

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9
10 February 12, 2020

11 3:46 p.m.

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13
14 REGULAR SESSION

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18 SENATOR BRIAN A. BENJAMIN, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT BENJAMIN: The
3 Senate will come to order.

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

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

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

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

13 ACTING PRESIDENT BENJAMIN: The
14 reading of the Journal.

15 THE SECRETARY: In Senate, Tuesday,
16 February 11, 2020, the Senate met pursuant to
17 adjournment. The Journal of Monday, February 10,
18 2020, was read and approved. On motion, Senate
19 adjourned.

20 ACTING PRESIDENT BENJAMIN: Without
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: Senator Jackson

1 moves to discharge, from the Committee on
2 Housing, Construction and Community Development,
3 Assembly Bill Number 2625 and substitute it for
4 the identical Senate Bill 3320, Third Reading
5 Calendar 390.

6 ACTING PRESIDENT BENJAMIN: The
7 substitution is so ordered.

8 Messages from the Governor.

9 Reports of standing committees.

10 Reports of select committees.

11 Communications and reports from
12 state officers.

13 Motions and resolutions.

14 Senator Gianaris.

15 SENATOR GIANARIS: Mr. President,
16 at this time can we please take up previously
17 adopted Resolution 2719, by Senator Harckham,
18 have that read in its entirety, and recognize
19 Senator Harckham.

20 ACTING PRESIDENT BENJAMIN: The
21 Secretary will read.

22 THE SECRETARY: Senate Resolution
23 2719, by Senator Harckham, congratulating the
24 Pleasantville Girls Soccer Team upon the occasion
25 of capturing the New York State Public High

1 School Athletic Association Class B Championship.

2 "WHEREAS, Individual and team
3 championships are highly sought after in high
4 school sports; this Legislative Body commends
5 rare athletic achievements and pays special
6 recognition to those who pursue such excellence
7 and become examples for the youth of this great
8 Empire State; and

9 "WHEREAS, Excellence and success in
10 competitive sports can be achieved only through
11 strenuous practice, team play and team spirit,
12 nurtured by dedicated coaching and strategic
13 planning; and

14 "WHEREAS, This Legislative Body is
15 justly proud to congratulate the Pleasantville
16 Girls Soccer Team upon the occasion of capturing
17 the New York State Public High School Athletic
18 Association Class B Championship on Sunday,
19 November 17, 2019, in Cortland, New York; and

20 "WHEREAS, To the praise and applause
21 of their excited fans, the Panthers were able to
22 surmount their opponents in the New York State
23 Championship game and accomplish the utmost high
24 school sporting accomplishment in this great
25 Empire State; and

1 "WHEREAS, The Pleasantville Panthers
2 ended a very successful season, finishing with an
3 overall record of 20-1-2, and capped their
4 historic season off with a 3-2 victory over
5 Section 3 Champion Central Valley Academy to
6 secure the programs first Class B New York State
7 Girls Soccer Championship; and

8 "WHEREAS, In a sport such as soccer,
9 which demands athletic prowess, speed and
10 agility, and mental toughness, Head Coach Chris
11 Osterhoudt and his expert coaching staff worked
12 hard to hone the skills of this championship
13 team, teaching these outstanding athletes lessons
14 which will prove invaluable both on and off the
15 pitch; and

16 "WHEREAS, Coach Osterhoudt and all
17 of the outstanding athletes on the Pleasantville
18 High School Girls Soccer Team have clearly
19 utilized dedication, determination and teamwork
20 in providing a lasting contribution to the spirit
21 of excellence which is a tradition of their
22 school; now, therefore, be it

23 "RESOLVED, That this Legislative
24 Body pause in its deliberations to congratulate
25 the members of the Pleasantville High School

1 Girls Soccer Team: Lila Donohue, Eliza Murphy,
2 Allison Portera, Katrina Kelly, Riley Vavolizza,
3 Mary Grace O'Neill, Lauren Mathews, Grace Capko,
4 Ella O'Malley, Maddie Braverman, Maya Sauthoff,
5 Julia O'Reilly, Amber Nanaj, Maeve Roney, Avery
6 Manna, Isabelle Kapoor, Elsa Ammirati, Analese
7 Picart, Izzy Pepdjonovic, Katie Moses, Lauren
8 Drillock, Lexie Rippstein, Carolyn Lee, Summer
9 Deluca, Norah Foley; and Head Coach Chris
10 Osterhoudt upon their outstanding season and
11 overall team record of 20-1-2; and be it further
12 "RESOLVED, That copies of this
13 resolution, suitably engrossed, be transmitted to
14 the members of the Pleasantville High School
15 Girls Soccer Team, and Head Coach Chris
16 Osterhoudt."
17 ACTING PRESIDENT BENJAMIN: Senator
18 Harckham on the resolution.
19 SENATOR HARCKHAM: Thank you,
20 Mr. President.
21 With this resolution we pay tribute
22 and congratulations to the Pleasantville High
23 School Panthers Women's Soccer Team. And I call
24 them the women's soccer team. I don't like that
25 moniker "girls soccer team." They're fine young

1 women, and we refer to them as the women's soccer
2 team.

3 Thank you, Madam Secretary, for
4 reading the names of the members on the team and
5 the coaches. The principal, Joe Palumbo, is here
6 as well. And we'd like to also note a noted
7 alumni of Pleasantville High School, our own Eric
8 Katz, on our counsel team.

9 I had a coach when I played soccer
10 who used to say "When you hustle, good things
11 happen." And in the case of the Panthers,
12 nothing could be more true. This was a team that
13 was down by 2, with 20 minutes left to go in the
14 game. And being down by 2, for those of you who
15 know soccer, is almost insurmountable. And yet
16 with four seconds left, the game-winning goal was
17 notched because of hustle and grit and
18 determination.

19 So it was a fabulous season that
20 these young women had, based on their hard work,
21 their dedication to each other, buying into the
22 system. But it took something extra in those
23 last 20 minutes, and that's what makes champions,
24 is what's inside, to give that little extra when
25 nobody else thinks you can.

1 So I congratulate the Pleasantville
2 Panthers.

3 And, Mr. President, I ask that you
4 extend the privileges of the chamber.

5 ACTING PRESIDENT BENJAMIN: To the
6 Pleasantville High School Women's Soccer Team, I
7 welcome you on behalf of the Senate. We extend
8 to you all of the courtesies and privileges of
9 this house. Please stand and be recognized.

10 (Standing ovation.)

11 ACTING PRESIDENT BENJAMIN: The
12 resolution was previously adopted on
13 February 4th.

14 Senator Gianaris.

15 SENATOR GIANARIS: At this time,
16 Mr. President, can you recognize Senator Kennedy
17 for an introduction.

18 ACTING PRESIDENT BENJAMIN: Senator
19 Kennedy for an introduction.

20 SENATOR KENNEDY: Thank you very
21 much, Mr. President.

22 I just want to take this
23 opportunity -- it's a great privilege of mine --
24 to introduce, all the way from Western New York,
25 our great county executive, Mark Poloncarz, who

1 has joined us here today.

2 Our county executive, just reelected
3 to a third term -- only the second individual
4 ever to be elected to a third term as county
5 executive -- is doing a tremendous job. He's
6 here working on behalf of the people of
7 Erie County.

8 He's joined by his deputy budget
9 director and former Senate staffer, Ben
10 Swanekamp. Thank you very much for joining us
11 here today as well.

12 County Executive Poloncarz has led
13 the charge as it pertains to economic development
14 efforts, efforts to ensure that we have a clean
15 environment, focusing on creating jobs and our
16 greater economy in Western New York, and at the
17 same time ensuring -- and this is important to
18 all of us, both sides of the aisle, and
19 everywhere across the state -- that the only
20 New York State football team, the Buffalo Bills,
21 stays right here in New York State and in
22 Buffalo.

23 He is really on the cutting edge of
24 the issues that are important to people, and he
25 has dedicated his life to public service and,

1 most importantly, helping people, oftentimes the
2 most vulnerable.

3 We thank you, County Executive. We
4 welcome you and your team here today. Thank you
5 for everything that you do on behalf of the great
6 people of Erie County, Western New York, and all
7 of the great State of New York.

8 Please join me in welcoming our
9 county executive.

10 And, Mr. President, if you could
11 offer all of the privileges of the house to our
12 guests. Thank you.

13 ACTING PRESIDENT BENJAMIN: To our
14 Erie County executive, I welcome you on behalf of
15 the Senate. We extend to you all of the
16 courtesies and privileges of this house.

17 We want to recognize you at this
18 time. Thank you.

19 (Standing ovation.)

20 ACTING PRESIDENT BENJAMIN: Senator
21 Gianaris.

22 SENATOR GIANARIS: Can we now take
23 up previously adopted Resolution 2773, by
24 Senator Little, read its title only, and
25 recognize Senator Little.

1 ACTING PRESIDENT BENJAMIN: The
2 Secretary will read.

3 THE SECRETARY: Senate Resolution
4 2773, by Senator Little, commemorating the
5 40th anniversary of the 1980 Lake Placid Winter
6 Olympics and celebrating its legacy, past,
7 present and future.

8 ACTING PRESIDENT BENJAMIN: Senator
9 Little on the resolution.

10 SENATOR LITTLE: Thank you,
11 Mr. President.

12 While I acknowledge that there are
13 many here today that were not even born in 1980,
14 many of us do remember the last time that
15 Lake Placid and New York hosted the World Olympic
16 Winter Games.

17 Lake Placid first hosted the Olympic
18 Games in 1932, and then again in 1980. They're
19 one of very few locations that has held two
20 Olympic Games.

21 So in order to celebrate, we have a
22 big parade going on beginning on February 13th,
23 which is the exact same days as the Olympics were
24 held back then, February 13th to the 23rd. If
25 you recall, those of who you remember, there was

1 a shortage of snow that winter, and they were
2 trucking snow from everyplace they could to bring
3 it into the venues.

4 But at any rate, so doing it the
5 same way. The games begin on the 13th, but on
6 the 14th, we have a parade with many of the
7 volunteers -- Lake Placid is a village of
8 volunteers -- who had volunteered in 1980 and
9 continue to volunteer at the events that take
10 place then.

11 And then we will go to the original
12 site of where the torch was lit, and we will
13 light the torch again in recognition and
14 celebration of 40 years and still having all of
15 the Olympic venues.

16 Many cities that have had the
17 Olympics, you know, put a lot of money into their
18 venues, and then they become historic. We are
19 not doing that here in New York State. We're
20 very proud of Lake Placid having had the
21 Olympics. This year's budget has millions of
22 dollars in it to help keep the venues -- the ski
23 jumps, the bobsled, the luge, the cross country
24 skis, the downhill skiing area, the ice skating
25 rinks, the Ice Oval, all of these things. So

1 that we're not historic, we are relevant. We
2 will continue to hold World Cup Games. And we
3 are going to host, in 2023, the World Universiade
4 Games, where 2600 athletes will come from around
5 the world and compete over the course of 12 days.

6 But back to our celebration, which
7 starts Friday, Thursday and Friday. I'll be
8 there. And the temperature is only supposed to
9 be minus 16 --

10 (Laughter.)

