

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 May 27, 2020

11 1:18 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 May 26, 2020, the Senate met pursuant to
17 adjournment. The Journal of Monday, May 25,
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 Messages from the Governor.

25 Reports of standing committees.

1 There is a report of the
2 Rules Committee at the desk.

3 The Secretary will read.

4 THE SECRETARY: Senator
5 Stewart-Cousins, from the Committee on Rules,
6 reports the following bills:

7 Senate Print 7082, by Senator
8 Hoylman, an act to amend the Civil Practice Law
9 and Rules;

10 Senate Print 7996B, by Senator
11 Carlucci, an act to amend the Education Law;

12 Senate Print 8113A, by
13 Senator Parker, an act to amend the Public
14 Service Law;

15 Senate Print 8119C, by Senator
16 Comrie, an act to amend the Transportation Law;

17 Senate Print 8122B, by Senator
18 Comrie, an act in relation to extending the
19 deadline for the filing of applications and
20 renewal applications for real property tax
21 abatement programs;

22 Senate Print 8130D, by Senator
23 Myrie, an act to amend the Election Law;

24 Senate Print 8138B, by
25 Senator Martinez, an act to amend the

1 Real Property Tax Law;

2 Senate Print 8181A, by Senator May,
3 an act to amend the General Municipal Law;

4 Senate Print 8182A, by Senator
5 Hoylman, an act to amend the Education Law;

6 Senate Print 8189, by
7 Senator Hoylman, an act to amend the General
8 Business Law;

9 Senate Print 8192B, by Senator
10 Hoylman, an act in relation to prohibiting the
11 eviction of residential tenants who have suffered
12 financial hardship during the COVID-19 covered
13 period;

14 Senate Print 8236A, by Senator
15 Gaughran, an act relating to authorizing local
16 governments to extend building permits and local
17 zoning boards;

18 Senate Print 8243C, by Senator
19 Kavanagh, an act to amend the Banking Law;

20 Senate Print 8245A, by
21 Senator Parker, an act to require the
22 Department of Health to conduct a study on the
23 health impacts of COVID-19;

24 Senate Print 8251B, by
25 Senator Kaminsky, an act to amend the

1 General Municipal Law;
2 Senate Print 8275A, by
3 Senator Martinez, an act to amend the Labor Law;
4 Senate Print 8289B, by Senator
5 Salazar, an act to amend the Public Health Law;
6 Senate Print 8362A, by Senator
7 Serrano, an act in relation to requiring that
8 COVID-19 contact tracers be representative of the
9 cultural and linguistic diversity of the
10 communities in which they serve;
11 Senate Print 8363, by Senator
12 Harckham, an act to amend the Executive Law;
13 Senate Print 8397A, by Senator
14 Savino, an act to amend the Labor Law;
15 Senate Print 8400, by Senator
16 Benjamin, an act to amend the General Municipal
17 Law and the New York State Financial Emergency
18 Act;
19 Senate Print 8408, by Senator
20 Comrie, an act to amend the Not-For-Profit
21 Corporation Law;
22 Senate Print 8410, by Senator Mayer,
23 an act to amend the Education Law;
24 Senate Print 8411, by Senator
25 Jackson, an act to amend the Administrative Code

1 of the City of New York;

2 Senate Print 8412, by Senator
3 Benjamin, an act to amend the Business
4 Corporation Law;

5 Senate Print 8413, by Senator
6 Benjamin, an act in relation to authorizing
7 municipalities to place a moratorium on tax
8 foreclosures and tax lien sales;

9 Senate Print 8414, by
10 Senator Bailey, an act to amend the Criminal
11 Procedure Law;

12 Senate Print 8415, by
13 Senator Bailey, an act to repeal subdivision 4 of
14 Section 240.35 of the Penal Law;

15 Senate Print 8416, by
16 Senator Metzger, an act to amend the
17 Public Health Law;

18 Senate Print 8417, by
19 Senator Krueger, an act to amend the Local
20 Finance Law;

21 Senate Print 8418, by
22 Senator Krueger, an act to amend the
23 Public Authorities Law;

24 Senate Print 8419, by
25 Senator Kavanagh, an act in relation to enacting

1 the "Emergency Rent Relief Act of 2020";

2 Senate Print 8420, by
3 Senator Gounardes, an act to amend the
4 Retirement and Social Security Law.

5 All bills reported direct to third
6 reading.

7 SENATOR GIANARIS: I move to accept
8 the report of the Rules Committee.

9 ACTING PRESIDENT BENJAMIN: All
10 those in favor of accepting the report of the
11 Rules Committee signify by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT BENJAMIN:
14 Opposed, nay.

15 (No response.)

16 ACTING PRESIDENT BENJAMIN: The
17 report is accepted.

18 Reports of select committees.

19 Communications and reports from
20 state officers.

21 Motions and resolutions.

22 Senator Gianaris.

23 SENATOR GIANARIS: Mr. President,
24 let me first say it's good to see you again.
25 It's been a little bit.

1 I move to adopt the Resolution
2 Calendar.

3 ACTING PRESIDENT BENJAMIN: All in
4 favor of adopting the Resolution Calendar signify
5 by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT BENJAMIN:
8 Opposed, nay.

9 (No response.)

10 ACTING PRESIDENT BENJAMIN: The
11 Resolution Calendar is adopted.

12 Senator Gianaris.

13 SENATOR GIANARIS: At this time,
14 Mr. President, can we take up the reading of the
15 supplemental calendar.

16 ACTING PRESIDENT BENJAMIN: The
17 Secretary will read.

18 THE SECRETARY: Calendar Number
19 639, Senate Print 7082, by Senator Hoylman, an
20 act to amend the Civil Practice Law and Rules.

21 ACTING PRESIDENT BENJAMIN: Read
22 the last section.

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

25 ACTING PRESIDENT BENJAMIN: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BENJAMIN: Senator
4 Hoylman to explain his vote.

5 SENATOR HOYLMAN: Thank you,
6 Mr. President. Thank you, Deputy Leader and my
7 colleagues who are in this chamber during this
8 extraordinary time.

9 I'd be remiss if I didn't mention at
10 the outset the death of a great leader in my
11 community, Larry Kramer -- social activist,
12 founder of ACT UP and GMHC, public intellectual
13 and general rabble-rouser -- who passed today.

14 Mr. President, a little over a year
15 ago I stood in this chamber as we finally passed
16 the Child Victims Act, after over a decade of
17 trying -- under the leadership of Majority Leader
18 Andrea Stewart-Cousins, we finally got it done --
19 to give adult survivors one year to file
20 retrospective claims for charges of child sexual
21 abuse that they had leveled against individuals
22 or institutions who may have harbored those
23 individuals.

24 But since that time, something
25 extraordinary has happened which we are all

1 experiencing. We have been thrown into the
2 depths of a pandemic, while at the same time
3 thousands of survivors -- over 2,000
4 individuals -- have come forward as plaintiffs in
5 Child Victims Act lawsuits. But about halfway
6 through their efforts to bring justice to these
7 survivors, of course COVID-19 hit, which has
8 literally made it impossible to file CVA cases in
9 New York City between March 16th and March 25th
10 of this year.

11 The ripple effect is going to extend
12 outward, Mr. President, because we know it's not
13 just with a snap of the fingers that everyone's
14 lives resume to normal. That is why I'm so
15 grateful to my colleagues, to Leader Andrea
16 Stewart-Cousins, to Assemblymember Linda
17 Rosenthal and Speaker Heastie, for giving adult
18 survivors of child sexual abuse another year,
19 until August 14, 2021, to seek justice in court
20 and face the perpetrators of their abuse.

21 This additional time, Mr. President,
22 has been confirmed by other states who have
23 extended look-back windows -- California, Hawaii,
24 New Jersey, just to name a few -- and will enable
25 us to make good on our promise that adult

1 survivors of child sexual abuse are able to go
2 into a court of law and seek that justice they so
3 greatly deserve.

4 I vote aye, Mr. President.

5 ACTING PRESIDENT BENJAMIN: Senator
6 Hoylman to be recorded in the affirmative.

7 Senator Serino to explain her vote.

8 SENATOR SERINO: Thank you,
9 Mr. President. I have to say it's great to be
10 back.

11 I rise today to explain my vote in
12 support of this bill. As I have said since day
13 one, these victims absolutely deserve justice.
14 Every time one of these brave individuals speaks
15 out, we are one step closer to getting those
16 heinous monsters off of our streets.

17 However, when I voted in support of
18 the original Child Victims Act, I rose to explain
19 my vote and noted that I didn't believe it went
20 far enough when it comes to expanding the statute
21 of limitations or holding perpetrators criminally
22 responsible for their despicable acts. At the
23 time, I expressed hope that the bill would only
24 be the first step in this regard.

25 As we vote today to extend this

1 bill, I want to reiterate my earlier points. If
2 there is one thing that hearing from countless
3 victims has taught me, it's that clearly our laws
4 aren't doing a good enough job of protecting
5 vulnerable children to begin with.

6 That's why I introduced legislation
7 to help better protect them by making every adult
8 who works with them a mandated reporter. I think
9 most New Yorkers would be shocked that that's not
10 the case. I know I was.

11 I introduced this legislation in
12 response to a horrible case in my community where
13 two young boys were victimized by a local county
14 legislator. The boys did the right thing and
15 bravely reported the crime to those they trusted,
16 those in positions of power who could have
17 stopped the abuse -- people that, instead, chose
18 not to report the abuse to law enforcement.

19 My bill would go a long way in
20 protecting New York's children. And as I said
21 last year, I'm willing to work with anyone on
22 either side of the aisle to get it passed into
23 law. The bill passed unanimously when it came
24 before us in this chamber, and it is my hope that
25 as we recognize the need to ensure these victims

1 get justice, we do all we can to prevent children
2 from ever being victimized in the first place.

