

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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8  
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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