11 SENATOR LITTLE: -- so we will see
12 how that goes. We need to warm it up.

13 But we're also going to have many
14 Olympians return to the area. Some of them are
15 from our area. But Andrew Weibrecht, Thomas
16 Vonn, Dan Jansen. The figure skaters Scott
17 Hamilton and Paul Wylie, who now lives in
18 Lake Placid, will also be there.

19 So the point of the whole thing is
20 just to have all of you help celebrate this and
21 remember that we are very fortunate in New York.

22 And if you watch any, any winter
23 competition on television, you will hear
24 Lake Placid being named, because all of these
25 athletes that compete on a worldwide stage have

1 competed in Lake Placid. And that helps us, it
2 helps New York, it helps our tourism, and it
3 attracts more people to the area.

4 So without further ado, I would
5 invite you to get to Lake Placid -- if you can't
6 in the next two weeks, at some point -- and enjoy
7 what we call the Winter Sports Capital of the
8 World.

9 Thank you, Mr. President.

10 ACTING PRESIDENT BENJAMIN: The
11 resolution was previously adopted on
12 February 11th.

13 Senator Gianaris.

14 SENATOR GIANARIS: At the request
15 of the sponsors, the two resolutions we took up
16 today are open for cosponsorship.

17 ACTING PRESIDENT BENJAMIN: The
18 resolutions are open for cosponsorship. Should
19 you choose not to be a cosponsor of the
20 resolutions, please notify the desk.

21 Senator Gianaris.

22 SENATOR GIANARIS: Please take up
23 the reading of the calendar.

24 ACTING PRESIDENT BENJAMIN: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 387, Senate Print 1714, by Senator Brooks, an act
3 to amend the Executive Law.

4 ACTING PRESIDENT BENJAMIN: Read
5 the last section.

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

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN:
12 Announce the results.

13 THE SECRETARY: Those Senators
14 voting in the negative are Senators Funke,
15 Helming, Jordan, O'Mara and Ortt.

16 Ayes, 54. Nays, 5.

17 ACTING PRESIDENT BENJAMIN: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 388, Senate Print 1726A, by Senator Skoufis, an
21 act to amend the Real Property Actions and
22 Proceedings Law.

23 SENATOR GRIFFO: Lay it aside.

24 ACTING PRESIDENT BENJAMIN: Lay it
25 aside.

1 THE SECRETARY: Calendar Number
2 389, Senate Print 2813A, by Senator Comrie, an
3 act to amend the Executive Law.

4 ACTING PRESIDENT BENJAMIN: Read
5 the last section.

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

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN:
12 Announce the results.

13 THE SECRETARY: Ayes, 59.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 390, Assembly Print Number 2625, substituted
18 earlier by Assemblymember Dinowitz, an act to
19 amend the Real Property Actions and Proceedings
20 Law.

21 ACTING PRESIDENT BENJAMIN: Read
22 the last section.

23 THE SECRETARY: Section 2. This
24 act shall take effect on the 30th day after it
25 shall have become a law.

1 ACTING PRESIDENT BENJAMIN: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BENJAMIN:
5 Announce the results.

6 THE SECRETARY: In relation to
7 Calendar Number 390, those Senators voting in the
8 negative are Senators Akshar, Amedore, Borrello,
9 Flanagan, Funke, Griffo, Helming, Jacobs, Jordan,
10 Little, LaValle, O'Mara, Ortt, Ritchie, Robach,
11 Serino and Tedisco.

12 Ayes, 43. Nays, 17.

13 ACTING PRESIDENT BENJAMIN: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 391, Senate Print 4938, by Senator Carlucci, an
17 act to amend the Executive Law.

18 ACTING PRESIDENT BENJAMIN: Read
19 the last section.

20 THE SECRETARY: Section 2. This
21 act shall take effect on the first of January.

22 ACTING PRESIDENT BENJAMIN: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BENJAMIN:

1 Announce the results.

2 THE SECRETARY: Those Senators
3 voting in the negative on Calendar 391 are
4 Senators Akshar, Amedore, Flanagan, Funke,
5 Jordan, LaValle, O'Mara, Ortt, Serino and Seward.

6 Ayes, 50. Nays, 10.

7 ACTING PRESIDENT BENJAMIN: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 392, Senate Print 7287A, by Senator Bailey, an
11 act to amend the Executive Law.

12 ACTING PRESIDENT BENJAMIN: Read
13 the last section.

14 THE SECRETARY: Section 2. This
15 act shall take effect on the 180th day after it
16 shall have become a law.

17 ACTING PRESIDENT BENJAMIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BENJAMIN:
21 Announce the results.

22 THE SECRETARY: Those Senators
23 voting in the negative on Calendar Number 392 are
24 Senators Akshar, Amedore, Borrello, Boyle,
25 Flanagan, Funke, Griffo, Helming, Jacobs, Jordan,

1 Lanza, LaValle, Little, O'Mara, Ortt, Ritchie,
2 Robach, Serino, Seward and Tedisco.

3 Ayes, 40. Nays, 20.

4 THE SECRETARY: Calendar Number
5 393, Senate Print 7288A, by Senator Kavanagh, an
6 act to amend the Executive Law.

7 SENATOR GRIFFO: Lay it aside.

8 ACTING PRESIDENT BENJAMIN: Lay it
9 aside.

10 THE SECRETARY: Calendar Number
11 394, Senate Print 7291A, by Senator Persaud, an
12 act to amend the Executive Law.

13 ACTING PRESIDENT BENJAMIN: Read
14 the last section.

15 THE SECRETARY: Section 2. This
16 act shall take effect on the 120th day after it
17 shall have become a law.

18 ACTING PRESIDENT BENJAMIN: Call
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BENJAMIN:
22 Announce the results.

23 THE SECRETARY: Those Senators
24 recorded in the negative on Calendar Number 394
25 are Senators Akshar, Amedore, Borrello, Griffio,

1 Helming, Jordan, Little, O'Mara, Ortt, Ritchie,
2 Serino, Seward and Tedisco.

3 Ayes, 47. Nays, 13.

4 ACTING PRESIDENT BENJAMIN: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 395, Senate Print 7292A, by Senator May, an act
8 to amend the Executive Law.

9 ACTING PRESIDENT BENJAMIN: Read
10 the last section.

11 THE SECRETARY: Section 3. This
12 act shall take effect on the 120th day after it
13 shall have become a law.

14 ACTING PRESIDENT BENJAMIN: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BENJAMIN:
18 Announce the results.

19 THE SECRETARY: In regard to
20 Calendar Number 395, those Senators recorded in
21 the negative are Senators Akshar, Amedore,
22 Borrello, Boyle, Flanagan, Griffo, Helming,
23 Jacobs, Jordan, Lanza, LaValle, Little, Martinez,
24 O'Mara, Ortt, Ritchie, Serino, Seward and
25 Tedisco.

1 Ayes, 41. Nays, 19.

2 ACTING PRESIDENT BENJAMIN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 396, Senate Print 7300A, by Senator Skoufis, an
6 act to amend the Executive Law.

7 ACTING PRESIDENT BENJAMIN: Read
8 the last section.

9 SENATOR GIANARIS: Lay it aside for
10 the day.

11 ACTING PRESIDENT BENJAMIN: Lay it
12 aside for the day.

13 THE SECRETARY: Calendar Number
14 397, Senate Print 7301, by Senator Skoufis, an
15 act to amend the Executive Law.

16 ACTING PRESIDENT BENJAMIN: Read
17 the last section.

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

20 ACTING PRESIDENT BENJAMIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BENJAMIN:
24 Announce the results.

25 THE SECRETARY: In regard to

1 Calendar Number 397, those Senators voting in the
2 negative are Senators Akshar, Amedore, Flanagan,
3 Griffo, Helming, Jacobs, Jordan, O'Mara, Ritchie
4 and Serino.

5 Ayes, 50. Nays, 10.

6 ACTING PRESIDENT BENJAMIN: The
7 bill is passed.

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

10 SENATOR GIANARIS: Let us now move
11 on to the reading of the controversial calendar,
12 please.

13 ACTING PRESIDENT BENJAMIN: The
14 Secretary will ring the bell.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 388, Senate Print 1726A, by Senator Skoufis, an
18 act to amend the Real Property Actions and
19 Proceedings Law.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Amedore.

22 SENATOR AMEDORE: Mr. President,
23 will the sponsor yield for a couple of questions?

24 ACTING PRESIDENT BENJAMIN: Will
25 the sponsor yield?

1 SENATOR SKOUFIS: Of course.

2 ACTING PRESIDENT BENJAMIN: The
3 sponsor yields.

4 SENATOR AMEDORE: Through you,
5 Mr. President. Thank you, Senator Skoufis, for
6 yielding and hopefully answering a few of these
7 questions. As it applies to this bill, what is
8 the definition of "vacant and abandoned"?

9 SENATOR SKOUFIS: Through you,
10 Mr. President, this bill would affect those
11 properties that are in the foreclosure process.
12 Zombie properties, as they're known.

13 SENATOR AMEDORE: Through you,
14 Mr. President, will the sponsor continue to
15 yield?

16 ACTING PRESIDENT BENJAMIN: Does
17 the sponsor yield?

18 SENATOR SKOUFIS: Yup.

19 ACTING PRESIDENT BENJAMIN: The
20 sponsor yields.

21 SENATOR AMEDORE: So under any
22 circumstance, would this bill apply to homes that
23 have been damaged due to natural disasters --
24 fires, floods, storm events -- vacated by the
25 owner?

1 SENATOR SKOUFIS: Through you,
2 Mr. President, the short answer is no.

3 So, you know, if a tree falls into a
4 home or if there's a hurricane that does damage
5 to a property, plywood will still be a
6 permissible material.

7 This -- again, this bill only
8 applies to those properties that are in the
9 foreclosure process.

10 SENATOR AMEDORE: Through you,
11 Mr. President, if the sponsor will continue to
12 yield.

13 ACTING PRESIDENT BENJAMIN: Does
14 the sponsor yield?

15 SENATOR SKOUFIS: Yes.

16 ACTING PRESIDENT BENJAMIN: The
17 sponsor yields.

18 SENATOR AMEDORE: Instead of
19 plywood, wood composites, wood veneers or similar
20 wood-based products, what would be used to board
21 up the homes?

22 SENATOR SKOUFIS: Through you,
23 Mr. President, the primary alternative would be
24 clear boarding.

25 So just as a little bit of

1 background, in 2017 the State of Ohio actually
2 did what we are proposing to do here in
3 prohibiting plywood from being used to board up
4 foreclosed homes.

5 And additionally, a number of
6 municipalities, including Oyster Bay here in
7 New York State, have enacted similar laws.

8 The primary alternative would be
9 clear boarding, which is a polycarbonate. It's
10 about 250 times as strong as glass, it's very
11 secure. And perhaps most importantly, if you're
12 a home right across the street from a vacant
13 foreclosed property that is polycarbonate clear
14 boarding, you would not even be able to tell that
15 the windows are boarded up. It would seem like a
16 window was there.

17 And so this bill looks to reduce
18 blight. That's what we've seen in Ohio and these
19 other municipalities that have employed a law
20 like this.