3 Thank you, Mr. President. I vote
4 aye. And thank you, Senator Hoylman.

5 ACTING PRESIDENT BENJAMIN:
6 Senator Serino to be recorded in the affirmative.

7 Announce the results.

8 THE SECRETARY: In relation to
9 Calendar Number 639, those voting in the negative
10 are Senators Funke and Little.

11 Ayes, 58. Nays, 2.

12 ACTING PRESIDENT BENJAMIN: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 640, Senate Print 7996B, by Senator Carlucci, an
16 act to amend the Education Law.

17 ACTING PRESIDENT BENJAMIN: Read
18 the last section.

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

21 ACTING PRESIDENT BENJAMIN: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BENJAMIN: Senator
25 Carlucci to explain his vote.

1 SENATOR CARLUCCI: Thank you,
2 Mr. President.

3 I want to thank all my colleagues
4 for coming together in this unprecedented time to
5 take up these measures today. This is extremely
6 important to address the health concerns, the
7 economic concerns that our residents are facing.

8 As of yesterday, we had 23,564
9 fatalities in the State of New York. And we know
10 that number would be even worse if it weren't for
11 our local officials and our state officials
12 coming together to take action.

13 The legislation before us today,
14 right now, is to allow for our school districts
15 to make sure that they get the full funding of
16 aid. We saw that our school districts had to
17 jump into action. Many of them acted before the
18 executive order was put in place, before the
19 state of emergency was put into place. And this
20 legislation is essential to make sure that our
21 school districts get every penny that they're
22 entitled to. This is not only important for our
23 schools and our children, but also our property
24 taxpayers.

25 We know our children do not lack

1 capacity, they only lack opportunity. Let's make
2 sure that they get it. I'll be supporting this
3 legislation.

4 Thank you, Mr. President, and thank
5 you to my colleagues.

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

8 Announce the results.

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 641, Senate Print 8113A, by Senator Parker, an
14 act to amend the Public Service Law.

15 SENATOR GALLIVAN: Lay it aside.

16 ACTING PRESIDENT BENJAMIN: The
17 bill will be laid aside.

18 THE SECRETARY: Calendar Number
19 642, Senate Print 8119C, by Senator Comrie, an
20 act to amend the Transportation Law.

21 ACTING PRESIDENT BENJAMIN: Read
22 the last section.

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

25 ACTING PRESIDENT BENJAMIN: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BENJAMIN:

4 Announce the results.

5 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT BENJAMIN: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 643, Senate Print 8122B, by Senator Comrie, an
10 act in relation to extending the deadline for the
11 filing of applications and renewal applications.

12 ACTING PRESIDENT BENJAMIN: Read
13 the last section.

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

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN:

20 Announce the results.

21 THE SECRETARY: Ayes, 61.

22 ACTING PRESIDENT BENJAMIN: The
23 bill is passed.

24 Calendar Number 644 is high and will
25 be laid aside for the day.

1 THE SECRETARY: Calendar Number
2 645, Senate Print 8138B, by Senator Martinez, an
3 act to amend the Real Property Tax 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, 61.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 646, Senate Print 8181A, by Senator May, an act
18 to amend the General Municipal Law.

19 ACTING PRESIDENT BENJAMIN: Read
20 the last section.

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

23 ACTING PRESIDENT BENJAMIN: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BENJAMIN:

2 Announce the results.

3 THE SECRETARY: Ayes, 61.

4 ACTING PRESIDENT BENJAMIN: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 647, Senate Print 8182A, by Senator Hoylman, an
8 act to amend the Education Law.

9 ACTING PRESIDENT BENJAMIN: Read
10 the last section.

11 THE SECRETARY: Section 4. This
12 act shall take effect no sooner than 90 days from
13 the date of approval of a COVID-19 immunization.

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: Ayes, 61.

20 ACTING PRESIDENT BENJAMIN: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 648, Senate Print 8189, by Senator Hoylman, an
24 act to amend the General Business Law.

25 ACTING PRESIDENT BENJAMIN: Read

1 the last section.

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

4 ACTING PRESIDENT BENJAMIN: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BENJAMIN: Senator
8 Hoylman to explain his vote.

9 SENATOR HOYLMAN: Thank you,
10 Mr. President. I promise I'm smiling underneath
11 this mask, to you and your leadership in this
12 extraordinary time.

13 As the saying goes, Mr. President,
14 after the storm comes the vultures. And during
15 the storm of COVID-19, we've seen a lot of those
16 vultures. Bad actors have cynically used this
17 pandemic to reap an enormous windfall on products
18 from hand sanitizer to disposable gloves.

19 We have an anti-price gouging law
20 that protects consumers, and the AG has already
21 invoked it against more than 1500 violators. But
22 as we've seen during this crisis, consumers are
23 not the only ones getting ripped off too --
24 hospitals and governments get gouged also.

25 Just this morning there are reports

1 that a pharmacist named "The Mask Man" was
2 arrested for doing just that. His name is
3 Richard Schirripa, and he bought thousands of N95
4 masks and sold them at a 50 percent markup. The
5 Mask Man even bragged, "I feel like a drug dealer
6 standing out there."

7 Other virus profiteers have tried to
8 rip off New York State directly. According to
9 Pro Publica, New York was forced to pay sky-high
10 prices for medical supplies. Gloves were costing
11 2000 percent more than usual. Masks cost \$7.50
12 each, 15 times the normal price. Infusion pumps
13 cost \$2,795, twice the normal price.

14 And healthcare facilities face
15 similar challenges. St. Joseph Hospital in
16 Yonkers was the victim of a price-gouging scheme
17 where \$8 masks were sold to them that usually
18 sold the hospital 50 cents. Twenty-five dollars
19 for protective shields that usually cost the
20 hospital \$1.25. That's unconscionable.

21 And with this new legislation that
22 we're passing today, with the support of our
23 leader, Andrea Stewart-Cousins, and my Democratic
24 colleagues and I, plus my colleagues across the
25 aisle, we'll be able to crack down on these virus

1 profiteers in the following ways.

2 It will ban price gouging on
3 essential medical supplies and service. It will
4 ban price gouging against hospitals, healthcare
5 providers, and state and local governments. It
6 will allow the Attorney General to fine violators
7 up to \$25,000 per occurrence and give the AG new
8 regulatory power they need to be flexible in
9 fighting future price gouging.

10 This is an historic expansion of our
11 price-gouging statute. I'm so grateful to
12 everyone who helped pass this legislation, and to
13 the Attorney General for working with us and our
14 conference to make it as strong as possible. I
15 also want to thank my Assembly sponsor, Nily
16 Rozic, and all of my colleagues in the other
17 house.

18 I'm proudly voting aye,
19 Mr. President.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Hoylman to be recorded in the affirmative.

22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar Number 648, voting in the negative:
25 Senator Ortt.

1 Ayes, 60. Nays, 1.

2 ACTING PRESIDENT BENJAMIN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 649, Senate Print 8192B, by Senator Hoylman, an
6 act in --

7 SENATOR GALLIVAN: Lay it aside.

8 ACTING PRESIDENT BENJAMIN: Lay it
9 aside.

10 THE SECRETARY: Calendar Number
11 650, Senate Print 8236A, by Senator Gaughran, an
12 act relating to authorizing local governments to
13 extend building permits and local zoning boards.

14 ACTING PRESIDENT BENJAMIN: Read
15 the last section.

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

18 ACTING PRESIDENT BENJAMIN: Call
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BENJAMIN: Senator
22 Gaughran to explain his vote.

23 SENATOR GAUGHRAN: Thank you,
24 Mr. President.

25 I rise because this bill may look

1 technical in nature, and yes, it is. But I think
2 it is very important. It will permit local
3 governments, at their options, to extend by
4 120 days zoning board, planning board and
5 building permit applications.

6 And why I think it is very important
7 is because as New York begins to reopen, we don't
8 want all these municipalities to have to go back
9 and review all these applications that they've
10 already approved. Let them review others that
11 need to move forward, and then allow people to go
12 back and construct and build right away once it
13 is safe for them to operate in their region.

14 So I vote in the affirmative,
15 Mr. President. Thank you very much.

16 ACTING PRESIDENT BENJAMIN: Senator
17 Gaughran to be recorded in the affirmative.

18 Announce the results.

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT BENJAMIN: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 651, Senate Print 8243C, by Senator Kavanagh, an
24 act to amend the Banking Law.

25 ACTING PRESIDENT BENJAMIN: Read

1 the last section.

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

4 ACTING PRESIDENT BENJAMIN: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BENJAMIN:
8 Announce the results.

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 652, Senate Print 8245A, by Senator Parker, an
14 act to require the Department of Health to
15 conduct a study on the health impacts of COVID-19
16 on minorities in New York State.

17 ACTING PRESIDENT BENJAMIN: Read
18 the last section.

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

21 ACTING PRESIDENT BENJAMIN: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BENJAMIN:
25 Senator Parker to explain his vote.

1 SENATOR PARKER: Thank you,
2 Mr. President.

3 I rise to thank my colleagues for
4 voting for this bill. This has really been, I
5 think, a critically important bill because we are
6 in such a really tragic time. And as all of us
7 deal with this global pandemic, it hasn't treated
8 everybody the same. And particularly in
9 African-American and Latinx communities, you are
10 seeing a devastation both in terms of infection
11 rates and deaths that is really cataclysmic in
12 the community.

