NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

December 28, 2020

1:11 p.m.

REGULAR SESSION

SENATOR BRIAN A. BENJAMIN, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BENJAMIN: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT BENJAMIN: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, December 27, 2020, the Senate met pursuant to adjournment. The Journal of Saturday, December 26, 2020, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, I move to adopt the Resolution Calendar.

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

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BENJAMIN: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, on behalf of Majority Leader Andrea Stewart-Cousins, I hand up the following conference membership for the Majority Conference and ask that it be filed in the Journal.

ACTING PRESIDENT BENJAMIN: The hand-ups are received and filed.

SENATOR GIANARIS: There will be an

immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT BENJAMIN: There will be an immediate meeting of the Rules Committee in Room 332.

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT BENJAMIN: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 1:12 p.m.)

(Whereupon, the Senate reconvened at 1:20 p.m.)

ACTING PRESIDENT BENJAMIN: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, is there a report of the Rules Committee at the desk?

ACTING PRESIDENT BENJAMIN: There is a report of the Rules Committee at the desk.

The Secretary will read.

THE SECRETARY: Senator Stewart-Cousins, from the Committee on Rules, reports the following bill:

Senate Print 9114, by Senator Kavanagh, an act establishing the "COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020."

The bill is reported direct to third reading.

SENATOR GIANARIS: Move to accept the report of the Rules Committee.

ACTING PRESIDENT BENJAMIN: All in favor of accepting the Committee on Rules report signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BENJAMIN: The report is accepted and before the house.

SENATOR GIANARIS: Please take up the supplemental calendar.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 1034, Senate Print 9114, by Senator Kavanagh, an act establishing the "COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020."

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

SENATOR GIANARIS: Mr. President, can -- I'm sorry. I jumped the gun.

ACTING PRESIDENT BENJAMIN: Senator Gianaris, that completes the reading of today's supplemental calendar.

SENATOR GIANARIS: Now, Mr. President, can we take up the controversial calendar.

THE SECRETARY: Calendar Number 1034, Senate Print 9114, by Senator Kavanagh, an act establishing the "COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020."

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

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

ACTING PRESIDENT BENJAMIN: Thank you, Senator Lanza.

Upon review of the amendment, in accordance with Rule 6, Section 4B, I rule it

nongermane and out of order at this time.

SENATOR LANZA: Mr. President, accordingly, I appeal the chair's ruling and I ask that Senator Helming be recognized.

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

SENATOR HELMING: Thank you, Mr. President.

Mr. President, this amendment is germane, as it strictly amends our bill-in-chief. The bill-in-chief is more than a moratorium on evictions and foreclosures; it is a complete shutdown of all proceedings.

The provisions of the amendment I've presented on behalf of the Minority Conference provide commonsense fixes to the inevitable eviction bubble that the bill-in-chief only perpetuates.

Our amendment does a number of things. It implements income caps similar to the CDC moratorium, to ensure that our neediest populations have protections. It provides a mechanism for tenants to make significantly reduced payments and receive eviction

protections. This will lower their final debt burden and provide cash flow to landlords. It will allow eviction proceedings to occur, but not be executed.

And, Mr. President, we all can agree that everyone should feel safe in their home. Our amendment provides for the enhanced security and well-being of tenants and landlords by removing the unfair protections for tenants that may damage or disrupt their units for reasons that have absolutely nothing to do with financial hardship or the COVID pandemic.

For these reasons, Mr. President, I strongly urge you to reconsider your ruling.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Helming.

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

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

SENATOR LANZA: Mr. President, I request a show of hands.

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

SENATOR GIANARIS: Mr. President, we have agreed to waive the showing of the hands given the pandemic rules and procedures we're following, and we agreed to record each member of the Minority in the affirmative on this vote.

ACTING PRESIDENT BENJAMIN: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

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

Senator Helming, are you on the bill or are you asking questions?

SENATOR HELMING: On the bill, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Helming on the bill.

SENATOR HELMING: Mr. President, people do need help. We can all agree to that. There are hundreds of thousands of people who have been impacted and are hurting through no fault of their own. We need to be discussing a comprehensive plan on safely reopening businesses so people can get back to their jobs and paying

their bills.

Mr. President, will the sponsor yield for a question?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Through you, Mr. President.

Senator Kavanagh, in section PART A of the bill there is reference to the definition of a "'Tenant' includes a residential tenant, a lawful occupant of a dwelling unit, or any other person responsible for paying rent, use and occupancy, or any other financial obligation under a residential lease or tenancy agreement, but does not include a residential tenant or lawful occupant with a seasonal use lease where such tenant has a primary residence to which to return to."