21 SENATOR AMEDORE: Through you,
22 Mr. President, if the sponsor will continue to
23 yield.

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR SKOUFIS: Yes.

2 ACTING PRESIDENT BENJAMIN: The
3 sponsor yields.

4 SENATOR AMEDORE: So the sponsor
5 mentioned polycarbonate, which in industry
6 standards, sheet goods would be Lexan sheets.
7 That's what I think you're talking and referring
8 to when you say clear view type of product.

9 Basically, in layman's terms, you
10 refer polycarbonate to plastic. So you would
11 much rather have a plastic material be used to
12 board up or to secure an abandoned home than a
13 more rigid material such as a plywood -- that is
14 very green, by the way. Wood is very green and
15 sustainable.

16 But through you, Mr. President, does
17 the sponsor know what the cost of a sheet of
18 polycarbonate would be?

19 SENATOR SKOUFIS: Through you,
20 Mr. President, I think approximately \$20 to board
21 up a single window with plywood.

22 SENATOR AMEDORE: Through you,
23 Mr. President. So with plywood, wood product,
24 you're talking about a \$20 cost for a sheet good,
25 a 4-by-8 sheet, it would cost.

1 My question was -- through you,
2 Mr. President -- what would the cost of a 4-by-8
3 sheet of carbon or polycarbonate be? And I know
4 it's depending on the thickness. So if you went
5 to maybe a 4 mil or 6 mil, which is equivalent to
6 about 3/8ths-inch thick, or maybe a quarter-inch
7 thick, do you know what the cost would be?

8 SENATOR SKOUFIS: Through you,
9 Mr. President, there's no doubt that certainly
10 using polycarbonate would be more expensive than
11 plywood on the front end.

12 However, I would point out that, for
13 example, the U.S. Fire Administration offers very
14 positive remarks and recommends clear boarding
15 because it cuts down on arson, it cuts down on
16 squatters, lots of problems that wind up costing
17 municipalities down the road on the back end.

18 Furthermore, I'll also point out
19 that a number of years ago Fannie Mae
20 voluntarily, internally, decided that for any
21 mortgages backed by their organization, that they
22 would require their lending organizations --
23 banks, et cetera -- that issued these mortgages
24 to employ clear boarding.

25 And so for many, many, many

1 foreclosures and vacant homes already that have
2 mortgages backed by Fannie Mae, they're already
3 doing this.

4 And so, you know, this is -- I
5 understand what my colleague is trying to get to.
6 But the point is that home values are
7 dramatically negatively impacted by boarded-up
8 blights all throughout this state. This is an
9 attempt to try and preserve home values and, on
10 the back end, prevent some of the problems that
11 come with squatters, fires, arson, et cetera,
12 that also puts our first responders in more
13 danger.

14 SENATOR AMEDORE: Through you,
15 Mr. President, will the sponsor continue to
16 yield?

17 ACTING PRESIDENT BENJAMIN: Does
18 the sponsor yield?

19 SENATOR SKOUFIS: Yes.

20 ACTING PRESIDENT BENJAMIN: The
21 sponsor yields.

22 SENATOR AMEDORE: I understand the
23 intent of the sponsor's bill here that you're
24 trying to protect from blight and making sure
25 that we have safe abandoned structures or homes

1 so that they will not be vandalized.

2 But through you, Mr. President, will
3 the sponsor answer how would someone know that a
4 home is in foreclosure in the neighborhood?

5 SENATOR SKOUFIS: Through you,
6 Mr. President, pursuant to some zombie property
7 legislation that we enacted a couple of years
8 ago, these properties, these zombie properties
9 now have to be registered with the state.

10 SENATOR AMEDORE: Through you,
11 Mr. President, will the sponsor continue to
12 yield.

13 ACTING PRESIDENT BENJAMIN: Does
14 the sponsor yield?

15 SENATOR SKOUFIS: Yes.

16 ACTING PRESIDENT BENJAMIN: The
17 sponsor yields.

18 SENATOR AMEDORE: Is there a law
19 that requires the municipality or the bank or the
20 mortgage provider to post a very distinct
21 colorful poster or notice on the door of the
22 building or home, that it is in foreclosure?

23 SENATOR SKOUFIS: Through you,
24 Mr. President, not that staff nor I are aware of.

25 SENATOR AMEDORE: Through you,

1 Mr. President, will the sponsor continue to
2 yield?

3 ACTING PRESIDENT BENJAMIN: Does
4 the sponsor yield?

5 SENATOR SKOUFIS: Yes.

6 ACTING PRESIDENT BENJAMIN: The
7 sponsor yields.

8 SENATOR AMEDORE: It actually is
9 part of the rule or law that we have, I
10 believe -- look it up, counsel can. Because that
11 really is and determines and signifies that this
12 home is going through a foreclosure process.

13 Many times it's a very bright yellow
14 notice that's affixed to a building. Which is
15 more of a target to a vandal or someone who
16 wants, maybe a squatter, to go into a vacant
17 home, than a boarded home that has wood product
18 that is securing the home from the vandals.

19 So I just think that you should
20 understand what that really is with that notice.

21 Through you, Mr. President, will the
22 sponsor yield for one more question?

23 ACTING PRESIDENT BENJAMIN: Does
24 the sponsor yield?

25 SENATOR SKOUFIS: Yes.

1 ACTING PRESIDENT BENJAMIN: The
2 sponsor yields.

3 SENATOR AMEDORE: Who would be
4 responsible to install and pay for this plastic
5 screening that you want to put on the windows and
6 doors?

7 SENATOR SKOUFIS: Through you,
8 Mr. President, primarily banks. Except in those
9 more rare situations where a municipality owns a
10 building through condemnation or some other
11 means.

12 SENATOR AMEDORE: Mr. President, on
13 the bill --

14 SENATOR SKOUFIS: If I may also --
15 if I may, through you, Mr. President. I also
16 want to note, you know, in response to a number
17 of items that my colleague just had remarked
18 upon, that law enforcement is actually, in many
19 cases where this is employed, very positive
20 towards clear boarding.

21 Because, look, we're not touching --
22 this law does not touch any posting of flyers on
23 doors. And so, look, if there's an issue with
24 that that my colleague has, you know, I would
25 recommend that we revisit the zombie property

1 legislation that he's referring to. This bill
2 does not touch on any notification, posting of
3 flyers as he's suggesting.

4 But I'll also note what he's
5 describing, then, is actually a remark in support
6 of this legislation, makes it even more
7 imperative that we have clear boarding, such that
8 when law enforcement is trying to determine
9 whether there are folks, squatters, other
10 individuals that shouldn't be in a vacant
11 building but are there, they can't obviously see
12 through plywood. They can see through clear
13 boarding.

14 And that in itself will, we believe,
15 deter squatting, but also provide a means by
16 which law enforcement can determine if there are
17 people in a building that shouldn't be there.

18 SENATOR AMEDORE: Mr. President, on
19 the bill.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Amedore on the bill.

22 SENATOR AMEDORE: You know, the
23 sponsor's memo states that properties boarded up
24 with plywood present themselves as an easy target
25 for vandals. And that's why I brought up the

1 notice issue, because there's no -- there's --
2 it's absolutely a no-brainer for someone to go
3 down a road, drive down a road, walk down the
4 sidewalk, whatever it may be -- when they see
5 that notice, you want to talk about an easy
6 target, to understand that this building or this
7 home is vacant. That's the definition or the
8 significant difference between a home that's
9 vacant and one that is not. It's not the plywood
10 or it's not the plastic that you want to put in
11 the windows.

12 The sponsor also mentioned that it
13 could be and in some cases it will be the
14 municipality. I asked if the -- if he knew what
15 the cost of polycarbonate, a sheet good of
16 polycarbonate would be. And I wouldn't expect
17 anyone in this room really to understand, because
18 you typically never buy a sheet of polycarbonate
19 or Lexan on a day-to-day basis.

20 But I've got a little bit of
21 industry knowledge to understand and know what
22 building costs are. So I will say he was right
23 when he responded back to about \$20 when that
24 cost refers to a plywood wood-type product.
25 Because you could buy, you can buy today a sheet

1 of, say, 4-by-8-by-half-inch-thick plywood for
2 about \$20. It will range from about \$17 to \$30,
3 depending on the grade of plywood.

4 But polycarbonate, depending on the
5 thickness -- and the thickness really talks about
6 the rigidity. And when you want to secure a
7 building, you can't tell me that putting on an
8 eighth-inch-thick piece of plastic or even
9 quarter-inch-thick piece of plastic is going
10 secure the building more than a half-inch wood or
11 three-quarter-inch wood product that they
12 currently do now.

13 The bill also goes on to refer to
14 not just wood products or plywood, but it also
15 talks about wood composites and wood veneers.
16 Wood composites are products that are very green
17 friendly. They're recyclable products. They're
18 recycled material products.

19 So I just think that this bill,
20 well-intentioned, because we want to make sure
21 all of our neighborhoods are safe, are free from
22 vandalism, fighting the blight problems that we
23 all face in all of our districts, that we have
24 products that we can use that are green and safe
25 and just really just common sense because they're

1 much stronger and more readily available. Try to
2 go and buy polycarbonate in your local hardware
3 store. You're not going to. You've got to order
4 it.

5 But then it's the cost factor. And
6 when we talk about unfunded mandates -- and if
7 the municipality has to pay for this cost, the
8 cost of polycarbonate is well in excess of over
9 \$150 a sheet based on the thickness, which really
10 is going to be around an eighth-inch-thick 4-by-8
11 sheet of plastic.

12 So if I go from \$20 of being
13 wood-product-based to now the municipality to
14 have to pay about \$150 a sheet for a
15 eighth-inch-thick, I think that this is an
16 unfunded mandate that municipalities can't absorb
17 and that will not do -- will not do the job that
18 I really, truly believe that the sponsor's
19 intention is going to do or what he wants to do,
20 and that is secure the buildings and to help
21 fight blight.

22 So with that, Mr. President, I'll be
23 voting in the negative. Thank you.

24 ACTING PRESIDENT BENJAMIN: Are
25 there any other Senators wishing to be heard?

1 Seeing and hearing none, debate is
2 closed.

3 The Secretary will ring the bell.

4 Read the last section.

5 THE SECRETARY: Section 3. This
6 act shall take effect on the 90th day after it
7 shall have become a law.

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN:
12 Announce the results.

13 THE SECRETARY: In relation to
14 Calendar 388, those Senators recorded in the
15 negative are Senators Akshar, Amedore, Borrello,
16 Boyle, Brooks, Flanagan, Funke, Griffio, Helming,
17 Jacobs, Jordan, Lanza, LaValle, Little, Martinez,
18 O'Mara, Ortt, Ritchie, Robach, Serino, Seward and
19 Tedisco.

20 Senator Montgomery absent from
21 voting.

22 Ayes, 37. Nays, 22.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 393, Senate Print 7288A, by Senator Kavanagh, an
3 act to amend the Executive Law.

4 ACTING PRESIDENT BENJAMIN:
5 Senator Helming.

6 SENATOR HELMING: Thank you,
7 Mr. President. I rise to ask if the sponsor will
8 yield for a few questions.

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR KAVANAGH: Absolutely,
12 Mr. President.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR HELMING: Through you,
16 Mr. President, this legislation directs the
17 Secretary of State to administer a registry to
18 receive information from three entities -- from
19 landlords, local governments, and also code
20 enforcement agencies.