13 And so this bill asks the Office of
14 Health Disparities in the New York State
15 Department of Health to do a study so we can
16 actually understand what's going on. We do know
17 some of the effects. We know that
18 African-Americans and Latinx communities already
19 start out with a great deal of health
20 disparities. They have the greatest numbers of
21 people with compromised immune systems. And then
22 you add to that comorbidities.

23 And then, to add insult to injuries,
24 many of them are essential workers. And so they
25 are, you know, driving buses and, you know,

1 operating trains, and they're working to deliver
2 packages. And then they're also essential
3 workers in hospitals, on the front lines as
4 hospital workers and nurses, doctors and so on
5 and so forth.

6 They go back then to the most, you
7 know, congested, crowded communities where the
8 virus has spread and then have to go back to the
9 same facilities that misdiagnosed them and
10 underdiagnosed them the first time to create the
11 health disparities to get treatment.

12 And this has all created a perfect
13 storm of death and disease in the community. We
14 really need to understand more about this and
15 figure out how we undergird our community going
16 forward to stop that. I thank the leader and I
17 thank all my colleagues for voting for this
18 important bill.

19 Thank you, Mr. President. I vote
20 aye.

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

23 SENATOR KENNEDY: Good afternoon,
24 everybody.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Kennedy to explain his vote.

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

4 Today I rise in strong support of
5 this bill to study the disparate health impacts
6 of COVID-19 on minorities, and I'm proud to
7 cosponsor this bill.

8 While COVID-19 has impacted
9 communities across our entire state, it has been
10 clear that a disproportionate number of persons
11 of color are being infected and dying from this
12 virus. I've seen this in my district, where zip
13 code 14215, in the heart of the east side of
14 Buffalo, has some of the highest infection rates
15 in Western New York. Eighty percent of the
16 residents of this zip code are people of color.

17 This isn't a new problem in our
18 state. This especially is not a new problem to
19 Buffalo. In general, African-Americans living in
20 Buffalo have higher rates of poverty, higher
21 rates of lung cancer, higher instances of infant
22 mortality, and an increased risk of
23 hospitalization from heart disease and diabetes.

24 Cancer rates are highest in Buffalo
25 zip codes with predominantly people of color

1 living there. Rates are so high that the State
2 Department of Health came in to study what is
3 causing those cancer clusters. Sixty percent of
4 African-Americans in Buffalo die prematurely --
5 twice the rate for Caucasians. And the life
6 expectancy in Buffalo of an African-American male
7 is a full 12 years less than a white male.

8 These statistics clearly show
9 there's been a disparity in health even before
10 the current pandemic hit. It's not a new
11 problem, but this pandemic is shining a new
12 bright light on this old problem.

13 This is why I've worked closely in
14 Buffalo with various groups, like with Judge Rose
15 Sconiers and the Greater Buffalo Racial Equity
16 Roundtable, and with Pastors George Nicholas and
17 Kinzer Pointer from the Buffalo Health
18 Disparities Task Force, to examine and address
19 the issues that feed into disparate health
20 outcomes.

21 These groups have demonstrated that
22 solutions must come from the community, from the
23 ground up. Nothing succeeds without community
24 buy-in. Based on the work of these groups, the
25 University of Buffalo has created an institute

1 dedicated to study and recommend best practices
2 on how Buffalo and New York can help address
3 these health disparities and will be coordinating
4 with the community on research of best practices.

5 A study by the Department of Health
6 on COVID-19 impacts in minority communities is
7 badly needed. It will give a clearer picture on
8 the impact this pandemic has had and hopefully
9 provide solutions to reduce disparate health
10 outcomes in the future.

11 This is a start, Mr. President, but
12 by no means can this be the end. We as a
13 legislature cannot and should not stop until
14 every single person in this state, regardless of
15 race or color, has an equitable opportunity for a
16 healthy life, and I and we will continue to
17 strive towards that goal.

18 With that, Mr. President, I vote
19 aye.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Kennedy to be recorded in the affirmative.

22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar Number 652, those voting in the negative
25 are Senators Ortt, Ranzenhofer and Ritchie.

1 Ayes, 59. Nays, 3.

2 ACTING PRESIDENT BENJAMIN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 653, Senate Print 8251B, by Senator Kaminsky, an
6 act to amend the General Municipal Law.

7 ACTING PRESIDENT BENJAMIN: Read
8 the last section.

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

11 ACTING PRESIDENT BENJAMIN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BENJAMIN: Senator
15 Kaminsky to explain his vote.

16 SENATOR KAMINSKY: Thank you very
17 much, Mr. President.

18 We find ourselves here in
19 unprecedented times doing our best to fight for
20 the people we represent. But whatever we think
21 we're going through is nothing compared to our
22 first responders and our volunteer firefighters
23 who run into danger at a moment's notice. They
24 put themselves on the front lines responding to
25 many calls, including COVID calls. And of course

1 when we're safe in our beds at night asleep,
2 they're ready to jump out of theirs to rush to
3 our aid.

4 That's why it was so important to
5 preserve the pension program known as LOSAP that
6 our volunteer firefighters depend on and that
7 this pandemic put in jeopardy. By changing the
8 rules today, we will make sure that even if some
9 firefighters are not able to come to the
10 firehouse during this pandemic for obvious health
11 reasons, that they won't be penalized as a
12 result.

13 I'm proud to stand up for our
14 firefighters' pension benefits because our
15 volunteer firefighters help make Long Island and
16 our state the great place that it is, and we owe
17 it to them.

18 Mr. President, I vote in the
19 affirmative, and I thank you for your time today.

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

23 Announce the results.

24 THE SECRETARY: Ayes, 62.

25 ACTING PRESIDENT BENJAMIN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 654, Senate Print 8275A, by Senator Martinez --

4 SENATOR GALLIVAN: Lay it aside.

5 ACTING PRESIDENT BENJAMIN: Lay it
6 aside.

7 THE SECRETARY: Calendar Number
8 655, Senate Print 8289B, by Senator Salazar, an
9 act to amend the Public Health Law.

10 ACTING PRESIDENT BENJAMIN: Read
11 the last section.

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

14 ACTING PRESIDENT BENJAMIN: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BENJAMIN:
18 Senator Serino to explain her vote.

19 SENATOR SERINO: And just so
20 everybody in the world knows, I wore my mask in.
21 I'm taking it off so I can speak, so my
22 constituents can see the passion that I have for
23 this subject.

24 So -- (clearing throat.) Excuse me.
25 Sorry, I had to run from the conference room.

1 Thank you, Mr. President.

2 This bill is well-intentioned, and
3 I'm going to vote in support of it today because
4 it's important that these facilities, like all
5 healthcare operators, have an effective pandemic
6 plan in place for the future.

7 However, that being said, this bill
8 is grossly inadequate when it comes to addressing
9 the immediate crisis unfolding in our nursing
10 homes, assisted living, and adult care
11 facilities. According to the Associated Press,
12 New York is home to the highest number of nursing
13 home deaths in the nation.

14 As the ranking member of the
15 Senate's Aging Committee, I'm appalled to see
16 that this Legislature, which has been called back
17 specifically to address the most pressing issues
18 brought on by the COVID-19 crisis, is not passing
19 a single bill that would seek to immediately
20 reverse these disturbing statistics.

21 Instead, we're passing a bill that
22 expressly deals with future pandemics, hits these
23 facilities with more unfunded mandates, takes
24 already limited staff away from caring for
25 patients, and does absolutely nothing to address

1 the real problems we know they're facing as a
2 result of this pandemic.

3 Since day one, these facilities
4 which care for our most vulnerable have been an
5 afterthought to the state. From the March 25th
6 directive that defied common sense and required
7 them to take COVID-positive patients, to failing
8 to fully fund testing, the state has failed
9 residents, family members, and facility staff
10 time and time again. And I know because I'm the
11 one taking the phone calls from devastated
12 residents who have not only lost loved ones, but
13 from those who live in fear that their loved one
14 will be next.

15 As the state continues to cling to
16 its bad policy, I have offered suggestion after
17 suggestion, including the creation of an
18 emergency task force to enforce accountability
19 and transparency in the facilities; the creation
20 of specialty care centers to keep COVID-positive
21 patients away from vulnerable residents and out
22 of hospital beds; the utilization of the National
23 Guard to assist with testing, sterilizing
24 facilities and supporting staff and the providing
25 of adequate PPE; a serious investment in staffing

1 pools to ensure facilities have access to the
2 trained workforce they need to best care for
3 residents; an independent investigation into the
4 state's handling of this issue, and so much more.

5 Yet here we are today taking up just
6 one bill that does absolutely nothing to
7 immediately protect residents or support the
8 facilities who care for them. No one had a
9 choice or a voice when it came to implementing
10 the disastrous policy that jeopardized the health
11 and safety of so many. But today here we are,
12 their representatives -- and this is the best we
13 can do? I don't think so.

14 These residents, their families and
15 the hardworking staff who work tirelessly to
16 support them matter, and they deserve better. It
17 is far past time for the state to step up to the
18 plate and do right by these New Yorkers.

19 Thank you, Mr. President, and I vote
20 aye. And I will be putting my mask back on.
21 Thank you very much.

22 ACTING PRESIDENT BENJAMIN:
23 Senator Serino to be recorded in the affirmative.

24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar Number 655, voting in the negative:

2 Senator Helming.

3 Ayes, 61. Nays, 1.

4 ACTING PRESIDENT BENJAMIN: The
5 bill is passed.

6 Senator Gianaris.

7 SENATOR GIANARIS: Thank you,
8 Mr. President.

9 I want to just take a moment to
10 thank Senator Flanagan, Senator Gallivan and my
11 Republican colleagues for their cooperation in
12 what is unquestionably a unique and unprecedented
13 situation.