Tourism is such a significant industry in New York State, and I'm wondering how this language here could impact seasonal-use

leases. How does this apply, can you explain, like to Airbnb, bed-and-breakfasts? Is there any sort of impact on these businesses?

SENATOR KAVANAGH: Thank you. Through you, Mr. President, I thank my colleague for the question.

The bill is intended and this definition -- which is the definition of "Tenant" in the section that is intended to prevent evictions of people who are experiencing hardship -- the definition is intended to be broad. It includes people who have a formal lease and a tenancy as well as people who might be occupants on a month-to-month lease or occupying their home in another circumstance.

However, as my colleague notes, there is an exception where there is a seasonal lease where the tenant has a primary -- another primary residence to which to attend. That is intended to protect against some circumstances we've heard about where somebody is occupying what is essentially a vacation home or a home in a place where there's a big tourism industry, and they have another home to go to and they choose not to do that.

In that case, they are not protected by the specific provisions of this bill. And that should be helpful to property owners in those communities.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Senator Kavanagh, in the past you and I have talked about the challenges that mobile home owners have faced and mobile home park owners face. In New York State we both know that there are hundreds of thousands of people who live in mobile homes. How does this legislation impact mobile home owners who currently have debt, since these dwellings are often registered as a vehicle?

SENATOR KAVANAGH: Thank you for the question. Through you, Mr. President.

First of all, as my colleague knows,

we passed some of the strongest protections in America as part of the Housing Stability and Tenant Protection Act for people who live in mobile home parks.

There are about 170,000 households in New York who live in mobile home parks. Generally speaking, those folks are either leasing a space and count as tenants for the purpose of this legislation and others, or in some cases they own the structure they're on and they're leasing the land.

In either case, I believe that they would be covered by the provisions -- either the homeowner provisions of this bill or the tenant provisions of this bill. And in either case, if somebody were trying to foreclose on a loan against their home, that that would be blocked by this bill. And if somebody were trying to evict them as a tenant, that would be blocked by this bill.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: So along the same lines, how will this legislation impact park owners?

In my experience throughout my district, when I meet with the park owners -- and we have quite a few in upstate New York -- they rely on every single penny that they collect from the renters in their parks or Section 8 housing, whatever it happens to be. But the loss of any of that income is truly going to stifle their ability to maintain their parks, things like garbage pickup, sewer, water improvements, electric improvements. I've seen horrendous things happening in these parks, but I've seen an improvement over the last couple of years.

But I want to know how this legislation will impact these park owners.

SENATOR KAVANAGH: Through you, Mr. President. You know, the pandemic has caused tremendous financial hardship for people in virtually every aspect of our society and our

economy. We have restaurants that are unable to fully function, we have all kinds of businesses that are not allowed to bring their employees back. And, yes, we have property owners who are renting dwelling units either in mobile home and manufactured home parks or landlords throughout the state.

We understand that a situation where tenants are unable to pay their rent is a hardship for those folks. And we in the Majority have been working on solutions for that. We passed the Emergency Rent Relief Act earlier in the session which put $100 million out there to help cover the cost of rent. And many of us have advocated for additional rent relief out of the federal government -- and homeowner relief, incidentally.

It is good news that the President of the United States finally signed a federal relief bill into law. Many of us had hoped that that would happen in June or July and had advocated for that. But at this point we do see a substantial amount of financial assistance coming to New York that is intended to cover rent costs. We estimate that $1.3 billion of federal

relief will be coming to New York. Our next challenge is going to be to get that money out into the hands to relieve the residents of this state and people who are renting them property who also have costs during this time.

In the meantime, though, we think it is a critical public health measure to prevent people from being displaced from their homes against their will, whether they be tenants or they be homeowners, because that is something that is going to save lives during this pandemic.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Happily, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Senator Kavanagh, you mentioned the many relief programs that are available to tenants and to landlords, and I'm curious what your thoughts are on the state program. There was a state program -- we

received funding from the federal government that came to the state, tenants were supposed to be able to fill out a form, is my understanding, that they needed assistance with their rent, and the state was then supposed to release money back to the landlords.

How is that program working? And is there anything in this legislation that supports that program? Or, if you believe it needs to be improved, anything in here that would improve that so that we can move more of that money that we're sitting on out to the people who need it?

SENATOR KAVANAGH: Thank you for the question. Through you, Mr. President.

That program was intended at the time to be a very limited program, because we had very limited financial resources to expend on it.