21 Senator Kavanagh, I was wondering if
22 you could explain for me how code enforcement
23 agencies are defined.

24 SENATOR KAVANAGH: Let me just
25 begin -- just for context, the bill generally

1 would view code enforcement agencies as part
2 of -- the code enforcement agencies in the state
3 are generally administered by local governments,
4 and I think there's not an expectation that code
5 enforcement agencies that are not part of our
6 local governments would be complying with this
7 law.

8 So basically it is the -- under our
9 current state law, there is a Uniform Code. That
10 Uniform Code is applicable all over the state,
11 and localities are required to enforce it unless
12 they take a step to adopt their own code, at
13 which point there's a process by which the
14 Secretary of State can review that code and
15 determine whether it is at least as stringent as
16 the Uniform Code.

17 In the circumstance where there is a
18 local code or the state code is applicable, each
19 locality is enforcing that code and those
20 agencies are operating throughout the state.

21 SENATOR HELMING: Through you,
22 Mr. President, will the sponsor continue to
23 yield.

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR KAVANAGH: Yes,
2 Mr. President.

3 ACTING PRESIDENT BENJAMIN: The
4 sponsor yields.

5 SENATOR HELMING: Thank you,
6 Senator Kavanagh.

7 So through the administration of the
8 uniform building codes and fire codes, et cetera,
9 is it possible that fire departments and fire
10 districts, both paid and volunteer, could be
11 responsible for the costly reporting
12 requirements, the onerous requirements that are a
13 part of this legislation?

14 SENATOR KAVANAGH: Mr. President,
15 that's quite a leading question, so let me just
16 begin by saying we do not believe there are
17 onerous requirements on any localities or code
18 enforcement agencies in this bill.

19 Secondly, if an agency is not
20 currently required to be enforcing the code, then
21 this bill would not create any obligation on them
22 at all.

23 So I will confess that I have great
24 familiarity with the FDNY and the City Buildings
25 Department in HPD. I'm not sure how fire codes

1 are enforced in every jurisdiction, but my sense
2 is that in general, volunteer fire departments
3 and other such agencies are not currently
4 obligated to enforce building, fire and housing
5 codes. So they would be unaffected in any way by
6 this bill.

7 SENATOR HELMING: Through you,
8 Mr. President. So will the sponsor continue to
9 yield?

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR KAVANAGH: Yes,
13 Mr. President.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR HELMING: Section 2 of this
17 legislation defines "covered dwelling." Is it
18 possible that this definition could be
19 interpreted to apply to, for instance, bed and
20 breakfasts, Airbnb and even mobile home parks or
21 mobile homes?

22 SENATOR KAVANAGH: Through you,
23 Mr. President. Let me actually get the words in
24 front of me. But the bill in general is intended
25 to cover rental -- sorry, I'm having -- I was

1 trying to get -- make sure I was looking at the
2 same language you're looking at.

3 So the bill defines a covered
4 dwelling as a dwelling which is either rented,
5 leased, let or hired out to be occupied, or is
6 occupied as a residence or home of two or more
7 families living independently of each other.

8 So if a dwelling unit is a residence
9 for somebody and it is rented out or you have,
10 you know, a situation where independent families
11 are living in the same space, it would be covered
12 by this law.

13 And whether, you know, if I --
14 presumably calling it an Airbnb or calling it a
15 bed and breakfast does not preclude compliance
16 with the law related to rental -- the many laws
17 related to rental housing in this state, and I
18 think this would be no different.

19 But generally speaking, just to be
20 clear, this is intended to be broad, it is
21 intended to cover rental housing, rental
22 residential units anywhere we find them in the
23 state.

24 SENATOR HELMING: Through you,
25 Mr. President, will the sponsor continue to

1 yield.

2 ACTING PRESIDENT BENJAMIN: Does
3 the sponsor yield?

4 SENATOR KAVANAGH: Yes,
5 Mr. President.

6 ACTING PRESIDENT BENJAMIN: The
7 sponsor yields.

8 SENATOR HELMING: There are a lot
9 of good intentions that pass through this floor
10 in the form of legislation, and we've seen a
11 number of chapter amendments because things are
12 rushed through and don't accurately reflect what
13 we intend them to do, or don't do what we intend
14 them to do.

15 So my question is, as we all know,
16 in many areas of our state -- we've talked about
17 this here on this floor -- residents,
18 municipalities, small businesses, even some
19 libraries in my district do not have internet
20 services.

21 And it's possible that some
22 landlords -- and I think you need to think
23 outside of New York City, think upstate New York,
24 rural areas. Some landlords, they may have --
25 for instance, it may be a very small family farm

1 who produces enough food maybe just to even feed
2 the family. Maybe they have a roadside stand.
3 But on their property, they have a rental home.
4 But they don't have the desire or maybe even the
5 means to own a computer. And again, they don't
6 have access, all of them, to internet services.

7 So in these situations, Senator
8 Kavanagh, what alternatives exist to the online
9 registration that are available for a landlord to
10 register?

11 SENATOR KAVANAGH: So,
12 Mr. President, if I may, first let me respond to
13 the implicit first part of the question, which is
14 about legislation that is sometimes rushed and
15 ill-considered, just to note that this bill is
16 one of the recommendations that came out of an
17 investigation that we announced, along with
18 Senator Skoufis and the Investigations and
19 Government Operations Committee 13 months ago.

20 It was a five-month investigation
21 looking very thoroughly at the code enforcement
22 operations in four localities that were selected
23 as samples of what might be going on in other
24 places. That then led to a hearing in May of
25 last year where we took testimony from many

1 parties, including parties representing small
2 localities and other jurisdictions throughout the
3 state.

4 We then produced a report of about a
5 hundred pages that reflects the findings of the
6 investigation and also makes recommendations,
7 including a recommendation that there be a
8 statewide rental registry. That report has been
9 available for all of us to review. It's a
10 page-turner, at about a hundred pages.

11 We then earlier this year announced
12 an intention to do 11 bills. They are the bills
13 that are before you today. We announced a public
14 hearing on those bills. We held that public
15 hearing. We got testimony on these bills from
16 the Real Estate Board of New York, Legal Aid of
17 New York City, Enterprise, the New York
18 Conference of Mayors, the New York State Codes
19 Coalition and the International Codes Committee
20 and the New York State Building Officials
21 Conference, the Rockland County Illegal Housing
22 Task Force, the New York State Attorney General,
23 Citizen Action, the Community Service Society,
24 the City of Albany, United Tenants of Albany, the
25 Rochester Tenants Union, and the Mayor's Office

1 of New York City.

2 And in addition, we had informal
3 conversations with the state executive branch as
4 well as the Center for Community Progress and
5 many others.

6 We also had, obviously, a lively
7 discussion in committee a few days ago about
8 this.

9 And I would just say that, you know,
10 this is a very thoroughly considered process. I
11 would also note that subsequent to our hearing,
12 we made several amendments to the bill that are
13 intended to diminish the burden on localities,
14 and I'm happy to discuss those as well. But that
15 was in response to testimony received on this
16 bill.

17 In terms of an individual owner
18 renting an individual apartment as a business and
19 to make some money on the side, if you choose to
20 be a landlord in this state, you are choosing to
21 put yourself in the business of providing housing
22 to somebody else. And that comes with many
23 obligations to protect the safety of the
24 occupant. Also, by the way, to protect the
25 safety of first responders who might find

1 themselves coming to that place in an emergency.

2 And there is no alternative to
3 registering, but once a year you would have to
4 get this information to the Secretary of State,
5 which is basically the basic information that you
6 ought to have at your disposal as an owner of a
7 piece of property. There's no obligation that
8 you do it on a computer in your home. And the
9 penalty for not doing so if you have a single
10 unit would be \$25.

11 SENATOR HELMING: Through you,
12 Mr. President. I didn't hear the sponsor say yes
13 or no on whether or not there were alternatives
14 to online registration. Also --

15 ACTING PRESIDENT BENJAMIN:
16 Senator, are you asking the sponsor to yield for
17 a question?

18 SENATOR HELMING: Yes.

19 ACTING PRESIDENT BENJAMIN: Will
20 the sponsor yield?

21 SENATOR KAVANAGH: I'm happy to
22 clarify, yes.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR KAVANAGH: There is no

1 obligation -- there's no requirement in this bill
2 that the application be submitted online. It is
3 expected that most people in the real estate
4 business would prefer the option of submitting it
5 online.

6 But the Secretary of State, under
7 this bill, would be required to set up a process
8 that permits people to register online. And
9 certainly it would be within the discretion of
10 the Secretary of State to have somebody receive a
11 mailed piece of paper from this owner of a
12 one-unit rental operation.

13 SENATOR HELMING: Through you,
14 Mr. President, will the sponsor continue to
15 yield.

16 ACTING PRESIDENT BENJAMIN: Does
17 the sponsor yield?

18 SENATOR HELMING: So the
19 legislation refers to --

20 ACTING PRESIDENT BENJAMIN: Does
21 the sponsor yield? Do you yield?

22 SENATOR KAVANAGH: Yes,
23 Mr. President.

24 ACTING PRESIDENT BENJAMIN: The
25 sponsor yields.

1 SENATOR HELMING: The legislation
2 refers to an online portal. I didn't see
3 anything else about paper or any other
4 alternatives.

5 Also, when we talk about
6 municipalities -- am I on -- through you, Mr. --
7 okay.

8 When we talk about the research
9 that's been done to develop this particular piece
10 of legislation, because that's all we're
11 addressing right now, not all of the bills that
12 have been brought forth today, there were four
13 communities, it's my understanding, that provided
14 testimony.

15 I'd like to just point out that the
16 average population exceeds 50,000. Compare that
17 to areas where I live, where the largest city,
18 the population is about 11,000, and I think it
19 really changes the story.

20 So my question is this legislation
21 states that the Secretary of State will provide
22 municipalities with technical support. I'd like
23 to understand what that technical support will
24 look like. And will it include assistance with
25 securing consistent, reliable and affordable

1 broadband services?

2 Again, we're not talking about just
3 New York City, we're talking about the entire
4 State of New York, where some of our
5 municipalities do not have -- they have
6 intermittent internet services or no internet
7 services.

8 SENATOR KAVANAGH: Mr. President,
9 if I may, may I return to the previous subject?
10 That I think counsel was helpful in understanding
11 what the -- what my colleague was referring to.

12 Just to clarify, there is language
13 in the bill that says the data from the registry
14 must be available online. It is the Secretary of
15 State's job to make the data available to people
16 online. There's nothing in this bill that
17 requires the Secretary of State to receive the
18 data online.

19 So the Secretary of State could
20 receive the data in any manner that they choose
21 from landlords. And presumably if a small
22 landlord wants to send a single registry by mail
23 or some other purpose, that would be perfectly
24 compliant with this law.

25 In term -- I just -- again, I don't

1 want to be argumentative, but I'm perplexed by
2 the repeated assertions that it's important we
3 think about places other than New York City.