14 But I do want to just point out that
15 we do encourage members to wear their masks when
16 speaking. It is particularly when speaking that
17 droplets are more likely to be projected out and
18 put other people at increased risk, which we're
19 trying to avoid.

20 But again, I know everyone's doing
21 their best here, so it's not meant to be critical
22 of anyone in particular.

23 Thank you.

24 ACTING PRESIDENT BENJAMIN: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 656, Senate Print 8362A, by Senator Serrano, an
3 act in relation to requiring that COVID-19
4 contact tracers be representative of the cultural
5 and linguistic diversity of the communities in
6 which they serve.

7 ACTING PRESIDENT BENJAMIN: Read
8 the last section.

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

11 ACTING PRESIDENT BENJAMIN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BENJAMIN:
15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar Number 656, those Senators voting in the
18 negative are Senators Jacobs, Martinez and Ortt.

19 Ayes, 59. Nays, 3.

20 ACTING PRESIDENT BENJAMIN: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 657, Senate Print 8363, by Senator Harckham, an
24 act to amend the Executive Law.

25 ACTING PRESIDENT BENJAMIN: Read

1 the last section.

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

4 ACTING PRESIDENT BENJAMIN: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BENJAMIN: Senator
8 Harckham to explain his vote.

9 SENATOR HARCKHAM: Thank you,
10 Mr. President. It's good to be back in the
11 chamber, something I don't take lightly or take
12 for granted.

13 As all of us, we've been very busy
14 back in our districts working with our
15 constituents, helping them cope with the
16 devastation of this virus. But there is also
17 important legislative work for us to do, and
18 today we take a step forward in helping with the
19 healing.

20 One of the things that we have
21 realized during the course of this pandemic is
22 the impact on the vulnerable -- particularly, on
23 the behavioral health side, people with substance
24 use disorder.

25 A few weeks ago I convened a

1 statewide meeting of treatment providers and the
2 associations that represent them to find out some
3 of the challenges that they were facing. And a
4 big part of the challenges they were facing --
5 access to PPE, access to hardware for
6 telemedicine, getting regulations changed -- was
7 that they didn't have a seat at the emergency
8 management table. And that was unfortunate and
9 unnecessary.

10 And today we're making a change that
11 will give OASAS a seat at New York State's
12 emergency management table so that when the
13 discussions are had on how to get through future
14 crises -- not just an illness, but a storm --
15 they will have a seat at the table. Because one
16 thing we see is that when unemployment dips
17 1 percent, overdoses shoot up 5 percent. That's
18 the figure that is used.

19 The Kaiser Family Foundation had a
20 study about three weeks ago predicting another
21 75,000 deaths of despair from self-medication,
22 from alcoholism, from overdose.

23 And so we need a seat at the table
24 for OASAS so that these issues are addressed in
25 comprehensive planning for those who are

1 suffering from substance use disorder.

2 I vote aye. Thank you,
3 Mr. President.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Harckham to be recorded in the affirmative.

6 Announce the results.

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT BENJAMIN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 658, Senate Print 8397A, by Senator Savino, an
12 act to amend the Labor Law.

13 ACTING PRESIDENT BENJAMIN: Read
14 the last section.

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

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: In relation to
23 Calendar Number 658, voting in the negative:
24 Senator Martinez.

25 Ayes, 61. Nays, 1.

1 ACTING PRESIDENT BENJAMIN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 659, Senate Print 8400, by Senator Benjamin, an
5 act to amend the General Municipal Law and the
6 New York State Financial Emergency Act for the
7 City of New York.

8 ACTING PRESIDENT BENJAMIN: Read
9 the last section.

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

12 ACTING PRESIDENT BENJAMIN: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BENJAMIN:
16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar Number 659, those Senators voting in the
19 negative are Senators Lanza, Martinez and O'Mara.

20 Ayes, 59. Nays, 3.

21 ACTING PRESIDENT BENJAMIN: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 660, Senate Print 8408, by Senator Comrie, an act
25 to amend the Not-For-Profit Corporation Law.

1 ACTING PRESIDENT BENJAMIN: Read
2 the last section.

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

5 ACTING PRESIDENT BENJAMIN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:
9 Announce the results.

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT BENJAMIN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 661, Senate Print 8410, by Senator Mayer, an act
15 to amend the Education 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: Ayes, 62.

1 ACTING PRESIDENT BENJAMIN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 662, Senate Print 8411, by Senator Jackson, an
5 act to amend the Administrative Code of the City
6 of New York.

7 ACTING PRESIDENT BENJAMIN: Read
8 the last section.

9 THE SECRETARY: Section 9. This
10 act shall take effect immediately.

11 ACTING PRESIDENT BENJAMIN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BENJAMIN:
15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar Number 662, those Senators voting in the
18 negative are Senators Akshar, Amedore, Borrello,
19 Boyle, Flanagan, Funke, Gallivan, Griffio,
20 Helming, Jacobs, Jordan, Lanza, LaValle, Little,
21 Martinez, O'Mara, Ortt, Ranzenhofer, Ritchie,
22 Robach, Serino, Seward and Tedisco.

23 Ayes, 39. Nays, 23.

24 ACTING PRESIDENT BENJAMIN: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 663, Senate Print 8412, by Senator Benjamin, an
3 act to amend the Business Corporation Law.

4 ACTING PRESIDENT BENJAMIN: Read
5 the last section.

6 THE SECRETARY: Section 6. 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, 62.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 664, Senate Print 8413, by Senator Benjamin, an
18 act in relation to authorizing municipalities to
19 place a moratorium on tax foreclosures and tax
20 lien sales.

21 SENATOR GIANARIS: Lay it aside
22 temporarily, please.

23 ACTING PRESIDENT BENJAMIN: Lay it
24 aside temporarily.

25 THE SECRETARY: Calendar Number

1 665, Senate Print 8414, by Senator Bailey, an act
2 to amend the Criminal Procedure Law.

3 ACTING PRESIDENT BENJAMIN: Read
4 the last section.

5 THE SECRETARY: Section 3. This
6 act shall take effect on the 30th 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: Ayes, 62.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 666, Senate Print 8415, by Senator Bailey, an act
18 to repeal subdivision 4 of Section 240.35 of the
19 Penal Law.

20 ACTING PRESIDENT BENJAMIN: Read
21 the last section.

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

24 ACTING PRESIDENT BENJAMIN: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BENJAMIN: Senator
3 Ortt to explain his vote.

4 SENATOR ORTT: Thank you,
5 Mr. President.

6 I'll be brief. I'm going to vote in
7 the negative on this bill.

8 The Governor already has issued an
9 executive order that repeals this provision
10 during the pandemic. To repeal this provision
11 permanently beyond the pandemic I think is
12 completely unnecessary and in fact dangerous,
13 when you consider the fact that we're going to
14 allow loitering with a mask in a public place.

15 I can't imagine, outside of this
16 pandemic, why we would ever want to do that or
17 why we would do that from a public safety
18 standpoint. And certainly if you were to talk to
19 our folks in law enforcement, they would tell you
20 that this law is only to going to make their job
21 much more difficult.

22 And I want to just point to some
23 historic facts. These mask laws -- or this mask
24 law, I guess, specifically -- dates back to
25 New York's land riots of the 1840s and was later

1 used by chapters of the Ku Klux Klan and other
2 groups for purposes of intimidation. In fact in
3 2004 it was the Second U.S. Court of Appeals that
4 ruled the law did not violate free speech rights
5 of supremacist groups such as the Ku Klux Klan.
6 That overturned a previous district judge's
7 decision that found the state law violated the
8 First Amendment rights of the Butler,
9 Indiana-based church of the American Knights of
10 the Ku Klux Klan.

11 So just consider that for a second,
12 that this law has been upheld to prevent people
13 from using it to intimidate minorities or others.
14 And now, for some reason which is beyond my
15 ability to understand, we're going to permanently
16 repeal or revoke this law. Which I think is
17 dangerous and very, very much misguided.

18 And for those reasons,
19 Mr. President, I will be in the negative.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Ortt to be recorded in the negative.

22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar Number 666, those Senators voting in the
25 negative are Senators Addabbo, Akshar, Amedore,

1 Borrello, Boyle, Brooks, Flanagan, Funke,
2 Gallivan, Gaughran, Griffo, Helming, Jacobs,
3 Jordan, Lanza, LaValle, Little, Martinez, O'Mara,
4 Ortt, Ranzenhofer, Ritchie, Robach, Savino,
5 Serino, Seward and Tedisco.

6 Ayes, 35. Nays, 27.

7 ACTING PRESIDENT BENJAMIN: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 667, Senate Print 8416, by Senator Metzger, an
11 act to amend the Public Health Law.

12 ACTING PRESIDENT BENJAMIN: Read
13 the last section.

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

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN:
20 Senator Metzger to explain her vote.

21 SENATOR METZGER: Thank you,
22 Mr. President.

23 I rise to thank our leader for
24 moving this important bill forward that amends
25 Public Health Law to expand the definition of

1 telemedicine to include video-only and,
2 importantly, audio-only services.

3 During this pandemic, we have relied
4 hugely on telemedicine, which is a great
5 alternative if you have it. But if you don't
6 have access to broadband and if you don't own a
7 computer, you don't have access to those
8 services.

9 And it puts many people in my
10 district, in my very rural district, at a
11 disadvantage. I have school districts where
12 20 percent of the families don't have access to
13 broadband.

14 So this will greatly expand access
15 to affordable telemedicine services by allowing
16 the telephone to be used both for mental health
17 and physical health needs.

18 It is an important immediate step
19 we're taking right now, but we absolutely also
20 have to move forward and close the digital divide
21 that continues to exist in New York on rural
22 broadband, between urban and rural areas. This
23 is a top priority. We have to do this.

