the same.

Thank you.

ACTING PRESIDENT COONEY: Senator Baskin to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 601, voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Helming, Martins, Mattera, O'Mara, Rhoads, Stec, Walczyk and Weik.

Ayes, 50. Nays, 10.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 605, Senate Print 8046A, by Senator Bynoe, an act to amend the Emergency Tenant Protection Act.

ACTING PRESIDENT COONEY: Read the last section.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT COONEY: The bill

will be laid aside.

THE SECRETARY: Calendar Number 612, Senate Print Number 3519, by Senator Scarcella-Spanton, an act to amend the Penal Law.

ACTING PRESIDENT COONEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Scarcella-Spanton to explain her vote.

SENATOR SCARCELLA-SPANTON: Thank you, Mr. President.

With technology developing rapidly, our current laws do not account for the various new ways that predators can now stalk, intimidate and control individuals. From Apple Tags to "Find my iPhone," there are countless ways that a person can find your location, and predators are exploiting legal loopholes to get away with tracking someone's movements.

For far too long, people who have

dealt with this have lived in a state of fear of someone accessing their location through technology, and with no avenue for recourse. Those who have done this have been able to avoid proper accountability.

My bill redefines the term "following" for a crime of stalking in the fourth degree to include the use of certain devices or computers to gain access to record, track, report the movement or location of a person and their property without the person's permission or knowledge to do so.

By broadening this definition, we send a clear message that technology-assisted stalking is just as damaging to a victim's mental, physical and emotional well-being as traditional forms of stalking are.

By passing this legislation, we are taking a crucial step forward in keeping our constituents safe and taking the things that they've gone through seriously.

Thank you again to my colleagues, and I proudly vote aye.

ACTING PRESIDENT COONEY: Senator Scarcella-Spanton to be recorded in the

affirmative.

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 615, Senate Print 4776, by Senator Ryan, an act to amend the Penal Law.

ACTING PRESIDENT COONEY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 60th day after it shall have become a law.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Ryan to explain his vote.

SENATOR RYAN: Thank you, Mr. President.

So this legislation addresses a very serious, growing public safety concern, which is the rise in false reports involving weapons, particularly incidents that mimic active shooter or violent threats.

Instances of falsely reporting a critical emergency, otherwise known as swatting, have increased exponentially across the state. These situations don't just strain emergency systems, they send a very, very frightful ripple through our entire communities.

Parents get the call that their child's school is in lockdown, students are left frightened and confused in classrooms while families sit in fear waiting for answers. That kind of trauma just doesn't disappear when the all-clear is given. You know, this sort of trauma stays with students, parents and educators long after this fake incident has occurred.

Under current law, falsely reporting fires, explosions, or hazardous materials releasing around schools is a crime. However, this statute has not kept pace with the reality that we face today.

This bill provides law enforcement and prosecutors with the tools they need to respond appropriately and, more importantly, deter this dangerous behavior in the future.

It also strengthens protections for schools by making clear that false threats

involving weapons, on school grounds, will be treated with the seriousness that they deserve.

At a time when students, parents and educators are already on edge, we must ensure as lawmakers that those who intentionally cause fear and disruption are held accountable. We need to hold people accountable for doing this.

I thank my colleagues for their consideration, and I vote aye.

Thank you.

ACTING PRESIDENT COONEY: Senator Ryan to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 618, Assembly Bill Number 8492C, by Assemblymember Weprin, an act to amend the Executive Law.

ACTING PRESIDENT COONEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day after it shall have become a law.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 618, voting in the negative:

Senator Brisport.

Ayes, 59. Nays, 1.

ACTING PRESIDENT COONEY: The bill is passed.

Senator Gianaris, that completes the reading of today's calendar.

SENATOR GIANARIS: Let's take up the controversial calendar, please.

ACTING PRESIDENT COONEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 583, Senate Print 1462, by Senator Kavanagh, an act to amend the Public Authorities Law.

ACTING PRESIDENT COONEY: Senator Lanza, why do you rise?

SENATOR LANZA: Mr. President, I believe there's an amendment at the desk. I

waive the reading of that amendment and ask that you recognize Senator Rhoads.

ACTING PRESIDENT COONEY: Thank you, Senator Lanza.

Upon review of the amendment, and in accordance with Rule 6, Section 4B, I rule it nongermane and out of order.

SENATOR LANZA: Accordingly, Mr. President, I appeal the ruling of the chair and ask that Senator Rhoads be heard on that appeal.

ACTING PRESIDENT COONEY: The appeal has been made and recognized, and Senator Rhoads may be heard.

SENATOR RHOADS: Thank you, Mr. President. I rise, obviously, to appeal the ruling of the chair.

This amendment is certainly germane to the bill-in-chief, as the bill-in-chief intends to promote housing affordability -- (to Senator Kavanagh) not yet -- promote housing affordability, and the amendment deals with the very issue of affordability that is critical here in the State of New York.

Now, during the resolutions we heard

about Benjamin Franklin. And I want to take you back. Obviously this year we are celebrating the 250th anniversary of the Declaration of Independence and the founding of the United States of America.