4 We had a hearing in Newburgh on this
5 topic, and we had a hearing in Albany on this
6 topic. The Housing Committee and other
7 committees have traveled the state to have
8 hearings. We had a hearing in Greenburgh last
9 year and in other parts of the state. And we
10 continue to seek input from all parts of the
11 state.

12 We also had input from, as I
13 mentioned before, the New York Conference of
14 Mayors, which represents mayors of some quite
15 small jurisdictions, and other organizations, and
16 we reached out to the Association of Towns and
17 the Association of Counties and others to get as
18 much input as we could on this piece of
19 legislation.

20 In terms of the question of how
21 localities will comply, again I would note that
22 we amended the bill in response to commentary
23 about that. Under the bill as currently written,
24 it is the obligation of the Secretary of State to
25 provide the means by which people will produce

1 this information, and it is also their obligation
2 to assist localities, to the extent necessary, to
3 comply with the -- with this, and particularly to
4 help them have the ability to submit data
5 through -- in a machine-readable format,
6 electronically.

7 There is -- if a locality does not
8 have the capacity to do that, it is not practical
9 for that locality to do that, the landlords in
10 that jurisdiction would still be required to
11 register. But there is no mandate in this bill
12 for localities to do things that they're not
13 capable of doing.

14 SENATOR HELMING: Thank you.

15 Through you, Mr. President, will the
16 sponsor continue to yield?

17 ACTING PRESIDENT BENJAMIN: Does
18 the sponsor yield?

19 SENATOR KAVANAGH: Yeah, with
20 pleasure, Mr. President.

21 ACTING PRESIDENT BENJAMIN: The
22 sponsor yields.

23 SENATOR HELMING: Can you explain
24 to me how landlords will be identified and
25 notified about these registration requirements?

1 SENATOR KAVANAGH: Through you,
2 Mr. President, this will take a significant
3 amount of time before this process is up and
4 running.

5 First of all, obviously the bill
6 would still need to go through the Assembly and
7 be signed by the Governor, and it doesn't take
8 effect for a full year after that. And the
9 portal, the database that would be required,
10 would be available two years after the effective
11 date of this law, which again could be many
12 months from now.

13 I think it's -- landlords and people
14 who choose to be in the business of being a
15 landlord and renting apartments to others
16 presumably have some obligation to keep up with
17 the basic requirements that come with being a
18 landlord. And I mentioned there are many, and
19 many of those are essential to the life and
20 safety of the tenants and of first responders and
21 of others.

22 But we would -- presumably the
23 Secretary of State and others would have some
24 obligation to notify people of their
25 requirements. Presumably localities would do

1 that. I would also note that there are several
2 localities in the state that already have these
3 kinds of systems in place, and presumably they
4 would -- the local authorities would play some
5 role in ensuring, as they do with many
6 requirements that are about code enforcement and
7 life and safety, would play some role in
8 informing people.

9 But, you know, landlords need to
10 stay abreast on the obligations they have as
11 landlords, and this would be one more modest
12 obligation that once a year they identify their
13 apartment. And again, if they fail to do so or
14 they do not hear about this, the implication of
15 that will be a \$25 penalty that would be imposed.

16 SENATOR HELMING: Through you,
17 Mr. President, will the sponsor continue to
18 yield?

19 ACTING PRESIDENT BENJAMIN: Does
20 the sponsor yield?

21 SENATOR KAVANAGH: Yes,
22 Mr. President.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR HELMING: The original

1 version of this bill required landlords to
2 register every three years. The amended version
3 that we saw that's before us today changes that
4 to annually. Can you explain the reason for this
5 change?

6 SENATOR KAVANAGH: Again, this was,
7 as you note, a change in the bill, along with a
8 number of changes that were intended to make this
9 registry both easier for localities to comply
10 with and also more useful.

11 And we found that many existing
12 registries have a one-year requirement rather
13 than a three-year requirement, and that is
14 intended to make the registry more useful for the
15 many purposes for which it's intended, including
16 having localities have some ability to track who
17 currently owns real estate in their -- rental
18 real estate in their jurisdiction.

19 So we thought that if one of the
20 purposes that we can be sure that local
21 authorities know who to call in the event there's
22 a serious problem, they have a name and address
23 and a phone number, which is part of this
24 requirement -- we thought that having that
25 information perhaps be as much as three years out

1 of date is not wise, so we decided to make it an
2 annual requirement.

3 And again, for most landlords, the
4 information, if nothing has changed about your
5 property, the information you're registering also
6 won't change in a significant way.

7 SENATOR HELMING: Through you,
8 Mr. President, will the sponsor continue to
9 yield?

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR KAVANAGH: Yes,
13 Mr. President.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR HELMING: Section 5 of the
17 bill states that any local governmental with a
18 registry may continue to maintain that registry.
19 If the local registry does not comply with the
20 state registry, the landlord must register with
21 the state, according to this language.

22 Senator Kavanagh, under these
23 circumstances, does this mean the landlord must
24 register twice, once with the local registry and
25 a second time with the state registry?

1 SENATOR KAVANAGH: To the extent --
2 through you, Mr. President. To the extent that
3 such registries exist in localities already, we
4 decided that we would not choose to preempt local
5 registration requirements. And so local
6 registries are allowed to continue to have
7 registries.

8 And again, that registry may serve a
9 different purpose in the locality than this
10 registry is intended to serve. So what the bill
11 contemplates is a process where the Secretary of
12 State will review an existing registry. If they
13 find that existing registry to have the
14 information necessary to comply with this law,
15 then the bill expressly says that somebody won't
16 have to register twice.

17 However, we didn't want to say as
18 long as there's a registry, irrespective of
19 whatever condition that registry is in, whatever
20 information that registry is in, we didn't want
21 to exempt people from this bill, because the goal
22 is to ensure that rental properties, all rental
23 properties are registered in a manner that this
24 bill contemplates.

25 So if a locality has a registry and

1 they either decline to make it conform to this
2 and or they don't make it conform to this for
3 some other reason, then a register -- just as
4 now, landlords have to continue to comply with
5 local law and they would also have to comply with
6 this law.

7 Just to note, it's -- current
8 localities that do have a registry are the City
9 of New York, Buffalo, Syracuse and Easthampton.
10 There may be others as well. We've had
11 conversations with some of them, and they have
12 expressed an expectation that they would comply
13 their -- they would conform their registry with
14 this registry so that the landlords in their
15 jurisdiction wouldn't have to register twice.

16 SENATOR HELMING: Through you,
17 Mr. President, will the sponsor continue to
18 yield.

19 ACTING PRESIDENT BENJAMIN: Does
20 the sponsor yield?

21 SENATOR KAVANAGH: Yes,
22 Mr. President.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR HELMING: So it is

1 possible, then -- or according to this
2 legislation, a municipality must provide the
3 information back to the Secretary of State in the
4 format that the Secretary of State deems
5 acceptable. So there is the possibility for,
6 again, unfunded mandates on the community and so
7 much more.

8 Section 7B of this legislation talks
9 about a schedule of reasonable registration fees
10 based on the type of dwelling and the number of
11 units registered. Is there a cost to the
12 landlord to register?

13 SENATOR KAVANAGH: Through you,
14 Mr. President, I think there were sort of --
15 there were two questions in there.

16 SENATOR HELMING: There was one
17 question, Mr. President.

18 SENATOR KAVANAGH: Sorry, there was
19 a statement that I might want to respond to.
20 I'll take the first question -- the explicit
21 question first.

22 Yes, there is in this bill an
23 expectation that the Secretary of State would
24 charge a fee to register, which is common in
25 registration systems. And that fee would be

1 required by this law to be reasonable and
2 presumably, in this context, reasonable. Like
3 many fees -- this is not a tax, this is a fee --
4 presumably the fee should reflect the cost of
5 providing this service of creating a registry and
6 of having people register.

7 So again, if this is -- it also
8 requires that there be an online portal through
9 which people can do it, so the expectation would
10 be that the Secretary of State would identify an
11 efficient way to do this and charge a fee.

12 And that fee is not set by this law,
13 because I think there are a lot of steps between
14 now and this being implemented that would be
15 necessary to determine the precise cost.

16 SENATOR HELMING: Through you,
17 Mr. President, will the sponsor continue to
18 yield?

19 ACTING PRESIDENT BENJAMIN: Does
20 the sponsor yield?

21 SENATOR KAVANAGH: Yes,
22 Mr. President.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR HELMING: Senator Kavanagh,

1 can you explain if this registration fee -- or
2 when this registration fee is assessed, where the
3 money will go? Will it go to the General Fund in
4 the State Budget? Or where will the money go?

5 SENATOR KAVANAGH: Mr. President,
6 through you, I'm not a hundred percent certain
7 whether this bill -- I mean, it is clear that the
8 Secretary of State is being authorized to charge
9 a fee.

10 I would note that the Secretary of
11 State charges many, many fees to register for
12 many, many things in the state already. And --
13 but I will confess I'm not an expert in how much
14 discretion the Secretary of State, which of
15 course is a part of the executive branch, how
16 much discretion that -- the Secretary of State
17 has over fees that are charged.

18 But I would note that we have many,
19 many statutes that charge fees that don't specify
20 what part of the State Budget they go to, and I
21 think this bill is like many, many other statutes
22 in that way.

23 SENATOR HELMING: Through you,
24 Mr. President, will the sponsor continue to
25 yield?

1 ACTING PRESIDENT BENJAMIN: Does
2 the sponsor yield?

3 SENATOR KAVANAGH: Yes,
4 Mr. President.

5 ACTING PRESIDENT BENJAMIN: The
6 sponsor yields.

7 SENATOR HELMING: In the case where
8 the landlord is required to register twice, once
9 potentially with the municipality and the second
10 time with the state, is it possible that they
11 will be assessed a registration fee twice?

12 SENATOR KAVANAGH: Again, and let
13 me -- I've been -- my very helpful counsel has
14 noted that absent any language in this bill about
15 where the fee would go, it is likely that --
16 sorry, absent any language in this bill about
17 where the fee would go, the fee would likely go
18 to the General Fund of the State of New York to
19 offset the costs of -- the general costs of state
20 government.

21 In terms of the likelihood that a
22 fee is assessed by a locality in addition to this
23 fee, that would be up to the locality.

24 So again, we are not requiring
25 localities to have a registry, we're not

1 requiring them to assess fees, we're just
2 creating a single statewide standard with a fee
3 associated with it. If localities choose to
4 maintain their own registry for their own
5 reasons, that is an important aspect of our
6 system, that localities can run their governments
7 in the manner that they choose.

8 And so there's nothing in this bill
9 that would require people to be charged twice,
10 and in fact there are many provisions of this
11 bill that are intended to facilitate there being
12 a single registry. But if a locality decides to
13 continue its registry and continues to charge a
14 fee, there's nothing in this bill that would stop
15 them.

16 SENATOR HELMING: Through you,
17 Mr. President, will the sponsor continue to
18 yield.

19 ACTING PRESIDENT BENJAMIN: Does
20 the sponsor yield?

21 SENATOR KAVANAGH: Yes,
22 Mr. President.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR HELMING: According to the

1 legislation, local governments at a minimum must
2 submit reports on a monthly basis. Taking into
3 consideration the manpower that that is going to
4 require, upgrades to systems to comply with the
5 formatting requirements and more, do you have an
6 estimate of the cost to our local counties, our
7 cities, our towns and our villages?