24 Thank you very much.

25 ACTING PRESIDENT BENJAMIN:

1 Senator Metzger to be recorded in the
2 affirmative.

3 Announce the results.

4 THE SECRETARY: In relation to
5 Calendar Number 667, voting in the negative:
6 Senator Lanza.

7 Ayes, 61. Nays, 1.

8 ACTING PRESIDENT BENJAMIN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number 668
11 is high and will be laid aside for the day.

12 Calendar Number 669 is high and will
13 be laid aside for the day.

14 Calendar Number 670 is high and will
15 be laid aside for the day.

16 Calendar Number 671 is high and will
17 be laid aside for the day.

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

20 SENATOR GIANARIS: Mr. President,
21 at this time can we take up the controversial
22 calendar.

23 We're going to do it slightly out of
24 order, so let us begin with Calendar 641.

25 ACTING PRESIDENT BENJAMIN: The

1 Secretary will ring the bell.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 641, Senate Print 8113A, by Senator Parker, an
5 act to amend the Public Service Law.

6 ACTING PRESIDENT BENJAMIN: Senator
7 Gallivan, why do you rise?

8 SENATOR GALLIVAN: Mr. President, I
9 believe there's an amendment at the desk. I
10 waive the reading of that amendment, and I would
11 like to be heard on it.

12 ACTING PRESIDENT BENJAMIN: Thank
13 you, Senator Gallivan.

14 Upon review of the amendment, in
15 accordance with Rule 6, section 4B, I rule it
16 nongermane and out of order at this time.

17 SENATOR GALLIVAN: Accordingly, I
18 appeal the chair's ruling, Mr. President, and ask
19 to be recognized.

20 ACTING PRESIDENT BENJAMIN: That
21 appeal has been made and recognized and, Senator
22 Gallivan, you may be heard.

23 SENATOR GALLIVAN: Out of respect
24 for others in the chamber, I thought I would come
25 over here, if that's all right. You got the

1 microphone? All right.

2 Thank you, Mr. President.

3 This bill resolution is germane as
4 it relates to states of emergency and appropriate
5 legislative response. Our proposed legislation
6 would amend the Executive Law in relation to the
7 length of time of a state disaster emergency
8 declaration.

9 The proposal would impose a maximum
10 of 30 days for a disaster declaration by the
11 Executive. Any continuation of the declaration
12 and the suspension of laws would require
13 legislative approval as exists elsewhere in the
14 United States. All declarations would be in
15 force for no more than 30 days without the
16 approval of the Legislature.

17 Residents, through their elected
18 representatives in Albany, would have greater
19 participation in the process of how to close and
20 reopen, for instance, a particularly important
21 consideration in light of a potential second wave
22 of the COVID-19 pandemic.

23 The bill also requires the Governor
24 to transmit weekly reports to the Legislature
25 during an emergency declaration and mandates

1 communication by the Executive with the parties
2 affected by a suspension of laws during a state
3 disaster emergency.

4 The inconsistency that has occurred
5 in relation to determining what is open and what
6 is essential versus that which is closed and
7 nonessential has proven chaotic and
8 contradictory, leading to unnecessary confusion
9 amongst employers, employees, and residents.

10 By requiring the Governor to solicit
11 input from local governments, school districts,
12 individuals, businesses, associations and other
13 parties affected by suspended laws and other
14 executive actions, the confusion and
15 inconsistency surrounding executive orders can be
16 greatly reduced.

17 The weekly reports being proposed in
18 the bill could have led to significant
19 improvements in how to properly assist nursing
20 homes or make improvements to the unemployment
21 benefits system, which have been a source of
22 frustration and heartache for many of our
23 constituents.

24 The New York State Constitution,
25 just as the United States Constitution, was

1 established using the principle of separation of
2 powers in order to ensure the three branches of
3 government, including the Legislature, were able
4 to function equally to provide a system of checks
5 and balances for our citizens.

6 Throughout the COVID-19 pandemic,
7 the Governor has suspended more than 250 laws.
8 While the New York State Constitution grants the
9 Executive this authority under a statutorily
10 enacted state disaster emergency declaration
11 which was expanded in early March, the frequent
12 and sweeping nature with which certain provisions
13 of law have been suspended or extended since then
14 is alarming, especially considering that the
15 State Constitution also establishes that the
16 power to create laws rests with the Legislature.

17 Executive orders should never be
18 used to circumvent the legislative process or
19 limit the input of elected representatives. This
20 bill ensures the Legislature's rightful role as a
21 coequal branch of government during a state
22 disaster emergency declaration by making the
23 Governor's actions subject to review.

24 This does not prevent the Executive
25 from doing what he or she feels is necessary to

1 keep the people of New York safe. Rather, it
2 ensures the system of checks and balances
3 intended by our Constitution.

4 For these reasons, Mr. President, I
5 ask that you reconsider and rule this resolution
6 germane.

7 ACTING PRESIDENT BENJAMIN: Thank
8 you, Senator Gallivan.

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

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

14 (Response of "Aye.")

15 ACTING PRESIDENT BENJAMIN:
16 Opposed, nay.

17 (Response of "Nay.")

18 ACTING PRESIDENT BENJAMIN: The
19 ruling of the chair stands, and the bill-in-chief
20 is before the house.

21 Are there any other Senators wishing
22 to be heard?

23 Seeing and hearing none, debate is
24 closed. The Secretary will ring the bell.

25 Read the last section.

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

3 ACTING PRESIDENT BENJAMIN: Call
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BENJAMIN:
7 Announce the results.

8 THE SECRETARY: In relation to
9 Calendar Number 641, those Senators voting in the
10 negative are Senators Funke, Helming, Lanza and
11 Ortt.

12 Ayes, 58. Nays, 4.

13 ACTING PRESIDENT BENJAMIN: The
14 bill is passed.

15 Senator Gianaris.

16 SENATOR GIANARIS: Mr. President,
17 just to clarify, I think that was the results on
18 Calendar 641, is that correct?

19 ACTING PRESIDENT BENJAMIN: Yes,
20 that is correct, Senator Gianaris.

21 SENATOR GIANARIS: Okay, thank you.
22 I think it may have been someone misspoke.

23 So that was 641. And now can we
24 next take up Calendar 654.

25 ACTING PRESIDENT BENJAMIN: The

1 Secretary will read.

2 THE SECRETARY: Calendar Number
3 654, Senate Print 8275A, by Senator Martinez, an
4 act to amend the Labor Law.

5 ACTING PRESIDENT BENJAMIN: Senator
6 Gallivan, why do you rise?

7 SENATOR GALLIVAN: Mr. President, I
8 believe there's an amendment at the desk. I
9 waive the reading of that amendment and ask that
10 Senator Helming be recognized and be heard.

11 ACTING PRESIDENT BENJAMIN: Thank
12 you, Senator Gallivan.

13 Upon review of the amendment, in
14 accordance with Rule 6, Section 4B, I rule it
15 nongermane and out of order at this time.

16 SENATOR GALLIVAN: Accordingly, I
17 appeal the chair's ruling, Mr. President, and ask
18 that Senator Helming be recognized.

19 ACTING PRESIDENT BENJAMIN: The
20 appeal has been made and recognized, and
21 Senator Helming may be heard.

22 SENATOR HELMING: Thank you,
23 Mr. President.

24 Mr. President, I'd like to begin by
25 saying it's great to see you. I am going to

1 remove my mask now. I have received messages
2 from people in my community in the deaf community
3 who are interested in observing and attempting to
4 read my lips. So I will be removing my mask.

5 I believe that both bills are
6 dealing with unemployment insurance, and this
7 bill is germane. We are in the midst of an
8 international health crisis, and this has tested
9 the resiliency of every single one of us. To the
10 families that have been affected by COVID-19, to
11 the loved ones that we've all lost, to our
12 essential workers, we are all with you.

13 But as legislators, we cannot ignore
14 that this is also an economic crisis. Whether
15 it's our agricultural community, manufacturing,
16 Main Street retail stores, healthcare, education,
17 local government or our important tourism
18 industry, every single sector has been hit hard
19 by the COVID pandemic.

20 According to the Small Business
21 Administration, more than 81,000 federal PPP
22 loans have been issued in New York, totaling more
23 than \$20 billion. While this may provide some
24 temporary relief, these businesses have had their
25 incomes limited or completely shut off.

1 Local businesses are at or past
2 their breaking point, and the burdens associated
3 with the pandemic are in addition to the already
4 high cost of doing business New York State. As
5 legislators, we have a real opportunity to
6 improve the current business climate. This
7 begins by setting aside partisan politics and
8 providing much-needed relief to small businesses,
9 schools, and our healthcare providers so they can
10 safely reopen.

11 During a recent legislative hearing
12 hosted by the Senate Commerce, Economic
13 Development and Small Business Committee,
14 numerous small business owners from every
15 certainly single corner of this state, as well as
16 organizations representing businesses such as the
17 National Federation of Independent Businesses,
18 chambers of commerce and many others, strongly
19 requested the Legislature take action to hold the
20 cost on unemployment insurance.

21 The bill before us right now, S8249,
22 would do exactly that by excluding unemployment
23 charges caused by the impact of COVID-19 from
24 being used to calculate an employer's experience
25 rating. This bill would take the important step

1 of ensuring businesses do not face higher
2 insurance premiums because of unemployment claims
3 caused by the COVID-19 crisis.

4 This is not a partisan bill. Both
5 majority and minority members support assisting
6 small businesses in this manner. Yet despite the
7 support, despite the pleas we heard during that
8 hearing and the calls to our offices every single
9 day from businesses asking that we do everything
10 we can to protect them from increasing
11 unemployment costs as a result of the pandemic,
12 the package of bills the majority members chose
13 to put forward does not address this issue. In
14 fact, it does little to help our state's job
15 creators and their employees.