We, the Legislature in both houses, came to an agreement to allocate $100 million of CARES Act funding to that purpose at that time. Since $100 million is only a tiny fraction of the needs, we created some very restrictive criteria to ensure that only the neediest of our tenants were able to access that money and were prioritized.

Having said that, we understand that there has been difficulty getting that money out the door. Only about $40 million of the $100 million has been spent, and only 15 million households to date have received aid.

The Governor recently modified that program through executive order and has reopened the application period for that program through February 1st at this point. We encourage tenants who may be eligible for that -- who may be low-income and may be rent-burdened -- now to apply for that program.

But, Mr. President, the important thing to note is that the amount of relief we are going to need to get through this problem is vastly larger than the $100 million, and the amount of money that we expect to come from the bill that was signed just yesterday is 13 times that amount. The $1.3 billion will require a new mechanism to get the money out the door efficiently and effectively and will cover a lot more tenants and a lot more of their landlords who are struggling to pay their costs.

So this bill, because the Governor very recently modified that program to make it

easier to get that money out to people, this bill does not address that. But it is a subject of continuing concern for this house that we ensure that we get relief into people's hands as quickly as possible.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Maybe on the bill, quickly.

ACTING PRESIDENT BENJAMIN: Senator Helming on the bill.

SENATOR HELMING: It's an awful shame that out of $100 million, when we have people across the state struggling -- struggling -- to pay their rent, to pay their heat bills, to put food on the table, that $60 million remains in the account and we're doing nothing about that today.

Mr. President, if the sponsor will yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

And I would just note that {mic off; inaudible} many in the Minority had voted against even this limited duration that we're offering in this bill already today, and I think that's also a terrible shame.

ACTING PRESIDENT BENJAMIN: The sponsor has yielded. Do you want to ask a question?

SENATOR HELMING: Yes, please.

ACTING PRESIDENT BENJAMIN: Okay.

SENATOR HELMING: And in PART A, under the "NOTICE TO TENANT," there's a section that reads: "If you have lost income or had increased costs during the COVID-19 pandemic." My question to the sponsor is, what are we talking about here, increased costs?

Numbers -- Items 1 through 4 identify a number of specific increased costs or circumstances, but this particular statement is

very generic and very broad. Does an increased cost that would entitle someone to a hardship, does it include things like if your cable bill has increased, you've experienced an increased cost?

Look, we just all went through the holidays. If you've overextended, you shopped too much during the holidays, you spent too much, does that mean that you now have a financial hardship? Can the sponsor please explain, in specific detail, what is meant by "increased costs," or is this defined somewhere in the law?

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

The language that the -- my colleague is reading from is the general introduction to this form. The form is structured so that -- such that a tenant who wanted to benefit from these provisions, and indeed a landlord, a small landlord who wanted to benefit from provisions of this bill, or a homeowner who wanted to benefit from provisions of this bill would have to check one of two options if they're a tenant. And that is very specifically enumerated.

They would have to say -- again, under penalty of law, they would have to say they are experiencing financial hardship and unable to pay their rent or other financial obligations under the lease in full, or obtain alternative suitable permanent housing because one or more of the following. And there are five things that are enumerated there.

I know that my colleague has them before her, but just to try to summarize: A significant loss of income would count; increasing necessary out-of-pocket expenses related to performing essential work or related health impacts during the COVID-19 pandemic; childcare responsibilities or responsibilities to care for an elderly, disabled or sick family member during the pandemic that have negatively affected the tenant's ability or the ability of somebody else in the household to obtain meaningful employment or an income; moving expenses and difficulty they'd have securing alternative housing make it a hardship for them to relocate at this time; or other circumstances related to the COVID-19 pandemic have negatively affected their ability to obtain meaningful

employment or earn income or have significantly reduced their household income or significantly increased their expenses.

I would say -- and there's an additional provision that they have to attest that whatever loss of income or increased expenses they've had have not been made up, offset by -- have not been fully offset by any public benefits they've received in the meantime.

I would suggest to my colleague that spending a lot of money on Netflix probably does not qualify one for any of these hardship provisions, although obviously that would be -- you know, perhaps we differ on that.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Thank you, Senator, for reading those five criteria. And

I'm glad you did, because that's exactly where I want to go to next.

Starting with number one, it talks about significant loss of household income during the COVID pandemic. And I would like to better understand, how is "significant loss" defined?

SENATOR KAVANAGH: Significant loss of income -- again, it must be that the person is unable to pay their rent or their other financial obligations under the lease or obtain suitable permanent housing because of this condition. So it would have to be a loss of income or -- it's a combination of loss of income of these factors or increased expenses. And somebody could have either or both, but they are attesting that those circumstances caused them to be unable to pay their rent in full.