8 SENATOR KAVANAGH: Through you,
9 Mr. President, the bill requires that -- this is
10 something that we've changed since a prior draft
11 of the bill.

12 The bill requires that to the extent
13 practicable, local governments submit that
14 information and that the Secretary of State
15 provide localities, to the extent they have any
16 difficulty doing that, provide localities with
17 assistance in figuring out how to do that.

18 Our assumption is that that will be
19 done digitally, and our assumption is that it
20 will be done with a very modest level of physical
21 work by paid employees, because most systems --
22 most code enforcement systems at this point are
23 either currently working off digital systems that
24 track violations, because it's very difficult to
25 run a code enforcement operation without such a

1 system, or they're moving in that direction.

2 But again, this bill contemplates
3 that if that is not practicable for the local
4 government, they would not have to do it under
5 this bill.

6 SENATOR HELMING: Through you,
7 Mr. President, will the sponsor continue to
8 yield?

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR KAVANAGH: Yes,
12 Mr. President.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR HELMING: Am I to
16 understand, then, if a municipality chooses not
17 to comply with this, they will not be penalized
18 in any way, or there's no language in this bill
19 that requires them to provide registry
20 information or to provide code enforcement
21 violations?

22 SENATOR KAVANAGH: Through you,
23 Mr. President, again, there's nothing in this law
24 that -- there's nothing in this bill that says
25 they may choose freely, irrespective of their

1 capacity not to comply.

2 What the bill says is that they
3 shall submit this information unless it is not
4 practicable for them to do so, given their
5 capacity. And in that case, the Secretary of
6 State is required by this bill to work with them
7 and provide them with assistance in submitting
8 that information in a machine-readable format,
9 digitally. Presumably there will be
10 conversations between the Secretary of State and
11 localities about what it would take to submit the
12 information necessary to populate this portal
13 with the relevant data.

14 But again, in a previous version of
15 this bill it required this data to be submitted.
16 And we have -- in order to respect the complexity
17 of this and the different capacities of local
18 governments, we have modified the bill to say
19 that they are only required to do this to the
20 extent practicable.

21 I will say that one of the
22 beneficiaries of a bill like this will be the
23 localities themselves, because having a database
24 of all rental properties is a very valuable thing
25 if you're a local code enforcement agency or a

1 local government and you're trying to enforce
2 your code. So we expect that many local
3 governments will embrace this. But there's
4 nothing in this bill that requires them to do so
5 if it's not practicable for them to do so.

6 SENATOR HELMING: Through you,
7 Mr. President, will the sponsor continue to yield
8 for one more question.

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR KAVANAGH: Yes,
12 Mr. President.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR HELMING: Looking at the
16 long list of information that is now going to be
17 required to be reported in this registry, there
18 really is going to be significant information --
19 physical addresses of all the rental properties,
20 total number of rooms, and accessibility features
21 into these properties.

22 I have some concerns about privacy
23 issues. I also have concerns about in my small
24 communities, when you look at a database and you
25 look at a community that may have, say, 15

1 rentals maximum, if there is a victim of domestic
2 violence hiding out, residing in one of those
3 rental properties, now the person who has
4 victimized him or her could potentially go to
5 this database if they know the community that
6 they're living in and narrow it down to those 10,
7 15 rentals and systematically, easily, go through
8 each one of them. Now they'll have access to
9 know how to get into these properties. Because
10 like I said, all the accessibility features are
11 required to be reported in this database,
12 et cetera.

13 So, Senator Kavanagh, I'm wondering
14 if you have any privacy concerns with this
15 legislation or any concerns that this registry
16 would provide a mechanism for domestic abusers to
17 more easily locate their victims, who may be
18 living and hiding in a rental property.

19 SENATOR KAVANAGH: Through you,
20 Mr. President, obviously if there -- there are
21 many people with a great deal more expertise than
22 I have about the needs of people who may be in
23 that terrible situation of having an abuser and
24 somebody they want to be physically separated
25 from. If there were -- you know, if any of the

1 many organizations that address that had some
2 concern about that, we certainly would be willing
3 to address that, as we have in other
4 circumstances.

5 For example, we've passed laws in
6 this house about the voter rolls, which are also
7 somewhat publicly accessible, but to make
8 exceptions there.

9 Having said that, I don't see any
10 provision in this bill that would meaningfully
11 alter that. If you are looking for someone and
12 you know they live in a jurisdiction -- you know
13 that they're renting an apartment and you know
14 that they're renting in a jurisdiction with only
15 15 apartments in it, or a very small
16 jurisdiction, you know, you have various means to
17 try to locate rental apartments in that
18 jurisdiction.

19 But this bill doesn't give you
20 additional -- any additional information at all
21 about who's living in apartments. The reference
22 to accessibility features is things that would
23 help an apartment comply with the ADA and would
24 help people who are seeking an accessible
25 apartment, something that might be accessible

1 given a physical disability, to rent an
2 apartment.

3 But there's nothing in here that
4 suggests how to get into the building or what the
5 security features of buildings are. None of that
6 would be included in the registry as contemplated
7 by this bill.

8 SENATOR HELMING: On the bill,
9 Mr. President.

10 ACTING PRESIDENT BENJAMIN:
11 Senator Helming on the bill.

12 SENATOR HELMING: First I'd like to
13 thank Senator Kavanagh for all of his time in
14 answering all of my questions. I appreciate it.
15 Thank you.

16 SENATOR KAVANAGH: Thank you.

17 SENATOR HELMING: When I consider
18 how to vote on legislation, I look at the
19 legislation and I evaluate a number of factors.
20 Some of those factors include is it an unfunded
21 mandate, is it yet another burden that we're
22 placing on our small cities, our towns, our
23 villages, and our counties.

24 The answer here is an emphatic
25 absolutely yes. This is an unfunded mandate.

1 When I did my summer small business
2 tours and I talked to so many business owners
3 from not only in my district but across the State
4 of New York, one of their concerns was about
5 onerous, unnecessary regulations. And when I
6 evaluate this bill, I evaluate it -- is it
7 creating more regulations that are going to
8 create more unnecessary paperwork? And I have to
9 say, this bill, absolutely yes.

10 Does this bill create the potential
11 for new fees? Absolutely yes, new fees on
12 New Yorkers who are already overburdened with
13 regulations and taxes.

14 Mr. President, I'll be voting no on
15 this legislation. I believe this type of
16 legislation, with complete disregard for private,
17 personal information, for increasing taxes or
18 fees, whatever you want to call it -- they're
19 both the same -- is going to continue to drive
20 people and businesses out of New York State.

21 So as I said, I'll be voting no.

22 ACTING PRESIDENT BENJAMIN: Senator
23 Amedore.

24 SENATOR AMEDORE: Mr. President,
25 will the sponsor rise for -- or yield for a

1 question?

2 ACTING PRESIDENT BENJAMIN: Does
3 the sponsor yield?

4 SENATOR KAVANAGH: Yes,
5 Mr. President. And just note I'm thanking the
6 ranking member of our committee for engaging in
7 this in the committee meeting, and I look forward
8 to questions today.

9 ACTING PRESIDENT BENJAMIN: The
10 sponsor yields.

11 SENATOR AMEDORE: Thank you,
12 Senator Kavanagh.

13 I've got a question that -- as you
14 were discussing this with Senator Helming, and
15 correct me if I'm wrong, but I think I heard you
16 say if a landlord does not register to the
17 registry, statewide registry, could the landlord
18 then evict a tenant? Or would it take away the
19 qualification of eviction?

20 SENATOR KAVANAGH: Mr. President,
21 through you. I'm not actually sure this issue
22 was addressed in the prior conversation.

23 But yes, there is a provision in the
24 bill that says if you are attempting to evict a
25 tenant, your papers that you file in court ought

1 to assert that the apartment is properly
2 registered. And if it is not registered, that
3 that would prevent you from proceeding with an
4 eviction action.

5 So you would, if you were trying to
6 evict a tenant, first of all meet this basic
7 requirement of being a landlord in the state.

8 SENATOR AMEDORE: Through you,
9 Mr. President --

10 SENATOR KAVANAGH: And if I may
11 clarify, only if the eviction is for nonpayment,
12 by the way.

13 ACTING PRESIDENT BENJAMIN: Will
14 the sponsor yield for a question?

15 SENATOR KAVANAGH: I would yield
16 for an additional question, yes.

17 SENATOR MONTGOMERY: The sponsor
18 yields.

19 SENATOR AMEDORE: So I understand,
20 you did mention who is eligible or who would
21 register on a statewide level in this registry.
22 But just can you give us a very simplistic
23 explanation? Because I know you're very studied
24 and well-versed and smart. But let's think
25 about -- because I look at this and -- when you

1 talk about two-family, I think of my grandmother.

2 And Mr. President, through you, my
3 grandmother who lived -- lives in a house or
4 lived in a house on Wabash Avenue in the City of
5 Schenectady, in the Bellevue section, rented two
6 units there.

7 So what I believe I heard you say --
8 and that's why I want you to explain to me in a
9 very simplistic way who would need to register on
10 this statewide registry with the Department of
11 State?

12 SENATOR KAVANAGH: Through you,
13 Mr. President, the bill would -- again, I'm going
14 to -- first of all, I'm going to take the -- my
15 colleague's assertion that I'm studied as a
16 compliment.

17 And I will say, just to keep it
18 simple, the goal of this bill is to have a
19 complete registry of all rental housing units in
20 the state.

21 So if the sponsor's grandmother were
22 engaging in that business right now in the City
23 of New York, she would already be required to
24 register the two units she is renting, and
25 presumably little or nothing would change as a

1 rule of passing this bill.

2 In other -- in other parts of the
3 state, if there is no such registry
4 requirement -- again, we have great sympathy for
5 people that are renting units to pay for the cost
6 of continuing to live there themselves. But
7 the -- someone who is actually renting units to
8 others would be required to register those units.

9 If someone has a roommate or perhaps
10 two roommates, three roommates or even four
11 roommates, that would not be a situation where
12 they would have to register.

13 SENATOR AMEDORE: Through you,
14 Mr. President, if the sponsor will continue to
15 yield.

16 ACTING PRESIDENT BENJAMIN: Does
17 the sponsor yield?

18 SENATOR KAVANAGH: Yes,
19 Mr. President.

20 ACTING PRESIDENT BENJAMIN: The
21 sponsor yields.

22 SENATOR AMEDORE: So if my
23 grandmother does not register in the statewide
24 registry -- which she does not live in the City
25 of New York, but in the City of Schenectady, and

1 there's no requirement to register -- and she's
2 not a business, she's just little old grandma
3 trying to live in the very expensive State of New
4 York, trying to make ends meet. And maybe that
5 little rent money that comes in helps her pay
6 those outrageous taxes on her property.

7 If she doesn't register, because I
8 think what you said in a very long-winded
9 answer -- I was hoping for a very short answer,
10 that's why I said please keep it very simple --
11 you're going to make my grandmother register.
12 This bill would make my grandmother register.