16 But it's not too late for the
17 majority to reverse course and use this
18 opportunity to deliver real relief to get our
19 economy moving again and people safely back to
20 work. Now is the time to offer our small
21 businesses this assistance.

22 I strongly encourage my colleagues
23 to show your support for businesses all across
24 the state by voting yes, that this is germane.

25 ACTING PRESIDENT BENJAMIN: Thank

1 you, Senator Helming.

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

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

7 (Response of "Aye.")

8 ACTING PRESIDENT BENJAMIN:

9 Opposed, nay.

10 (Response of "Nay.")

11 ACTING PRESIDENT BENJAMIN: The
12 ruling of the chair stands, and the bill-in-chief
13 is before the house.

14 Are there any other Senators wishing
15 to be heard? Seeing and hearing none, debate is
16 closed.

17 The Secretary will ring the bell.

18 Read the last section.

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

21 ACTING PRESIDENT BENJAMIN: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BENJAMIN:

25 Senator Helming to explain her vote.

1 SENATOR HELMING: Thank you,
2 Mr. President.

3 Our focus should be on providing
4 assistance to those who are legally entitled to
5 unemployment insurance, people like independent
6 contractors, beauticians and barbers, who have
7 paid into the system and who through no fault of
8 their own are now out of work.

9 For many of these hardworking
10 New Yorkers, their claims have gone unresolved
11 for months. I agree with the statement in the
12 sponsor's memo that says a key way we can help is
13 by quickly providing unemployment benefits. But
14 this legislation fails to deliver to those who
15 have followed the rules. Instead, this
16 legislation is focused on timely payments to
17 people who have made false representations and
18 basically cheated the system.

19 For this reason, I am opposed to
20 this bill and I strongly encourage the majority
21 to bring to the floor legislation that supports
22 getting payments out to the honest, hardworking
23 citizens who have gone months without their
24 unemployment insurance that they're entitled to.

25 I vote no, Mr. President.

1 ACTING PRESIDENT BENJAMIN:
2 Senator Helming to be recorded in the negative.
3 Announce the results.
4 THE SECRETARY: In relation to
5 Calendar Number 654, those Senators voting in the
6 negative are Senators Akshar, Borrello, Boyle,
7 Gallivan, Griffio, Helming, Jacobs, Jordan, Lanza,
8 Little, O'Mara, Ortt, Savino and Tedisco.
9 Ayes, 48. Nays, 14.
10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.
12 Senator Gianaris.
13 SENATOR GIANARIS: Mr. President,
14 at this time can we move to Calendar 649.
15 ACTING PRESIDENT BENJAMIN: The
16 Secretary will read.
17 THE SECRETARY: Calendar Number
18 649, Senate Print 8192B, by Senator Hoylman, an
19 act in relation to prohibiting the eviction of
20 residential tenants who have suffered financial
21 hardship during the COVID-19 covered period.
22 ACTING PRESIDENT BENJAMIN:
23 Senator -- Senator -- Senator Amedore.
24 SENATOR AMEDORE: Thank you,
25 Mr. President.

1 Will the sponsor give an explanation
2 of this bill?

3 ACTING PRESIDENT BENJAMIN: Are you
4 asking the sponsor to yield for a question?

5 SENATOR AMEDORE: Will the sponsor
6 yield?

7 ACTING PRESIDENT BENJAMIN: Will
8 the sponsor yield?

9 SENATOR HOYLMAN: Yes,
10 Mr. President.

11 ACTING PRESIDENT BENJAMIN: The
12 sponsor yields.

13 SENATOR HOYLMAN: Mr. President, we
14 know that in this unprecedented time which has
15 had an enormous and tragic impact on so many
16 Americans -- close to 100,000 deaths, and
17 thousands of New Yorkers as well -- that there's
18 been also a cascading effect involving job loss
19 and economic hardship.

20 On May 21st, 38.6 million jobs had
21 been reported lost, and that number continues to
22 grow despite states across the nation gradually
23 reopening. We know that in the State of New
24 York, we're looking at job losses of \$1 million
25 to \$2 million.

1 And you think about the perfect and
2 tragic storm that might exist for one of my
3 constituents or one of my colleague's
4 constituents, where you're sick, you're caring
5 for a loved one, somebody may have died in your
6 family, you're trying to homeschool, you're
7 unemployed, and you're worried about
8 eviction.

9 Well, that's what this bill tries to
10 alleviate in at least one regard, Mr. President.
11 This bill would prohibit courts from evicting
12 residential tenants who have suffered financial
13 hardship through no fault of their own because of
14 COVID-19, during a covered period, for nonpayment
15 of rent that accrues or becomes due during this
16 referenced period.

17 It does not, Mr. President, prohibit
18 a court from awarding a money judgment for the
19 rent due and owed by the tenant.

20 The COVID-19 covered period starts
21 at March 7, 2020, through the yet determined
22 date -- because we are still in the middle of
23 this pandemic, Mr. President -- on which none of
24 the provisions closing or otherwise restricting
25 public or private businesses or places of public

1 accommodation or requiring postponement or
2 cancellation of nonessential gatherings of
3 individuals of any of size are still in effect.

4 Shorthand, Mr. President, the
5 provisions last through the end of the "New York
6 on PAUSE" order.

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

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR HOYLMAN: Yes,
12 Mr. President.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR AMEDORE: Through you,
16 Mr. President, does this bill allow for an
17 eviction proceeding if a tenant does not have a
18 hardship due to the pandemic, or does this cover
19 just the pandemic period?

20 SENATOR HOYLMAN: Through you,
21 Mr. President, this bill specifically applies to
22 financial hardship due to COVID-19.

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

1 ACTING PRESIDENT BENJAMIN: Does
2 the sponsor yield?

3 SENATOR HOYLMAN: Yes,
4 Mr. President.

5 ACTING PRESIDENT BENJAMIN: The
6 sponsor yields.

7 SENATOR AMEDORE: What is a
8 financial hardship? Can you give us a definition
9 in this bill?

10 SENATOR HOYLMAN: Yes,
11 Mr. President, through you.

12 This bill would rely on a court
13 making that determination through a number of
14 factors. It would first ensure that the defense
15 for -- under this bill would apply only to the
16 COVID-19 period as I described it, and would
17 ensure that the factors that a court would look
18 at would -- to determine financial hardship would
19 be consideration of the tenant's income prior to
20 and during the COVID-19 covered period, the
21 tenant's liquid assets, and the tenant's
22 eligibility for and receipt of various social
23 safety net programs, including SNAP, SSI, cash
24 assistance, HEAP, or unemployment insurance.

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 HOYLMAN: Yes,
6 Mr. President.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR AMEDORE: Does this bill
10 limit a judge to determine the hardship by a
11 factor of one, only using one of the criteria
12 that you have listed or just read off during a
13 proceeding?

14 SENATOR HOYLMAN: Through you,
15 Mr. President, no. It would be the totality of
16 factors.

17 As stated in the bill, a tenant or
18 lawful occupant may raise financial hardship
19 during the COVID-19 period as a defense in
20 determining whether a tenant or lawful occupant
21 suffered a financial hardship during the covered
22 period, the court shall consider among other
23 relevant factors that I stated earlier.

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

1 yield?

2 ACTING PRESIDENT BENJAMIN: Does
3 the sponsor yield?

4 SENATOR HOYLMAN: Yes,
5 Mr. President.

6 ACTING PRESIDENT BENJAMIN: The
7 sponsor yields.

8 SENATOR AMEDORE: I believe you
9 said, Senator Hoylman, that the period of time of
10 this bill would last during the "New York on
11 PAUSE" executive order, is that correct?

12 SENATOR HOYLMAN: Well, it's --
13 perhaps I'm a little inaccurate about that. It's
14 not the Governor's -- that -- that -- through
15 you, Mr. President, that statement is not in the
16 bill. In effect, that is the case, but it would
17 really delineate that period based on the
18 openings of the businesses and allowance of
19 gatherings. That technically is not "New York on
20 PAUSE," but in effect it's very similar.

21 So it is possible, Mr. President, to
22 have a regional disparate application of this
23 bill.

24 SENATOR AMEDORE: Mr. President,
25 would the sponsor continue to yield?

1 ACTING PRESIDENT BENJAMIN: Does
2 the sponsor yield?

3 SENATOR HOYLMAN: Yes.

4 ACTING PRESIDENT BENJAMIN: The
5 sponsor yields.

6 SENATOR AMEDORE: So as the
7 sponsor, Senator Hoylman, mentioned about a
8 regional approach -- and obviously it's not
9 really linked, then, to the "New York on PAUSE"
10 executive order, which is the order that shut
11 down the economy in the State of New York, which
12 then the negative effect of that was people
13 losing jobs, not having income coming in, and
14 maybe then not paying their rent payment or their
15 mortgages. I don't know why you would have that
16 not be linked to that exact date, but that's not
17 my question.

18 Through you, Mr. President, if you
19 take -- as you say, Senator Hoylman, a regional
20 approach -- let's just say that in some of these
21 regions, and as New York State reopens in various
22 phases, and if we were in the last phase of
23 Phase 4 of reopening and some of the regions had
24 a full reopen and others did not and there was a
25 sporting-event venue that could occur with a

1 large gathering, would this bill prohibit that
2 region and landlords of collecting rent or not
3 being able to evict a tenant?

4 SENATOR HOYLMAN: Through you,
5 Mr. President. According to the statute,
6 Section 1, the period would last until --
7 beginning March 7th until the date on which none
8 of the provisions that closed or otherwise
9 restricted public or private businesses or places
10 of public accommodation or gatherings for any
11 size continue to exist in this specific county.