But the American Revolution really started in earnest -- some would say at the Battle of Lexington and Concord in 1775. Some would say that the seeds of it may have started as far back as 1765 and the Stamp Act -- but really 1773, when a group of patriots dumped tea into Boston Harbor a couple of hundred miles to our east, over a 6 percent tax that was imposed on the colonists for every pound of tea that was sold. Six percent.

This chamber, this government, under one-party rule in the State of New York over the course of the last eight years has done far worse than 6 percent.

When you look at what we are spending, we are spending $100 million more -- not a 6 percent increase, but an over 60 percent increase in just the last eight years, in the amount of money that we are taking from our New York State taxpayers, the amount of money

that we are taking from our economy.

That equates to $5,000 for every man, woman and child in the State of New York. Think about that.

The difference between then and now is that King George recognized way too late. The patriots rose up, and they defeated Great Britain, because they had nowhere else to go, and they fought for their homeland.

The difference today, under the monarchy of one-party rule here in the State of New York over the course of the last eight years, is that New Yorkers do have other places to go, and they are going.

We are fighting a revolution here in the State of New York, but that revolution is not being fought with rifles and with bayonets. That revolution in the State of New York is being fought with cardboard boxes and moving vans, as New York State has lost more than a million people just since 2020 alone, according to the Empire Center.

We are anticipated to lose, over the course of the next 15 years, another 2 million of our citizens, losing two congressional seats,

potentially, in the next census.

People are voting with their feet, and they are leaving New York State for lower-tax states like Texas and Florida, who have seen increases in population contrary to our decreases of 2.9 million and 1.6 million respectively.

It is time for us to recognize that the problem with affordability in the State of New York is us. We are the highest-taxed state in the nation. In tax affordability, this state has been ranked dead last. And you are seeing the results every day.

This amendment, sponsored by the Republican Conference, which I have the honor of introducing, is Bill S9110. That is the Taxpayer Rescue Act. While over the course of the last eight years we have been taking $5,000 from every man, woman and child in the State of New York, this Taxpayer Rescue Act would be the single largest personal income tax cut in the history or the State of New York.

Phased in over 10 years, it would actually eliminate state income tax from the first $50,000 of income for single filers, $75,000 for single head of household, and the

first $100,000 of income from state income tax for every single family in the State of New York.

And we do that not by drastic cuts, but by reversing the trend of the last eight years and limiting the rate of growth in the New York State budget.

Every other municipality in the State of New York has to live by a spending cap. In fact, by the way, before one-party rule took hold in 2019, our budgets were limited by the spending cap. That has gone by the boards, and you have seen the $100 million increase -- a 60 percent increase -- in the amount of money that this state spends.

Phased in over 10 years, this would actually save the average family in the State of New York $5,000. And if you think that that doesn't matter -- this isn't a one-time gimmick. We're not talking about an inflation rebate check for 200, 300, 400 dollars that happens one time. We are talking about real, sustainable tax relief for every single New York family. And this matters in each and every one of our home districts.

Do you realize that the average

median income, family median income, in the State of New York is $85,000? And by this amendment today, what you have the opportunity to do is at the end of this phase-in, the average family in the State of New York will pay no New York State income tax.

It is affordable, it is responsible, it is reliable, and it is exactly the relief that taxpayers across the State of New York are calling for, and is something that could actually help save this state.

This approach ensures affordability without shifting the tax burden elsewhere. It is time for the members of this chamber to recognize that it is the right move at the right time to help save our state.

And so in 56 out of the 62 counties in this state, that means that the average resident, the average family, will pay no New York State income tax.

Mr. President, and to the members here, as soon as I sit down you're going to be told that this is a vote on the procedures of the house. And I know that that's the standard line.

But understand that when you're

voting today and you are voting for or against this particular amendment, you are voting for whether or not the residents in Orange, Putnam, Albany, Ulster, Onondaga, Schenectady County -- you are voting on whether or not you are going to put $5,000 back into the pockets of those families not just one year, but every single year.

Mr. President, I can think of nothing more germane when we're talking about affordability. And germaneness means relevancy. For the future of the State of New York, I can think of nothing more relevant than this bill, S9110, the Taxpayer Rescue Plan, which we need to pass in order to rescue hardworking New Yorkers from Albany's tax chaos.

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator.

I want to remind the house that the vote is on the procedures of the house and the ruling of the chair.

Those in favor of overruling the chair, signify by saying aye.

(Response of "Aye.")

SENATOR LANZA: Show of hands.

ACTING PRESIDENT COONEY: A show of hands has been requested and so ordered.

Announce the results.

THE SECRETARY: Ayes, 22.

ACTING PRESIDENT COONEY: The ruling of the chair stands, and the bill-in-chief is before the house.

Senator Martins, why do you rise?

SENATOR MARTINS: Mr. President, I was wondering if the sponsor would yield for a few questions.

ACTING PRESIDENT COONEY: Would the sponsor yield?

SENATOR KAVANAGH: Happily, Mr. President.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: Thank you, Mr. President. Mr. President, through you.

Would you tell us what the median income is for a household in Battery Park City?