13 And so if she doesn't register, what
14 you're saying is there's going to be a fine to
15 anyone who doesn't register. Is that correct?

16 SENATOR KAVANAGH: Mr. President,
17 through you, I look forward to meeting my
18 colleague's grandmother at some point and we can
19 discuss this further.

20 But yes. And with all due respect
21 to my colleague's grandmother, who I'm sure is
22 wonderful, if you are renting apartments to other
23 people, you are in a business. You're in the
24 business of being a landlord, and you are renting
25 apartments to people. And in that circumstance,

1 there are a variety of requirements that already
2 adhere to your decision to do that. And we are
3 adding one additional one, and that is a
4 requirement that they be registered. And if you
5 fail to register, yes, it would be a \$25 fine per
6 unit for failing or choosing not to register.

7 SENATOR AMEDORE: Through you,
8 Mr. President, if the sponsor will continue to
9 yield.

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR KAVANAGH: Yes,
13 Mr. President.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR AMEDORE: For
17 clarification, Senator Kavanagh, would the
18 landlord as an entity, one, have to register one
19 time in the state registry as well as if the
20 local municipal required it, like for instance in
21 New York City, that would be two times. Or would
22 the registry require the entity plus each unit
23 that they rent?

24 SENATOR KAVANAGH: Mr. President,
25 there were two questions there. I will attempt

1 to keep this short.

2 The first question is -- as I
3 understood it, would be: Are you required to
4 register with a local registry? And the answer
5 is yes if, in spite of our passage of this bill
6 and in spite of the many mechanisms in this bill
7 that are intended to have that local registry
8 count as this registration, if the locality chose
9 to continue, in spite of that, to have a separate
10 local requirement that you register, the locality
11 would not be preempted from doing so.

12 But it is our expectation that the
13 localities -- and we think there are a handful in
14 the state that have registries now -- would
15 conform their registries to this, and landlords
16 in those jurisdictions would register only once
17 in that circumstance.

18 And the second question is basically
19 you are required to register as a landlord, and
20 you would register -- in the circumstance we're
21 talking about, an owner-occupied unit with two
22 apartments, would register themselves as a
23 landlord and they would specify that they have
24 two units, and they would meet the requirements
25 of the law with respect to those two units.

1 SENATOR AMEDORE: So through you,
2 Mr. President --

3 ACTING PRESIDENT BENJAMIN: Does
4 the sponsor yield?

5 SENATOR KAVANAGH: Yes,
6 Mr. President.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR AMEDORE: So then would the
10 fine be imposed upon the entity and the two units
11 that are not registered now, if they fail to
12 register? Or if a landlord had multiple,
13 hundreds of units, would the fine be the entity
14 of \$25 plus 100 units that weren't registered,
15 which would then be multiplied by 25, which is
16 now we're talking about big money in fines. What
17 is the correct answer to the fine?

18 SENATOR KAVANAGH: So the -- again,
19 the obligation goes to the landlord. Apartments
20 don't have an obligation to register themselves.
21 So the landlord would be required to register,
22 and if they failed to register a rental building,
23 it would be \$25 per unit in the covered dwelling.

24 So a landlord that has another
25 building across town that they're properly

1 registered for, that would not affect the penalty
2 for not registering this building. But if this
3 is a two-unit building, it would be \$25 times the
4 two units, for \$50. And if it's a 10-unit
5 building, it would be 25 times 10, and it would
6 be \$250.

7 SENATOR AMEDORE: Through you,
8 Mr. President, would the sponsor continue to
9 yield.

10 ACTING PRESIDENT BENJAMIN: Will
11 the sponsor yield?

12 SENATOR KAVANAGH: Yes,
13 Mr. President.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR AMEDORE: So I think of a
17 lot of the small business owners that are out
18 there who do have income properties and that are
19 landlords, and they may have multiple projects or
20 multiple rental locations.

21 So, Senator Kavanagh -- through you,
22 Mr. President -- would the landlord be required
23 to register the entity, the business name, the
24 LLC or whatever it may be, sole proprietorship,
25 whatever his corporate or her corporate structure

1 is, as well as each of the locations that the
2 dwelling units are at?

3 SENATOR KAVANAGH: I'm not sure I
4 understood this line of questioning,
5 Mr. President.

6 But yes, if you are a landlord in
7 the state, you are required to register the --
8 your rental property through this thing. And the
9 requirement is that each unit be -- that you
10 register and specify the unit. So if you're
11 renting a hundred-unit building, you specify the
12 hundred units in that building. If you're
13 renting a one-unit building, you specify the one
14 unit.

15 And if you -- if you are -- if
16 there's an LLC that I have a beneficial ownership
17 in that owns a building and another LLC that I
18 have a beneficial ownership in that owns a
19 building, that the LLC is technically the
20 landlord, each of those LLCs would have the
21 obligation of registering. And they would also
22 have to specify that I'm the person that owns the
23 thing.

24 SENATOR AMEDORE: On the bill,
25 Mr. President.

1 ACTING PRESIDENT BENJAMIN: Senator
2 Amedore on the bill.

3 SENATOR AMEDORE: Thank you,
4 Senator Kavanaugh, for -- I know you and I have
5 had numerous conversations about this and other
6 bills that were on the agenda or the calendar
7 today.

8 And, you know, Senator Helming I
9 think hit the ball out of the park when she
10 talked about the word "onerous." And there's no
11 question -- and I know every single member in
12 this chamber understands this, and I know the
13 reason why, because we all say it in the district
14 that we serve, why we go for Albany to fight for
15 and to stand up for the rights of our
16 constituents and individuals and to bring about
17 some sensibility and to bring about affordability
18 and to bring about a sense of well-being and
19 quality of life for all New Yorkers. We all talk
20 about that. We all got elected based on those
21 principles.

22 And we all sit here and we all fight
23 and we all say, yeah, we need to do this and we
24 need to change that, and we've got a budget
25 coming up. And you know, before you know it,

1 it's going to pass and what's the effect going to
2 be? Hopefully more good than bad.

3 But unfortunately, this particular
4 bill adds and compounds to the pain and suffering
5 that our small businesses -- or even the
6 grandparents -- face in the State of New York.

7 And for full disclosure, Senator
8 Kavanagh, unfortunately you can't speak to my
9 grandmother anymore who had the apartment,
10 because she is now deceased.

11 But I used that as an analogy,
12 really because there's so many of us here who
13 have loved ones or family members or friends, and
14 their parents or their grandparents are in the
15 same boat. And they came to this country, they
16 worked hard, and they may live in a two-story or
17 a two-family or a three-family home, and in order
18 to make ends meet, they rent it out. Because
19 their kids moved on, and they're old and they
20 have this vacancy.

21 This body now is requiring big
22 government to get the information from very
23 small -- now small business owners or individuals
24 who are just leasing out two apartments in their
25 home to make ends meet, as if they were a large

1 developer that had hundreds or thousands of units
2 in the State of New York. And if they don't do
3 so, we're going to fine you, penalize you.

4 This is not making New York more
5 affordable. This is not even bringing a quality
6 of life to New Yorkers. This is about more taxes
7 or more fees and more penalties that will be
8 imposed upon New Yorkers.

9 I don't even see how this is going
10 to change the quality of a landlord who's a bad
11 landlord and doing the wrong things and not
12 making the necessary improvements in the dwelling
13 units as they should and investing their money in
14 making a habitable dwelling space safe and warm
15 and cool and clean. This does nothing about
16 truly changing the quality of living conditions,
17 but going after, what, more taxes, more revenue,
18 more fines and fees?

19 This is not the narrative that this
20 house should be sending out. Not in this day and
21 age. Not when we've got people leaving the State
22 of New York, not by the thousands but by the tens
23 of thousands, because of onerous, ridiculous
24 overregulation -- legislation that this is
25 because it will not change the quality of life

1 for any New Yorker.

2 We think that a registry is going
3 fix -- you know, we've proposed registries.
4 Senator Tedisco has probably proposed the most
5 registries of anyone here in the chamber. And he
6 proposes those because of the quality of life of
7 the circumstance or situation. Sex offenders,
8 yeah, we should find out who they are, put them
9 on a registry. Animal abusers, yeah, we should
10 do that.

11 But there's a lot of law-abiding
12 good landlords who have never broken the law, who
13 are taxpaying citizens or businesses in the State
14 of New York, who already apply and abide by -- if
15 there's a registry in a local municipality in
16 that jurisdiction, then they sign up. Why do we
17 need a statewide if we already have a local?
18 It's not necessary.

19 Now businesses will have to or
20 individuals will have to register twice if
21 required. And it's double the fine or three
22 times if required, triple the fines. Doesn't
23 change a single thing about bringing
24 affordability and sensibility to the State of
25 New York.

1 And because of that, Mr. President,
2 I think this bill should hopefully get pulled and
3 worked on in a way that brings about
4 affordability and a quality of life for all
5 New Yorkers.

6 I'll be voting in the negative.

7 ACTING PRESIDENT BENJAMIN: Are
8 there any other Senators wishing to be heard?

9 Seeing and hearing none, debate is
10 closed.

11 The Secretary will ring the bell.

12 Read the last section.

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

15 ACTING PRESIDENT BENJAMIN: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BENJAMIN: Senator
19 Robach to explain his vote.

20 SENATOR ROBACH: Yes,
21 Mr. President, very briefly.

22 I don't even know -- I didn't want
23 to take up more time, but Senator Kavanaugh never
24 really even indicated who wants this bill or what
25 the need of it -- for it. It's very duplicitous

1 {sic} at best. There's no reason for it. It
2 seems to me very much that this is bad for the
3 business and it's going to be bad for the
4 tenants.

5 I think we can all understand now
6 when you add costs, whether they're needed or
7 unneeded -- and I think in this one they're
8 unneeded -- you're just going to pass that on to
9 the people who are looking for a place to stay as
10 affordable as possible. And while it may only be
11 a couple of hundred dollars over several years,
12 everywhere I go in my district, people keep
13 saying, Do what you can to reduce unnecessary red
14 tape and cost to us. And many of them do not
15 believe we're going to do that, certainly in
16 upstate New York, and they are voting with their
17 feet.

18 So this may seem funny to some
19 people, or maybe only a couple of hundred dollars
20 is a little bit of money in New York City and
21 downstate New York. What we believe in upstate
22 New York we're hearing from the people we
23 represent, if you can hear it, is it's kind of
24 time to draw the line in the sand and say unless
25 this is absolutely necessary, there is a purpose,

1 let's not add any more cost, let's not add any
2 more red tape.

3 And if it works in New York City,
4 God bless you. We already have a local registry.
5 There's just no reason, there really is no reason
6 to have a duplicate statewide registry unless you
7 want to milk these people more and pass more
8 money on to the people who are renting.

9 I firmly cast my vote in the
10 negative, and I hope for the remainder of the
11 session we'll start to take a little bit more
12 attitude, rather than laugh about it or
13 cavalierly add to -- adding costs and things like
14 this, without a very good reason.