12 So if the -- if my colleague's
13 question is would the limitation on gatherings
14 mean that this statute would still be in effect
15 in the scenario that he presented, the answer is
16 yes.

17 SENATOR AMEDORE: Mr. President,
18 will the sponsor continue to yield?

19 ACTING PRESIDENT BENJAMIN: Does
20 the sponsor yield?

21 SENATOR HOYLMAN: Yes,
22 Mr. President.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR AMEDORE: So if that was

1 the case in a long, drawn-out, slow reopening,
2 and then areas of the state not being able to
3 reopen fully, this bill would then prohibit a
4 landlord evicting a tenant based on not being
5 paid, based on what you determine financial
6 hardship during -- not caused by, because it
7 doesn't say that in the bill -- but during this
8 COVID-19 period.

9 So -- Mr. President, through you --
10 Senator Hoylman, why did you not put a specific
11 date, then, in this bill and then link it to the
12 cause of the pandemic?

13 SENATOR HOYLMAN: Through you,
14 Mr. President. The only thing that landlords are
15 going to lose in this bill is the right to throw
16 a tenant out onto the street because of
17 COVID-related economic hardship during the period
18 covered.

19 And the bill acknowledges that the
20 opening of our state is a phased-in process that
21 has, we've witnessed in the last few weeks, a
22 different timetable for different areas. And
23 that is why we have chosen to use a criteria that
24 is based on "New York on PAUSE."

25 SENATOR AMEDORE: Through you,

1 Mr. President, would the sponsor yield for a
2 question?

3 ACTING PRESIDENT BENJAMIN: Does
4 the sponsor yield?

5 SENATOR HOYLMAN: Yes,
6 Mr. President.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR AMEDORE: So, Senator
10 Hoylman, I think what you're saying is if a
11 constituent -- any of our constituents -- during
12 this period of COVID-19 didn't lose their job,
13 was still able and fortunate to work, and maybe
14 suffered some type of financial hardship because
15 maybe the stock market went down or maybe they
16 just got divorced, they wouldn't have to pay
17 their rent, under this bill, and then they
18 wouldn't have to be -- they wouldn't get evicted?

19 SENATOR HOYLMAN: Through you,
20 Mr. President, the -- this bill is specifically
21 related to COVID-19 hardship. That would be for
22 the judge's determination.

23 I think it is important to note that
24 the landlord loses nothing. He or she still has
25 the ability to issue a money judgment. They'll

1 be paid in full as the court so directs.

2 We're just extending a hand of
3 humanity during this crisis, Mr. President. This
4 is not landlords versus tenants. This is about
5 New Yorkers helping each other through an
6 unprecedented health and economic hardship.

7 SENATOR AMEDORE: Mr. President, on
8 the bill.

9 ACTING PRESIDENT BENJAMIN: Senator
10 Amedore on the bill.

11 SENATOR AMEDORE: I want to thank
12 the sponsor of the bill for indulging some of the
13 questions and some of the answers. That though
14 he is a very educated person, a man who
15 understands law as well as I'm sure he serves his
16 constituents in the finest manner, and I consider
17 him a friend. In this case, though, I dare to
18 differ in some of the thinking behind this.

19 I will agree that what he said about
20 being kind and courteous and generous -- in a
21 time of need, we need to all be showing more
22 charity to one another. And I know that there's
23 a lot of landlords out there who have -- who do
24 that and who have already demonstrated all of
25 that during this period of time.

1 The Executive -- the Governor laid
2 out in his executive order this moratorium or a
3 time period that there will be no evictions in
4 the State of New York because of this crisis.

5 A bill like this goes -- it could
6 maybe seem like a feel-good bill or it sounds
7 like maybe the majority is trying to do -- or the
8 Legislature is trying to do something. But
9 there's already protections in the State of
10 New York on every single tenant in the State of
11 New York right now.

12 This bill goes beyond that. This
13 bill takes away anybody's ability who may own a
14 two-family home and rents upstairs or downstairs
15 and lives on one of the floors themselves and may
16 not be able to evict after this executive order
17 is removed, based on not being paid.

18 To limit the financial factors or
19 the hardship here not being defined in -- and --
20 and defined it such that it is COVID-related and
21 caused by the pandemic, to me is just ludicrous.
22 This sounds like, to me, an open door to just
23 telling millions of tenants in the State of
24 New York: You know what, you don't have to pay
25 your rent. Just claim that you got financial

1 hardship. You lost some money somewhere, some
2 liquid assets somewhere -- or maybe you've gone
3 through a change of life and I want to live in
4 this apartment, I like this address, but I'm not
5 paying my landlord and I'm not going to be able
6 to get evicted.

7 This is not the message that we
8 should be sending. As a matter of fact, this is
9 not the bill that we should be doing.

10 You want to be able to give help to
11 everyone in a time of need that we all are in and
12 under? Then it's a matter of how we can
13 strengthen the economy, how we can make New York
14 more affordable, how can the landlords pay for
15 the property taxes and the insurances and the
16 costs to operate and all the CAM charges that
17 happens within that property.

18 And how can we put all of those
19 residents in these buildings, in these
20 structures, to work again? Not live on a social
21 welfare program to be their source of income, but
22 to go back and earn a living wage that they all
23 so chose and want to do. We need to do better
24 than this, because this bill will lead to, ah, we
25 don't have to pay the rent, and I can live here

1 as long as I want.

2 Let's not take advantage of an
3 already bad situation in a crisis. Because
4 there's a lot of good landlords and there's a lot
5 of good tenants that have worked things out, and
6 they have extended payments or made provisions to
7 still live in the building or in the apartment,
8 in the residence, that they just can't afford
9 right now because of hardship.

10 So, Mr. President, I believe that
11 there are better -- there is a better way to do
12 this, and one that we can show charity and love
13 and respect to our neighbor, to our tenant, and
14 to all the small businesses. But without the
15 lack of definition, without the lack of dates and
16 taking and limiting judges' determinations of
17 hardship here, I cannot support this bill.

18 I'll be voting in the negative.

19 Thank you, Mr. President.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Boyle.

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

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR HOYLMAN: Yes,
2 Mr. President.

3 ACTING PRESIDENT BENJAMIN: The
4 sponsor yields.

5 SENATOR BOYLE: Thank you. Through
6 you, Mr. President.

7 Senator Hoylman, I truly appreciate
8 the good nature and good heart that you have
9 bringing this bill forward. But I think I have
10 some of the same issues with this as my colleague
11 Senator Amedore.

12 You mentioned -- I hope you didn't
13 misspeak -- that you said this was for financial
14 hardships due to the COVID outbreak. Page 1,
15 line 14 of the bill clearly says "No court shall
16 issue a warrant of eviction or judgment of
17 possession against a residential tenant or other
18 lawful occupant that has suffered financial
19 hardship during" -- during -- "the COVID-19
20 covered period." Not due to, but during.

21 Now, I know my colleague Senator
22 Amedore mentioned you might have had a loss in
23 the stock market. I could see a court saying
24 that was due to the hardship, the financial
25 pandemic crisis. What if I decided to go and let

1 it ride at some casino down south that I found
2 open -- lost everything, can't pay my rent, but
3 it's during the pandemic, next week? Should I be
4 able to not pay my rent? It's during the period,
5 according to this bill.

6 SENATOR HOYLMAN: {Unintelligible}.
7 I swallowed my words because of the face mask.
8 But we certainly don't want to overburden courts.

9 Could the -- could the -- I'm having
10 a hard time hearing. Could the -- could my
11 colleague restate his question?

12 ACTING PRESIDENT BENJAMIN: Senator
13 Boyle, can you repeat your question?

14 SENATOR BOYLE: I simply want to
15 know that -- so you're saying any financial
16 hardship during, not necessarily due to. Again,
17 if I went -- next week went down and bet in a
18 casino everything I have and lost, and I was
19 unable to pay my rent due to financial hardship
20 of my own doing, I should not have to pay my
21 rent, is that correct, according to this law --
22 this bill?

23 SENATOR HOYLMAN: Through you,
24 Mr. President. You do have to pay your rent.

25 And I have to contest my -- your

1 colleague's description that New Yorkers are
2 going to say, I don't have to pay my rent. In
3 fact, it's very clear in the last section --
4 Section 3 of the bill says it doesn't prohibit at
5 all courts from awarding money judgments due to
6 rent owed.

7 So the whole point of this bill is
8 that you gotta pay your rent. And -- but the
9 ancillary and important component is that if
10 you've suffered economic hardship during the
11 period, as determined by a court, then you will
12 not be evicted for that rent owed. Only during
13 that period.

14 SENATOR BOYLE: Through you,
15 Mr. President.

16 ACTING PRESIDENT BENJAMIN: Does
17 the sponsor yield?

18 SENATOR HOYLMAN: Yes.

19 ACTING PRESIDENT BENJAMIN: The
20 sponsor yields.

21 SENATOR BOYLE: I misspoke. You do
22 have to pay your rent --

23 SENATOR HOYLMAN: {Inaudible.}

24 SENATOR BOYLE: You would have to
25 pay your rent. It may be a year or two down the

1 road. But I could not be evicted if I went next
2 week and gambled all my money away and could not
3 pay the rent. The landlord said, "Hey, Phil, I
4 heard you were down in Vegas last week and lost
5 all your money. Can you pay me? Otherwise I'm
6 going to start an eviction proceeding." I'll
7 say, "No, you can't, because I have no money. I
8 had financial hardships during the pandemic.
9 Come see me after it's over."