SENATOR KAVANAGH: Through you, Mr. President. I don't have the current latest data from the most recent census available to me,

but I think it is roughly about $200,000 per year for the 16,000 residents of Battery Park City.

SENATOR MARTINS: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: So the median income, household income for Battery Park City is $228,000. And the average household income for Battery Park City, the average income per household is $355,000.

So through you, Mr. President, if the sponsor would yield.

ACTING PRESIDENT COONEY: Does the sponsor yield?

SENATOR KAVANAGH: Through you, Mr. President, I didn't hear a question there.

But I'll yield to respond to those comments, just to be clear that this bill does not -- this bill only affects people by its own

terms at a lower income than the average or the median income in Battery Park City.

ACTING PRESIDENT COONEY: The sponsor has yielded.

SENATOR MARTINS: Thank you, Mr. President.

And so I do understand that it does affect a certain bandwidth. But I wanted the chamber to understand the income that we're talking about for households within this particular area of your district.

Through you, Mr. President. Does the sponsor know what the median income is for the average household in Manhattan?

SENATOR KAVANAGH: Through you, Mr. President, I've seen those numbers. I don't tend to look at that as a Manhattan -- as a Manhattan figure.

The median income that this bill is premised on is the AMI for the New York metropolitan area, and that number for a single-person household is about $120,000 and -- a little less than $120,000. And it is typically adjusted for household size upwards for households with more people in them.

SENATOR MARTINS: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: Are you aware of any state assistance that has been provided to Battery Park City, either for capital or otherwise, that has been approved by this chamber or by the state for Battery Park City specifically?

SENATOR KAVANAGH: Through you, Mr. President. The Battery Park City is an unusual entity. It is a state authority that controls the property in Battery Park City. In addition to those 16,000 or so residents, it also has very large corporate properties, commercial properties. And it generally covers its own expenses.

We have in this chamber approved -- we have to. As an authority, we have to approve

their borrowing authority. So we've approved very substantial amounts of borrowing for the authority in recent years.

There's not a lot of state direct taxpayer subsidy going to Battery Park City. And I would also note that this bill has no -- effectively will have no cost whatsoever for state taxpayers.

SENATOR MARTINS: Thank you.

Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT COONEY: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT COONEY: The Senator yields.

SENATOR MARTINS: Are you aware that according to Freddie Mac the 150 percent of AMI in Battery Park City is $187,050?

SENATOR KAVANAGH: Through you, Mr. President, the median -- I'm not going to dispute that figure. I don't have that figure before me because it's not relevant to this bill. I mean, it's not relevant to the way this bill

would operate.

This bill operates on the area median income, which is calculated on a metropolitan-area basis, and the bill specifically refers to that median income as the median income that this bill -- that the eligibility for households are calculated in this bill. And that number is, again, 150 percent of AMI.

Currently in New York City the metropolitan area is $170,000. That's the 150 percent number for -- that would be relevant to this bill for a single-person household. And again, as I said, the bill adjusts that for household size upward if there are more residents in a particular household.

SENATOR MARTINS: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: Are you aware that the typical band of AMI for affordability -- as, frankly, confirmed by DHCR even during our hearings, budget hearings -- is somewhere between 60 and 80 percent of AMI for affordability in terms of identifying a group for which we normally provide either assistance or support? Are you familiar with that?

SENATOR KAVANAGH: Through you, Mr. President, that's false.

SENATOR MARTINS: Okay. Mr. President --

SENATOR KAVANAGH: Through you, if I may elaborate, we have many programs that subsidize affordability at all kinds of income levels. In this chamber we have approved tax breaks for developers to build housing that -- where the affordable units that they must provide are sometimes up to 165 percent of AMI or 130 percent of AMI.

In this case we're providing -- what this bill does, which we haven't gotten to, is basically freeze the portion of somebody's housing costs that are a result of the ground rent that their building is paying to the state

authority that the Battery Park City Authority is, and that money, the surplus of the Battery Park City Authority, all of it goes to the City of New York.

So as I think my colleague is quite aware, the City of New York has a wide range of programs to subsidize affordability for middle-class families to continue to live in various parts of the city, and this is one such program.

SENATOR MARTINS: Thank you.

Mr. President, thank you. I want to thank the sponsor as well.

On the bill.

ACTING PRESIDENT COONEY: Senator Martins on the bill.

SENATOR MARTINS: So, Mr. President, here we are again. We have an area of Lower Manhattan, widely considered to be one of the most affluent areas of the entire city, if not the entire state. Average income for the households is $345,000. Median income, $228,000.

And we're not talking about helping people who are trying to make ends meet, trying

to support a family on limited income, we're just trying to figure out how do we keep affluent people living in their homes and in their communities in the sponsor's district.

For context, in the Bronx the median household income is $50,000 -- actually, less than $50,000. In Brooklyn, it's less than $85,000. In Queens, less than $85,000. In Staten Island, $95,000. Manhattan, about $106,000.

But we're going to make a decision in this body that we're going to actually subsidize or allow for a redistribution in an authority that is run by New York State for the benefit of people who are making less than $187,000. Mr. President, I think that's bad public policy.