15 So I vehemently oppose this
16 legislation.

17 Thank you, Mr. President.

18 ACTING PRESIDENT BENJAMIN: Senator
19 Robach to be recorded in the negative.

20 Senator Little to explain her vote.

21 SENATOR LITTLE: Thank you,
22 Mr. President. Just to explain my vote.

23 I really am not aware of any of the
24 towns in my six counties that have a rental
25 registry. I know if you have a larger business,

1 a rental business, you get a d/b/a, you go and do
2 that, so you are a designated business.

3 I know I have a lot of second homes
4 who rent for a few months at a time. Not always,
5 sometimes it's just a friendly rental. They
6 would have to register their home on a statewide
7 registry.

8 I know that many of my communities
9 are because of Airbnb and Vrbo and all, are
10 asking people who are putting their home on that
11 place for rental, that they have to have a
12 license and certain things to qualify for.

13 But I just think it's very, very
14 onerous. I know a guy who has like 1500
15 apartments. Twenty-five hundred dollars an
16 apartment every year? It's a money grab, really,
17 because they're not getting anything back for it.

18 And my biggest concern is that if
19 they have a code violation, it goes on the
20 registry. My question is, when does it come off
21 the registry? And we know that many times, even
22 on restaurants, if you go and look it up on the
23 Department of Health, they'll have a health
24 violation that's like a year old. And you know
25 that that place has had to correct it, and

1 they -- if you ask, you'll find out it did.

2 So I think there's way too much
3 going on with this bill, and I vote no.

4 Thank you.

5 ACTING PRESIDENT BENJAMIN: Senator
6 Little to be recorded in the negative.

7 Senator Skoufis to explain his vote.

8 SENATOR SKOUFIS: Thank you,
9 Mr. President.

10 I first want to commend my colleague
11 Senator Kavanaugh for this bill, and make it clear
12 that the \$25 that's been bandied around a little
13 bit during this debate, that is not a fee, that
14 is not a tax, that's not a cost. That's what's
15 charged if you fail to register the unit.

16 So to suggest that, you know, this
17 is some kind of money grab -- this is the penalty
18 associated with failing to register under this
19 bill.

20 And as far as its value, look, you
21 know, outside of New York City, there are a few,
22 but most of the rest of the state does not have a
23 registry like this. There's going to be
24 basically no duplication. In fact in the bill
25 that's been amended, if there is a local registry

1 that seeks to make public the same information
2 that this registry will make public, you don't
3 have to register in each of the two registries.

4 And so I want to commend my
5 colleague on a very thoughtful bill and also take
6 this opportunity to thank him, the Housing
7 Committee, the IGO Committee, and in particular
8 two folks on my teams, Sara DiBernardo and
9 Michael Mazzariello, who as Senator Kavanagh
10 noted, spent an exhaustive five months looking
11 into an issue that is for many people an esoteric
12 issue, not something that a lot of people in the
13 Legislature pay much attention to. But code
14 enforcement is a nuts-and-bolts issue that
15 affects every community in the state and pertains
16 to a lot of folks' safety and well-being
17 throughout New York.

18 And so I want to thank the Majority
19 Leader for her support of this effort, and my
20 colleagues for supporting this package.

21 ACTING PRESIDENT BENJAMIN: Senator
22 Skoufis to be recorded in the affirmative.

23 Senator Lanza to explain his vote.

24 SENATOR LANZA: Thank you,
25 Mr. President, to explain my vote.

1 Actually, you ought to read the
2 legislation. It does call for a registration
3 fee. And we don't know where it's going to
4 begin. It'll start as \$50, and we know how
5 things work around here; in five years it will be
6 \$250. So there is a fee, there is a cost.

7 And by the way, Senator Robach asked
8 the question, who is the constituent here that is
9 being served? In other words, it seems to me
10 that this is solution in search of a problem.

11 We have a similar law in New York
12 City. I can tell you at least on Staten Island,
13 it doesn't work. It's a nuisance. It doesn't
14 help anything, it doesn't make anything better.
15 This is just nothing more than big brother,
16 government intrusion.

17 Senator Robach, the constituent here
18 is the government. And we ought to remember that
19 we're here to serve the people. People make a
20 decision every day in the State of New York:
21 Should I live here, should I continue to raise my
22 family here? And more and more I hear from
23 people, certainly in my district, that it's
24 getting harder and harder to answer in the
25 affirmative.

1 Another piece to paper to fill out,
2 another fee, another tax, another fine. None of
3 it making my life better. People go to the
4 mailbox with fear. Is there going to be another
5 bill in the mailbox? And because of this law --
6 this legislation, if it becomes law, there will
7 be another bill in the mailbox. You have a
8 two-family home, you're providing a rental
9 property for someone else? When you open your
10 mailbox, there's going to be another bill, and
11 government is going to be watching and government
12 is going to intrude into your life. And at the
13 end of the day, serving no good interest.

14 Mr. President, I vote no.

15 ACTING PRESIDENT BENJAMIN: Senator
16 Lanza to be recorded in the negative.

17 Senator Boyle to explain his vote.

18 SENATOR BOYLE: Mr. President, to
19 explain my vote quickly.

20 I'd like to associate myself with
21 the remarks of my colleagues.

22 And the big question is why are we
23 doing this. If the talk is about code
24 enforcement, I've got news for you. I live in
25 the Town of Islip, we have 325,000 people there.

1 A lot of them are renters and landlords. And you
2 know how many violations they've given out in the
3 month of January that's just passed? Because
4 with the new discovery laws, zero. Not one
5 violation was given out in Islip in the month of
6 January.

7 So we're doing a lot of this, and
8 all we're going to do is add a list of landlords
9 and houses that are being rented and cause more
10 problems with code enforcement, who are not able
11 to do it, put violations out there now. I vote
12 in the negative.

13 ACTING PRESIDENT BENJAMIN: Senator
14 Boyle to be recorded in the negative.

15 Senator Jackson to explain his vote.

16 SENATOR JACKSON: Thank you,
17 Mr. President and my colleagues. I rise in order
18 to speak on this particular bill.

19 And I've listened to the testimony
20 and discussion and debate on the floor, and I
21 refer back to Senator Kavanagh, when he was
22 responding. And basically he said that the
23 Investigations and Government Operations
24 Committee investigated this matter and what they
25 found out was that code enforcement officials had

1 difficulty serving notices of violations and
2 orders to comply because landlords do not reside
3 in the community of the property, or it's owned
4 by an LLC without a registered agent.

5 Come on. We're talking about a
6 accountability in the system. And that's what we
7 need, and that's what we want.

8 I say to you that obviously this was
9 taken up by New York City and other
10 municipalities because it's very important. And
11 it should be statewide. And we need
12 accountability at every single level -- the local
13 level, the regional level, and the statewide
14 level.

15 Senator, thank you for holding the
16 fort down and communicating why this bill is
17 important.

18 And let me thank Senator Skoufis and
19 his Investigations Committee for doing a good job
20 in bringing this forward. And that's what
21 brought about this legislation.

22 So I vote aye, Mr. President.

23 ACTING PRESIDENT BENJAMIN: Senator
24 Jackson to be recorded in the affirmative.

25 Senator Kavanagh to explain his vote

1 and close.

2 SENATOR KAVANAGH: Thank you,
3 Mr. President.

4 I just want to note that it's
5 commonly the practice in this house to begin by
6 asking for an explanation for the bill. My
7 colleague on the other side of the aisle just
8 started asking subsequent questions, and I
9 started answering them. I presumably could have
10 done what many other people do, which is make a
11 several-minute speech about the bill before
12 getting to the answer, and chose not to do so.

13 And then once the debate was closed,
14 it was noted that the question of why this
15 bill -- we're doing this bill was not asked and
16 not answered. So let me take, in a few minutes
17 now, the opportunity to speak about that.

18 We had, again, numerous hearings, we
19 heard from numerous localities across the state.
20 The notion that we're focused on New York City
21 and New York City only is simply empty rhetoric.
22 The Senate Housing Committee has had eight
23 hearings in the past 14 months, and only one of
24 them was in the City of New York.

25 We have had roundtables, we've had

1 hearings, to get to the question of how we
2 improve affordability and how we improve housing
3 conditions in this state.

4 We heard from tenants and we heard
5 from landlords and we heard from code enforcement
6 officials that it is very difficult to implement
7 the most basic laws that are intended to protect
8 the quality and safety of our housing because
9 they have a great deal of difficulty tracking
10 where the rental housing is, who owns it, and how
11 to get in touch with the beneficial owners.

12 It is -- very frequently people told
13 us that it is residents of New York City that own
14 this housing, and they own it through corporate
15 entities that make it impossible for localities
16 across this state to enforce their laws. And the
17 rental benefit is going to landlords that live in
18 New York City that are unidentifiable by our
19 localities.

20 We also heard that it is very
21 difficult for localities to create systems like
22 this by themselves. The numerous towns and
23 villages, for each of them to create their own
24 registry would have been an enormous amount of
25 effort on their part.

1 What we are creating here is a
2 single statewide service that would allow all of
3 our localities and all of our code enforcement
4 officials to have tools necessary to enforce the
5 laws that protect the lives and safety and
6 habitability that New Yorkers have a right to
7 expect in their housing.

8 This is a very important piece of
9 legislation. It will be broadly beneficial to
10 the localities that we've been talking about so
11 much today, and it will certainly be beneficial
12 for the many, many tenants who are living in
13 horrific conditions that we heard testimony from.
14 And again, many members on both sides of the
15 aisle were present for hearings. We heard that
16 last year.

17 This is a big step forward. I
18 appreciate the opportunity to speak about it
19 today.

20 I also will note that the
21 Investigations Committee and Senator Skoufis and
22 his colleagues did extraordinary work during the
23 investigatory phase, but the Housing Committee
24 and my colleagues on that also did hold -- did
25 participate in those hearings. And Amber

1 Marshall and Nic Rangel and Nadia Gareeb and my
2 own counsel, Andra Stanley, have also done great
3 work, and I wanted to acknowledge that as well.

4 Thank you, Mr. President. I vote
5 aye.

6 ACTING PRESIDENT BENJAMIN: Senator
7 Kavanagh to be recorded in the affirmative.

8 Announce the results.

9 THE SECRETARY: In relation to
10 Calendar 393, those Senators recorded in the
11 negative are Senators Akshar, Amedore, Borrello,
12 Boyle, Brooks, Felder, Flanagan, Funke, Gaughran,
13 Griffo, Helming, Jacobs, Jordan, Kaminsky, Lanza,
14 LaValle, Little, Martinez, O'Mara, Ortt, Ritchie,
15 Robach, Serino, Seward and Tedisco.

16 Ayes, 35. Nays, 25.

17 ACTING PRESIDENT BENJAMIN: The
18 bill is passed.

19 Senator Gianaris, that completes the
20 reading of the controversial calendar.

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

23 ACTING PRESIDENT BENJAMIN: There
24 is no further business at the desk.

25 SENATOR GIANARIS: Move to adjourn

1 until tomorrow, Thursday, February 13th, at
2 11:00 a.m.

3 ACTING PRESIDENT BENJAMIN: On
4 motion, the Senate stands adjourned until
5 Thursday, February 13th, at 11:00 a.m.

6 (Whereupon, at 5:42 p.m., the Senate
7 adjourned.)

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