What is significant for some of my colleague's constituents, given their cost of living and their income may be different than somebody else's constituents, depending on how much income they were making before the pandemic, what their rental costs are.

But the goal here is to have people attest that because of the significant loss, they

have been unable to pay their rent or maintain their other financial obligations during COVID-19.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HELMING: So I'm not sure that that definition --

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

Go ahead, Senator Helming.

SENATOR HELMING: I think it would be helpful if there were a clear definition, a definition with some meat to it, so that we don't have unintended consequences happening.

So, Senator Kavanagh, are you saying if I'm a high earner, I'm raking in a million bucks a year, and I experience a loss of income, even 50 percent, I could come back and say that

I've experienced a significant loss of household income and I am no longer able to pay my rent, and just stop paying my rent, fill out a form and stop paying my rent?

SENATOR KAVANAGH: If I understand your hypothetical, your hypothetical is someone who is still making $10,000 a week during the pandemic and they are unable to pay their rent?

I'm not sure, you know, where that person is renting, but it seems quite likely that somebody making $10,000 a week is able to pay their rent or find alternative permanent housing somewhere in the State of New York. And that does not -- again, I don't want to prejudge how others might view this, but that does not appear to me to be a hardship that is preventing that person from paying their rent.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The

sponsor yields.

SENATOR HELMING: So, Senator Kavanagh, you raised a very interesting point when you say this -- in that example I gave, that it probably wouldn't fly.

My question is, who is going to be reviewing these forms, and how are they going to determine if somebody meets the criteria?

SENATOR KAVANAGH: Mr. President, as we had an opportunity to discuss in a lively conversation during the Housing Committee meeting, the goal of this bill is to create a mechanism for people to present the fact that they are experiencing a hardship and unable to pay their rent, either because of increased expenses or because of a loss of income. And if they do that, they are gaining a temporary protection from eviction.

The purpose is to avoid a situation where we believe there are at least 1 million -- about 1 million households in New York State who are behind on their rent. Any process that tried to systematically adjudicate whether all million -- which portion of those million people are experiencing a hardship, would itself cause a

very significant public health problem.

We want to allow people -- we want to take seriously the fact that you have to have a hardship. It would be a Class A misdemeanor to sign a form like this and have it relied upon in a court proceeding at some point. But in the meantime, we are trying to deal with an emergency situation.

We don't want -- we already have lines out the door and down the block at some of our courthouses because eviction proceedings have started up again after the blanket moratorium that was in place through September 30th expired and was modified by a -- you know, a lesser moratorium.

So our goal here is to get tenants and homeowners -- and I would note, Mr. President, that the hostile amendment presented on this floor earlier weakened the protections for tenants but chose to leave all of the language we're discussing today that we're hearing skepticism about, chose to leave all of that language in place for landlords and homeowners.

I find that interesting that, you

know, the attempt to modify this bill only intended to weaken it for tenants and not for homeowners. But this -- so had that amendment been accepted, this language would have stayed in place in two-thirds of the -- of this bill.

But in any case, our goal here is to create a system where people have to attest, under penalty of law, that they have experienced a hardship and that that hardship is causing them to be unable to meet their rental obligations. And in that circumstance, we want to protect them from eviction as an emergency public health measure.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Happily, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Thank you for that explanation, Senator Kavanagh. I think it was a long way of saying that nobody will be

reviewing those tenant hardship declaration forms.

But moving on, I wanted to ask you a question. In the TENANT'S DECLARATION OF HARDSHIP, A-3, it talks about childcare responsibilities or responsibilities to care for elderly, disabled, et cetera, or a sick family member. Can you tell me how "family member" is defined?

SENATOR KAVANAGH: It is not defined in the bill. However, somebody who is expending money to care for a family member, and if that -- during this horrible pandemic where we've seen hundreds of thousands of Americans die, if they are choosing to spend their money taking care of a family member and that is causing them a hardship and that is preventing them from paying their rent, this bill stands for the principle that that person should not be subject to eviction during this pandemic.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: So I had a call from a person who is caring for a loved one. It's not a family member, but they're caring for a loved one. They have out-of-pocket expenditures, et cetera. Where -- do they fit into that No. 3?

SENATOR KAVANAGH: Mr. President, I'd note, first of all, that the position that my colleague has taken would be that that person and every other person who might be facing eviction should not get any of the protections in this bill.