Now, if we were sitting here talking about providing relief to people on limited incomes in some of these other areas that I just mentioned, yeah, let's have that discussion. Let's help people who actually need and are struggling to provide housing for themselves and their families, struggling to make ends meet. This isn't it.

So let's substitute Battery Park City for Scarsdale or Rye, where the median income is $224,000, and this place would probably be up in arms. This is no different. Why are we making an exception? And why would this body sit here and consider making an exception for a very specific, very affluent area of New York City?

For context, area median income or average household income in Binghamton, $46,000. Rochester, $47,000. Buffalo, $50,000. Syracuse, $47,000. Albany, $60,000. Yonkers, $85,000. That's where people need help.

Sixty percent, 80 percent of AMI, you want to talk about helping people stay in their homes, support their families, provide state resources for it? Sure, let's have that discussion.

You've often heard me talk about, on this floor, the need for us to means-test housing. This is an example. Why is this the priority? At a time when we don't have a budget yet -- it's April 1st -- at a time when we're raising spending across the board by nearly $17 billion year over year, why are we sitting in this chamber considering a bill that's just going

to help some of the most affluent people in New York City continue to stay in those very homes?

If they can't afford it, you know what we do? Many people in my community, we downsize. Many people who lose -- you know, they have their families move on, their kids go on, they move to an apartment, they downsize to a smaller house.

But with the Battery Park City Authority, you know what we're going to do? We're going to provide them with state subsidies for capital because they need help, because it's a special place and it's an authority.

But think about what we're doing here. You want to talk about developers and incentivizing developers to build more housing? Sure. We've got to give them a set-aside of up to 120 percent, 125 percent.

But when we talk about affordable housing, certainly in my district, and we go and seek help, whether it's a PILOT or something else, it's 80 percent. Sometimes it's 60 percent. But I guess when we go into areas of New York City, it's 150 percent.

And yet we come back in here time and time again and talk about the affordability crisis and the need we have to get together and make a difference for those people who are struggling to make ends meet -- this isn't them.

So, Mr. President, I'll be voting no. I've got to tell you, I know that we're going to hear about how this is all self-enclosed, that they're actually going to be redistributing it themselves. That this is actually a subsidy that doesn't involve any expense for the taxpayers.

It's a state authority. The state set it up. The state structured it. Just a couple of years ago we were here talking about the need for capital. We were all asked to support a bill to put money into the Battery Park Authority in order to pay for capital improvements.

But here we are. They must be flush, because they have the ability and the extra money to actually provide for this.

So come from a community where the average income is $50,000 or $60,000? Ask yourself why this is necessary and why you would

possibly vote for something like this. You're probably all going to vote for it anyway, but think about it.

I vote nay.

ACTING PRESIDENT COONEY: Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is now closed.

The Secretary will ring the bell.

SENATOR GIANARIS: Mr. President, we've agreed to restore this bill to the noncontroversial calendar.

ACTING PRESIDENT COONEY: The bill will be restored to the noncontroversial calendar.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Helming to explain her vote.

SENATOR HELMING: Thank you, Mr. President.

The bill before us creates a housing rebate that's limited to certain homeowners and renters in one small area of New York City. But the reality, as we all know, is housing affordability isn't just a Battery Park issue, it's a statewide issue.

Like so many people in this chamber, I've heard the concerns from our young people who are struggling to afford to buy or to rent their first home. And I've heard from so many seniors who are worried about being forced out of their lifelong homes because of the state mandates that are driving up property taxes and utility costs.

But the good news, Mr. President, is I have a housing affordability package that includes real solutions to make housing more affordable and more attainable for people across the entire state.

Legislation that includes help for first-time homebuyers, incentivizes new construction, offsets the infrastructure costs needed to build new homes -- you know, Mr. President, you and I in our districts are struggling with the lack of electric capacity.

Legislation that encourages the

renovation of existing properties by providing relief from increasing property assessments.

These are real, practical, statewide solutions to reduce costs and expand housing opportunities, and I am frustrated that they've been sitting in committees for years. These are good solutions that should be considered.

The bill before us does not consider statewide impact, so for that reason I vote no.

ACTING PRESIDENT COONEY: Senator Helming to be recorded in the negative.

Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Mr. President.

I was quite heartened to hear Senator Martins' assault on those who are doing too well in this state and in fact have no need for government assistance. In fact, if I'm not mistaken, his district is one of the wealthiest in the state.

And so I would encourage him to be consistent with what he just said and support what we are trying to do and actually ask for more from those people.

If he's so concerned that there are people who are doing so well that we shouldn't think about what they might need -- they're flush, I think was the word that he used -- he represents many, many flush New Yorkers. And perhaps the best way to deal with the problem that he identified is to ask them to give a little more so we can truly help those who are genuinely in need in this state.

I vote yes, Mr. President. Thank you.

ACTING PRESIDENT COONEY: Senator Gianaris to be recorded in the affirmative.

Senator Kavanagh to explain his vote.

SENATOR KAVANAGH: Thank you, Mr. President.

I just wanted to clarify a few of the things that have been said here on the floor today.