10 SENATOR HOYLMAN: Through you,
11 Mr. President.

12 The landlord would be able to get
13 that money judgment right away. Nothing
14 prohibits a landlord from receiving his or her
15 money judgment for rent owed for whatever reason.

16 The only issue is that if a court
17 determined that an individual's economic position
18 was caused by COVID-19 during the period that we
19 are discussing, then that individual could not be
20 evicted.

21 SENATOR BOYLE: Mr. President, on
22 the bill.

23 ACTING PRESIDENT BENJAMIN: Senator
24 Boyle on the bill.

25 SENATOR BOYLE: I think that the

1 difference between "during" and "due" is
2 monumental.

3 I can certainly support the idea and
4 obviously want to help those individuals who are
5 suffering financial hardships due to the COVID
6 crisis. That's what we should be there for. But
7 not anybody who suffers financial hardship
8 through their own cause, their own fault, during
9 this period.

10 The other issue I have,
11 Mr. President, with this bill is, as my colleague
12 Senator Amedore said, the end period. We're
13 going to wait until the very last executive order
14 regarding this pandemic, and that could be -- I
15 hate to -- I would love to see, and I hope there
16 is, I pray there is, a vaccine next week and it's
17 all over. But right now I'm thinking we may not
18 see full football arenas or hockey stadiums or
19 maybe the Mets playing for another year or two.

20 So are people not going to be
21 evicted for two years? This is what I'm talking
22 about. You are going to create a rental crisis.
23 And I'll give you the perfect example. It
24 happened literally this morning. I was talking
25 to a constituent of mine, she called and said

1 they had the two-family house, renters lived
2 upstairs. Tragically, one of them died, 37 years
3 old, from COVID. His partners had to leave,
4 couldn't afford the rent anymore. She said, "Now
5 we have to find another tenant. However, there's
6 no way I'm going to rent this place, because that
7 person could be there for two years and not pay
8 their rent, and I cannot evict them." That's one
9 person in this case.

10 I understand a lot of the colleagues
11 from New York City think all these landlords are
12 billionaires and multi-multi-millionaires, these
13 are the big bad people that we have to protect
14 the little folks against. We do want to protect
15 renters. But by keeping this open-ended, we're
16 going to stop people from renting in New York
17 State.

18 No one is going to rent their
19 multi-family dwelling, their apartment complex,
20 if they think that their tenants potentially
21 could live there for more than a year and they
22 can't evict them if they do not pay rent. It's
23 going to create the crisis.

24 Well-intentioned, but I see
25 unintended consequences with this piece of

1 legislation. And that is the reason,
2 Mr. President, that I have to vote in the
3 negative.

4 ACTING PRESIDENT BENJAMIN: Are
5 there any other Senators wishing to be heard?
6 Seeing and hearing none, debate is
7 closed.

8 The Secretary will ring the bell.
9 Read the last section.

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

12 ACTING PRESIDENT BENJAMIN: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BENJAMIN: Senator
16 Hoylman to explain his vote.

17 SENATOR HOYLMAN: Thank you,
18 Mr. President.

19 I wanted to thank my colleagues,
20 Senate Leader Andrea Stewart-Cousins in
21 particular, for their support of the Tenant Safe
22 Harbor Act; my Assembly sponsor, Assemblymember
23 Dinowitz; and my Senate co-prime sponsor,
24 Senator Liz Krueger, who was working on this bill
25 with me.

1 Let me first say that, you know, the
2 characterization that this is going to cause a
3 rent crisis I think is inaccurate. I believe
4 that something that has not been mentioned is the
5 fact that if a landlord views a tenant as, you
6 know, not paying rent, he or she doesn't have to
7 renew their lease and can have a holdover
8 proceeding in connection with that.

9 Every safeguard that a landlord has
10 to seek a money judgment and to have it within
11 their power to renew a lease or not remains in
12 the landlord's control, as it currently is under
13 law.

14 But what this does, I think,
15 Mr. President, is to address the real concern,
16 which is this potential tsunami of eviction
17 proceedings once the courts begin reopening.
18 People who have lost their jobs and worried --
19 they're worried they're going to be evicted and
20 forced into homelessness in the middle of a
21 massive public health crisis.

22 And New York is at the center of
23 this crisis. As I said, over a million
24 New Yorkers have been laid off or furloughed
25 since the pandemic began. So many of them have

1 been reaching out to our offices desperate for
2 assistance. We don't call that, you know, a
3 handout, we call that a hand up, because of the
4 circumstances that are beyond the control of
5 everyone, including those of us who serve in this
6 chamber.

7 And I commend Governor Cuomo for his
8 establishment of an eviction moratorium. But
9 when that ends, we could see this tidal wave of
10 evictions to begin in New York.

11 So that's why it's so important we
12 pass the Tenant Safe Harbor Act today. It's
13 going to continue to protect tenants who have
14 experienced financial hardship during this state
15 of emergency. It will prevent those tenants from
16 being evicted for nonpayment that comes due, as
17 long as restrictions on businesses or public
18 gatherings are in place. And it will allow
19 landlords to collect and continue to accrue rent
20 from those tenants.

21 I think it is a very balanced
22 approach that protects our tenants in their homes
23 during an unprecedented crisis but also
24 recognizes that landlords, small or large, have
25 their own financial hardships.

1 And as we continue to fight our way
2 through this crisis, Mr. President, I look
3 forward to help from the federal government on
4 mortgage relief, on rental relief. I look
5 forward to legislation that we're considering
6 tomorrow to help renters and landlords with the
7 payment of rent.

8 So thank you, Mr. President. I'm
9 very proud of this bill and my colleagues for
10 their support. I vote aye.

11 ACTING PRESIDENT BENJAMIN: Senator
12 Hoylman to be recorded in the affirmative.

13 Announce the results.

14 THE SECRETARY: In relation to
15 Calendar Number 649, those Senators voting in the
16 negative are Senators Akshar, Amedore, Borrello,
17 Boyle, Felder, Flanagan, Funke, Gallivan, Griffo,
18 Helming, Jacobs, Jordan, Lanza, LaValle,
19 Martinez, O'Mara, Ortt, Ranzenhofer, Ritchie,
20 Robach, Serino, Seward and Tedisco.

21 Ayes, 39. Nays, 23.

22 ACTING PRESIDENT BENJAMIN: The
23 bill is passed.

24 Senator Gianaris, that completes the
25 reading of the controversial calendar.

1 SENATOR GIANARIS: At this time,
2 Mr. President, by unanimous consent, would you
3 recognize Senator May.

4 ACTING PRESIDENT BENJAMIN: Without
5 objection, Senator May may be recognized.

6 SENATOR MAY: Thank you,
7 Mr. President. And thank you for allowing me to
8 explain my vote on a bill that passed earlier
9 this afternoon, Senate Bill 8181A.

10 Our Main Street businesses are the
11 lifeblood of our communities, and they make our
12 neighborhoods places we all want to live.
13 They're our barber shops and our hair salons, our
14 florists and the family restaurant where you want
15 to celebrate your anniversary, or the craft
16 gallery that sells the art of local artists.
17 They need our help now, and this bill allows
18 Industrial Development Agencies to give them
19 resources so that they can reopen safely and
20 successfully, to make bridge loans and to make
21 PPE and other materials available to them.

22 So I want to thank the leadership
23 for allowing this bill to come to a vote, my
24 colleague in the Assembly, Al Stirpe, for
25 sponsoring it there, and my colleagues for

1 passing it. Thank you.

2 ACTING PRESIDENT BENJAMIN: Senator
3 Gianaris.

4 SENATOR GIANARIS: One more time.
5 By unanimous consent, Mr. President, can you
6 recognize Senator Thomas.

7 ACTING PRESIDENT BENJAMIN: Without
8 objection, Senator Thomas may be recognized.

9 SENATOR THOMAS: Thank you,
10 Mr. President. And thank you, Senator Gianaris,
11 for allowing me to speak on S8113A, by
12 Senator Parker.

13 I would like to thank our Majority
14 Leader, Andrea Stewart-Cousins, for bringing this
15 bill to the floor and to the sponsor, Senator
16 Kevin Parker.

17 This is a very important bill to
18 consider during this health pandemic. Everyone
19 should have access to utilities, as it is
20 essential for keeping our communities safe and
21 healthy. For example, water is even more
22 important now because proper hygiene is required
23 to stop the spread of coronavirus, and everyone
24 must have access to clean water in their homes.

25 That is exactly why this bill is so

1 important. It prevents utility shutoffs during a
2 state of emergency, requires reconnection within
3 48 hours of disconnection, extends the moratorium
4 on utility shutoffs for 180 days beyond the state
5 of emergency, requires the utility to offer a
6 restructuring of payments owed to the utility,
7 and requires the utility to inform all customers
8 of their right to have a continued utility
9 service during the state of emergency.

10 This will go a long way to protect
11 consumers. And as chair of Consumer Protection,
12 I want to say thank you again to Senator Parker
13 for introducing this.

14 I vote aye.

15 ACTING PRESIDENT BENJAMIN: Senator
16 Gianaris.

17 SENATOR GIANARIS: Thank you,
18 Mr. President.

19 Can we lay aside for the day
20 Calendar 664.

21 ACTING PRESIDENT BENJAMIN: The
22 bill will be laid aside for the day.

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

25 ACTING PRESIDENT BENJAMIN: There

1 is no further business at the desk.

2 SENATOR GIANARIS: I move to
3 adjourn until tomorrow, May 28th, at noon,
4 12 o'clock noon tomorrow.

5 ACTING PRESIDENT BENJAMIN: On
6 motion, the Senate stands adjourned until
7 tomorrow, May 28th, at noon.

8 (Whereupon, at 2:53 p.m., the Senate
9 adjourned.)

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