First of all, on the notion that the state is subsidizing the Battery Park City Authority and the capital subsidies were proposed for improvements to Battery Park City, the capital subsidies that we have authorized but not

paid for, through state law, are to do the very expensive resiliency projects that are intended to protect all of Lower Manhattan from the kind of catastrophic damage that we saw during Sandy.

This -- in order to protect Lower Manhattan, we need to basically address the waterfront all the way around, basically for all of my district, but down the Hudson River, around the Battery, and up the East Side.

And the City of New York, mostly through city capital dollars, are spending many billions of dollars to do that. And what we authorized is the Battery Park City to borrow money against its own revenue -- not the state's -- which is mostly generated by rents paid for by the people who live in that space, who then are going to pay back the bonds for capital subsidies that will do the resilience projects necessary to prevent catastrophic flooding throughout Lower Manhattan, as we saw in Sandy.

There is not a substantial amount of state subsidy going into Battery Park City in general. In fact, very nearly -- like I can't think of a state taxpayer subsidy that goes

directly to Battery Park City.

The second thing is just -- and I referenced this before, but all of the surplus revenue of the Battery Park City Authority goes to the City of New York. So if you're worried your taxpayers will be paying for any portion of this, this is entirely going to be a financial transaction that will address -- will have a very minor increase in the city's revenue and no increase in the tax burden of any New Yorker who doesn't live in New York City.

The total estimated cost of a bill like this, it varies, because it's hard to know how many people will take it up and how many people will be eligible. But roughly we're talking about the Battery Park City Authority waiving about half a million dollars in rent payments.

These are ground rent payments. They still will pay rent on their apartments. They'll pay payments in lieu of taxes, they'll pay other things. They will not pay an increase in the ground rent that their building pays -- which are going up very rapidly because, as my colleague noted, Manhattan has become a very

desirable place to live in recent years.

Most of the people who are recipients of this are people who went to Battery Park City when it was not such a desirable place. The people who are recipients -- when you make $140,000 in my district, you are not a wealthy person. Sorry, but the figure is slightly larger than that.

But the kinds of people that are paying this are teachers, they are firefighters, they are people making what we consider middle-class incomes.

The idea that somehow it would be beneficial to people in the Bronx to price those people out so that the millionaires my colleagues are talking about can move into their apartments, is an odd one, to say the least.

For perspective, the Battery Park City Authority's operating revenue is $445 million a year. Again, a great percentage of that goes directly to the City of New York. And again, the total cost of this bill would vary somewhere in the range of half a million to a million dollars a year, or about $1 or $2 per thousand dollars of revenue of the Battery Park

City Authority.

So this is not going to break the bank. It is subsidizing middle-class people. I, for one, think it's important that we continue to make sure middle-class people can live in all of our neighborhoods, not just on the outskirts of our cities.

And I vote aye. Thank you.

ACTING PRESIDENT COONEY: Senator Kavanagh to be recorded in the affirmative.

Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Mr. President.

I do represent what I consider to be the best district in New York State, the Northern Shore of Nassau County. And yes, Senator Gianaris, it is an affluent district and it has wealth there.

But this bill doesn't involve the North Shore of Nassau County, Mr. President. It involves Battery Park City.

And if we're going to talk about paying their share, I can tell you that the hundred billion dollars in additional state spending that has been imposed on all

New Yorkers, including the people in my district, by the Majority in this house over the last eight years is significant. That's $100 billion that was pulled out of the New York State economy, including the residents of my district.

So yes, they have contributed -- probably more than they should, but so has each and every one of your community members. Every person, when you do the math, is paying. Every person is paying $5,000-plus more per year today because of the additional spending that this state has incurred over the last eight years. A family of four, between $20,000 and $25,000.

So yes, Senator Gianaris, they are paying. My district, your district, every other district. And that's why I'm opposing it, and I continue to oppose the incredible increases that are being suggested by this body, irresponsible increases that are being supported by this Majority.

And I continue to vote no on this bill.

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Senator Martins to be recorded in the negative.

Senator Salazar to explain her vote.

SENATOR SALAZAR: Thank you, Mr. President.

I wanted to speak a little bit to this idea that there should be more means-testing in affordable housing. We already of course use means-testing quite a lot in affordable housing policy. We use it for Section 8 vouchers. We use means-testing in determining eligibility to live in public housing, to live in other projects that have an affordability component.

Means-testing in even broader strokes, such as when a renter applies for a rent-stabilized apartment or seeks to live in rent-regulated housing, is bad public policy.

Practically speaking, it would be a nightmare to actually implement. But it would also serve to exclude more people from housing in a time when we should absolutely not be interested in doing that. But also, it does nothing to increase housing supply.

And to this idea that we have rent-stabilized or rent-regulated renters who are wealthy Manhattanites exploiting the system, we -- based on 2023 data from the Furman Center,

we know that the median rent-stabilized household income in New York City is about $50,000 to $55,000 annually. That is not a wealthy person, certainly not in New York City. And they are demonstrably typically very rent-burdened.

So I really appreciate Senator Kavanagh's commitment to Battery Park City residents and also to ensuring that we have permanently affordable housing in New York City and in our state.

Thanks.

ACTING PRESIDENT COONEY: Senator Salazar to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 583, voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Chan, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 38. Nays, 22.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number

605, Senate Print 8046A, by Senator Bynoe, an act to amend the Emergency Tenant Protection Act.

ACTING PRESIDENT COONEY: Senator Martins, why do you rise?

SENATOR MARTINS: Mr. President, if the sponsor would yield for a few questions.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR BYNOE: Yes, Mr. President.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: Thank you. Thank you, Senator Bynoe.

Can you tell us -- how many units are we talking about that would be covered by this bill outside of New York City?

SENATOR BYNOE: Through you, Mr. President, I don't have the number of units.

SENATOR MARTINS: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR BYNOE: Yes.

ACTING PRESIDENT COONEY: The

sponsor yields.

SENATOR MARTINS: So has this bill been introduced at the request of DHCR?

SENATOR BYNOE: Through you, Mr. President, no.

SENATOR MARTINS: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield? Does the sponsor yield?

SENATOR BYNOE: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: So does DHCR support the bill? Have they indicated or have you asked them whether or not they support committing resources from DHCR in this way?

SENATOR BYNOE: No, I did not -- sorry. Through you, Mr. President, I did not confer with DHCR.

SENATOR MARTINS: Through you, Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR BYNOE: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: So do you have or have you calculated how much additional funding would be necessary through DHCR for them to be able to do this level of enforcement on units outside of New York City?

SENATOR BYNOE: Through you, Mr. President, we have requested that DHCR review up to 5 percent of those units outside of New York City, and we have estimated around $5 million for that activity.

SENATOR MARTINS: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR BYNOE: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: So would that be $5 million in addition to what they spend right now currently on doing IAI enforcement? Or would that be $5 million total for DHCR to do that,

including the units that they have in New York City?

SENATOR BYNOE: It would be $5 million additional.

Through you, Mr. President, I'm sorry. Through you, Mr. President.

SENATOR MARTINS: Through you, Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR BYNOE: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: Are you aware that the current budget for DHCR for this is about $5.6 million in last year's budget and continues to be about $5.6 million in this year's budget -- that is, not only in the Governor's proposed budget but in the Senate one-house, for all of their IAI inspections in the city, outside of the city, all in, $5.6 million for this work?

SENATOR BYNOE: Through you, Mr. President. What I am aware of is that in the Village of Hempstead, the landlords in that space

have been alleged to have provided improvements that did not materialize. So much so that the Rent Guidelines Board in Nassau County did not allow for increases in the Village of Hempstead.

And the conditions that were illustrated and exemplified by residents in the Village of Hempstead were in poor conditions, they were in squalor, there was evidence of rodent infestation, hazards in terms of electrical appliances and the like.

So this is in the interest of safety for the residents that are residing in those rent-regulated apartments. It's a matter of ensuring that we detect incidences of willful overcharging, and it's in the interest of making sure that we deter bad actors from preying on people who are reliant on them for the assurance of decent and affordable housing.

SENATOR MARTINS: Through you, Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR BYNOE: Yes.

ACTING PRESIDENT COONEY: The

sponsor yields.

SENATOR MARTINS: Aside from the community or the Village of Hempstead, I understand there are other communities not only in Nassau County but also in Westchester County and others, and villages and cities that have rent-stabilized units.

And so this 5 percent figure that you have for units outside of New York City, without a sense of how many units those are, do you have a calculation of how many people you would need or DHCR would need to have in order to conduct an audit of those units sufficient to be able to meet the need of this bill?

SENATOR BYNOE: Through you, Mr. President. It would be the requirement of the division to create the programmatic guidelines and to be able to fulfill the obligations of this bill.

SENATOR MARTINS: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR BYNOE: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: Has there been a commitment made to fund the budget to provide the resources necessary in order to be able to -- for DHCR to be able to hire people sufficient to be able to do the task?

Or -- or is DHCR going to be expected to take those people who are currently doing this work from the work perhaps within New York City and dedicate those resources outside of New York City in order to meet the needs of this bill?

SENATOR BYNOE: Through you, Mr. President. In response to the question regarding whether they would have to shift their resources within the division to be able to achieve this, again, we will leave -- they're a capable agency that we will rely on to carry out the programmatic and procedural requirements of this bill.

SENATOR MARTINS: Thank you.

Through you, Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT COONEY: Will the

sponsor yield?

SENATOR BYNOE: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: So as I understand it, the purpose of the bill is that there's audits every time a unit is -- improvements are made to an individual unit.

Are you familiar with the audit process, how these audits are conducted and whether or not currently those audits include visits to the unit itself or whether it's a review of paperwork that is submitted to DHCR?

SENATOR BYNOE: Through you, Mr. President. Currently there isn't a requirement for physical inspection. This bill would require the physical inspection of those units.

SENATOR MARTINS: Thank you.

Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR BYNOE: Yes.

ACTING PRESIDENT COONEY: The

sponsor yields.

SENATOR MARTINS: Through the bill there's a determination of willfulness in terms of an unsubstantiated claim being interpreted as being willful.

Before there's a determination, is there an opportunity for the property owner to supplement, provide further information or, if there's a discrepancy in the document itself, that that will actually trigger the additional inspections that -- to all of the other units that they have?

So what -- where is that trigger specifically, if you could.

SENATOR BYNOE: Through you, Mr. President. Again, it will be the requirement of the division to determine whether there is a willful act or there is in some, you know, other means a discrepancy that was inadvertent, they will determine what threshold would determine whether someone was willfully overcharging.

SENATOR MARTINS: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Does the

sponsor yield?

SENATOR BYNOE: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: So just to be clear, the language of the bill says if the audit finds that the recoverable costs claimed by the landlord cannot be substantiated, the resulting overcharge shall be considered to be willful.

And so to be clear, and just so we can create the record, there is then the opportunity for the landlord to supplement, provide resources or provide additional information before there is a determination of willfulness.

SENATOR BYNOE: Through you, Mr. President, yes. The division would need to create a process to which a landlord would be able to ask for an appeal or provide supplemental information.

SENATOR MARTINS: Through you, Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT COONEY: Does the sponsor yield?

SENATOR BYNOE: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: So I'm glad you brought up the appeal aspect of it, because naturally it's going to be my next question.

What is the appeal process? So if there's a disagreement between the person conducting the audit and the landlord such that they believe that they have provided the information but the interpretation of DHCR is that they haven't, to whom do they appeal?

SENATOR BYNOE: Through you, Mr. President. The division would create the policies and procedures that would be required based on this law.

So they would actually be able to detail that specifically so that each landlord would understand their opportunity for due process.

SENATOR MARTINS: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR BYNOE: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: So just so we understand this, the -- DHCR would itself decide the appeal?

So the appeal would effectively be to DHCR or someone in DHCR, perhaps a supervisor or someone else, but effectively would remain within the agency to make that determination and not someone outside of the agency to take an appeal.

SENATOR BYNOE: Through you, Mr. President, correct.

SENATOR MARTINS: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR BYNOE: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: And so if there is a determination that it was willful, and they took an appeal and it was confirmed that it was

willful, this bill would require, then, DHCR to do a search of all of the properties that that particular owner had outside of New York City, right?

SENATOR BYNOE: Correct. Or through you -- sorry, Mr. President. Through you, correct.

SENATOR MARTINS: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR BYNOE: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: So I know that there are 1.2 million rent-stabilized units within New York City. And I know that DHCR has this responsibility to audit those units within New York City with a budget line of $5.67 million, and of that, the personnel line is only $2.7 million.

So with those many units inside of New York City and the limited number of units outside of New York City -- I believe that in the

Village of Hempstead it's probably about 6500 units, and I believe that in places like Garden City Plaza in the Village of Mineola and some other villages within our respective districts, you know, there may be other rent-stabilized housing units.

Do you have concerns whether DHCR is going to have the means, resources, personnel and the mechanisms to be able to effectively implement this bill, if it's passed, and whether or not that would come at the expense of being able to do it in other parts of the state where it currently provides those services?

SENATOR BYNOE: Through you, Mr. President, we are currently in a budget process, and this is an opportunity for us to have those discussions and vet out the ability for the division to be able to carry out these activities, and what funds would be required.

SENATOR MARTINS: Mr. President, thank you. Senator Bynoe, thank you.

On the bill.

ACTING PRESIDENT COONEY: Senator Martins on the bill.

SENATOR MARTINS: I want to

thank -- I want to thank the sponsor for the bill. I want to thank the sponsor for this attempt. But Mr. President, I'm concerned that the bill, frankly, misses the mark.

If we're going to go down this road and we're going to hold bad actors responsible, I think absolutely, I'm with you a hundred percent, let's go after those landlords who are not providing proper housing and resources and let's make sure we hold them accountable. But let's make sure that DHCR has the wherewithal and the ability to do just that.

You know, when we talk about 5 percent of the units, we talk about then willfulness and then triggering even more inspections -- you know, by my estimation, if you have a personnel line in a budget of a little over $2 million, I think that accounts for about 20 people.

If we have those 20 people doing inspections right now, the bulk of rent-stabilized housing in the state is in New York City, and they're expected to do it statewide, not just in New York City. And now we're going to dedicate resources outside of the

city to other places and require actual on-site inspections and then require, in the event of willfulness, that they have to do further inspections of all those other units -- it's not going to happen for the $5.7 million that's in the budget.

And I haven't seen the one-house from this Majority adjust it to account for the additional resources and funds that are going to be necessary to actually make this work.

So I would urge my colleagues who are concerned, hopefully as much as I am, that there may be resources out there that need to be targeted somewhere, put it here. And don't just vote on a bill in order to require DHCR to go do something without putting the resources behind it that's necessary for that to happen.

I would ask that you consider also, target those bad actors that are out there. Understand that if there is a discrepancy in documentation that's provided, make sure that that documentation is substantiated and warrants it. Because there is no criteria here. It could be an inconsequential amount, or it could be a significant amount.

But the reality I think we all should arrive at, all of us, is that we want to incentivize property owners and landlords to actually maintain their buildings. We want to give them the opportunity, through policy, to be able to invest back in their buildings.

And to have that discussion we have to kind of look at policies that have been passed in this chamber that have made it difficult, if not sometimes impossible, for landlords to make ends meet.

Hold them accountable. But let's reevaluate some of the policies that have been passed in this chamber. The difficult process that we put before our landlords for removing tenants, and how long it takes for them to do so not receiving rents at all, and the cost that that has to a landlord in their ability to reinvest in those buildings as well.

Now, we all think -- or at least some people in this chamber think that anyone who owns a building has got to be rich. They've got to be filthy rich, Mr. President. And so they've got money, they can absorb the hit from not being able to collect rent from tenants.

But the reality is they collect those rents and the good ones, or even the average ones, invest back in those buildings. No one has an interest in owning a building and watching it fall apart.

But we create policies in this chamber that prevent people and landlords from being able to actually collect those rents and reinvest them.

So let's analyze that. Let's take a look at the things we're doing from a policy standpoint that are preventing our landlords from doing it.

I had a landlord recently ask me a question. And maybe, Mr. President, rhetorically, everyone can maybe consider this and think about it. But, you know, they asked: What if I have a tenant, and I do -- this person did -- had a tenant in a building that was up all night making noise, bringing people in and out, disrupting the other tenants, and the landlord couldn't get them out of the building because of laws that have been passed in this chamber.

Now, the landlord in this case didn't live in the building, Mr. President, but

he couldn't get that person out, which affected all the other tenants in the building, who then decided not to pay rent because their enjoyment and use of their building and their units had been compromised.

And so now this landlord had a problem. Because of policies and laws that were passed in this chamber, they no longer had the ability to collect rents. And if they did, and if they wanted to enforce those rights, we've made it so difficult that it takes months if not years to actually go through landlord-tenant court to have somebody removed.

So if we're going to talk about reinvesting in buildings and maintaining buildings and making sure that buildings are adequately maintained, let's consider those things that have been done to make it difficult on our landlords and our property owners in order to maintain those buildings as well.

So, Mr. President, I'll be voting no on this bill.

I am willing and looking forward to working with the sponsor to figure out ways we can actually hold bad actors accountable. But

I'd also like to work with the sponsor and my colleagues in this chamber to come up with ways that we can change the bad policies that have been passed in this chamber that have impacted our own property owners and prevented them from actually being able to make ends meet and make the resources available.

And sure, if there are people out there who are taking advantage of the system, target them. But unfortunately, the policies in this chamber, Mr. President, have consistently been written with a broad brush. Which means we've impacted every property owner, the good and the bad. And that's a shame.

Because we're now seeing the results of those policies. Each and every day we see another bill or another effort where people come up here and protest the fact that they have a conflict with their landlords.

Let's make good policy.

I'll vote nay.

ACTING PRESIDENT COONEY: Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is now closed.

The Secretary will ring the bell.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, let's restore this to the noncontroversial calendar as well, please.

ACTING PRESIDENT COONEY: The bill will be restored to the noncontroversial calendar.

Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Kavanagh to explain his vote.

SENATOR KAVANAGH: Thank you, Mr. President.

I just wanted to rise, I'd especially like to thank and compliment the sponsor on a very important piece of legislation today.

You know, individual apartment improvements have historically been a real source of risk of improper rent increases and in some

cases, well-documented cases, fraud.

This bill is a very, very reasonable and modest response to that. Roughly speaking, outside of New York City there are something on the order of 120, maybe 130 or 140 IAI applications per year. There may be roughly per year, in all of Nassau County, about 20 such applications.

This bill would require 5 percent of those applications to be audited by HCR. And in the event they find the landlord to be overstating the cost of their own improvements, and using that to increase people's rent, there would then be a penalty of -- the normal penalty that applies when people overcharge their tenants willfully.

So again, this is a modest -- we've done a lot to address concerns about IAIs in recent years. This bill is another very positive step forward. And from, you know, working for many years with HCR, I believe this is a bill that they would have ample resources to implement.

And this is also a bill that went through the Housing Committee. I know most

members of both houses, both sides of the aisle, have voted for this bill in the past, and I urge them to continue to support this just to make sure that the system continues to have the efficacy that we all need to make it work effectively.

And on that, I vote aye.

ACTING PRESIDENT COONEY: Senator Kavanagh to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 605, voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Chan, Griffo, Helming, Lanza, Martins, Mattera, Murray, O'Mara, Ortt, Palumbo, Rhoads, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 42. Nays, 18.

ACTING PRESIDENT COONEY: The bill is passed.

Senator Gianaris, that completes the reading of today's controversial calendar.

SENATOR GIANARIS: Is there any further business at the desk?

ACTING PRESIDENT COONEY: There is no further business at the desk.

SENATOR GIANARIS: I move to adjourn until Tuesday, April 7th, at 11:00 a.m. -- early start time next week, colleagues -- intervening days being legislative days.

ACTING PRESIDENT COONEY: On motion, the Senate stands adjourned until Tuesday, April 7th, at 11:00 a.m., with the intervening days being legislative days.

(Whereupon, at 1:05 p.m., the Senate adjourned.)