I would suggest that that may qualify as another circumstance related to the COVID-19 pandemic that has negatively and significantly reduced their income or significantly increased their expenses.

But again, there is some subjectivity to this, and that does seem to me to be directly related to the COVID-19 pandemic. If they're spending a lot of money keeping somebody

else alive and well, I would think that we should be extending sympathy to that person and certainly not allowing them to be evicted in the midst of that hardship.

SENATOR HELMING: Exactly.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Happily, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Tenant's Declaration Item No. 5, it talks about "Other circumstances related to the COVID-19 pandemic that have negatively affected my ability to obtain meaningful employment or earned income."

Can you provide some examples of the other circumstances that are not already identified in Items 1 through 4? And also, in that same Item 5, how is "meaningful employment" defined?

SENATOR KAVANAGH: Through you, Mr. President. Again, we just had one

circumstance that I offered as an example of this very provision that is intended -- that sort of demonstrates the fact that this language is intended to be broad enough to cover the many hardships and the many difficulties that New Yorkers are facing during the COVID-19 pandemic, many of which were not predicted in advance and perhaps cannot be predicted as we go forward into the next round of our fight against this disease.

But, you know, one example the sponsor {sic} gave, and I assume from the thrust -- sorry, the -- my colleague gave, and I assume from the thrust of her question that she believes that somebody who's taking care of a loved one should be getting some protection -- that is the kind of circumstance that might allow somebody to truthfully check off that they are having a hardship, because No. 5 is about other circumstances related to the COVID-19 pandemic.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: I'm curious, Senator Kavanagh. There is a clause in this bill that says that the Office of Court Administration shall promptly -- shall supply the respondent a copy of the hardship declaration in English and, to the extent practicable, the tenant's primary language. And I believe it was during our committee meeting you mentioned that there are numerous, almost 10 languages, I think, that this is going to be printed in.

But my question is, how will the court have any knowledge of the tenant's primary language? And also, what about providing a copy in the landlord's primary language?

SENATOR KAVANAGH: Through you, Mr. President. The language provisions of the bill require that the Office of Court Administration translate this form into seven languages in addition to English, and make those forms available to all parties through their public website, and that includes tenants as well

as homeowners and other property owners.

The forms for homeowners and property owners are slightly different from the tenant forms, but they have the same thrust of -- that the tenant form that we've been discussing today.

And again, I would note that all of these provisions seem to be acceptable to the Minority when applied to landlords or homeowners, but somehow are under question when they're applied to tenants, to protect tenants.

But in any case, the provisions where the court is providing the form are only in the circumstance where a case is already pending before the tenant {sic}. Often the court may have information as to the language of the tenant because they are already a party to a case that is before that court.

But -- and similarly, landlords often, because they have to make demands of their tenants, they have to ask for rent, they have to discuss repairs -- landlords may also have information about the primary language of the tenant. If they are aware of such primary language that is not English, they are supposed

to provide this form to the tenant in the primary language of the tenant.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes --

SENATOR HELMING: I'm not sure --

SENATOR KAVANAGH: -- I'm happy to follow up if I didn't -- if I missed a part of the question.

SENATOR HELMING: Supplying the same information to the landlord in their primary language? But it's okay.

SENATOR KAVANAGH: {Mic off; inaudible.} So the cases that are brought before -- the cases that are brought before the court -- sorry, the particular thing that the -- that my colleague asked about, is the court supplying this form to the -- to a party to the case, the thrust of the language is that it has to be in the language of the party who has to sign it.

So if they were providing it to a

property owner in a circumstance where the property owner is the person who's supposed to benefit from the protections, they would be providing it to that person in their primary language to the extent practicable. If they're in a case where they're providing it to a tenant who's supposed to benefit from these protections, they'd be providing it to the tenant in the language that -- to the extent practicable, in the language that is the primary language of that tenant.

But in each case -- again, the language is parallel, and in each case the form is supposed to be provided to the party who is expected to read it and sign it and benefit from it in a language that they can understand.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Is that in this bill? I see it for the tenant, but is it in this bill for landlord and property owners?

SENATOR KAVANAGH: Yes. And if you'll give me a moment, I will find it.

SENATOR HELMING: Okay.

SENATOR KAVANAGH: If I may just -- rather than finding the language, the -- the structure of this bill is a set of protections for tenants and then a very parallel and very similarly worded set of protections for homeowners and property owners.

And the language I just cited is in each of those, more or less verbatim. There are slight differences in those provisions because court processes to evict a tenant are somewhat different from court processes to foreclose on taxes or foreclose on a mortgage.

But that provision is, I believe, verbatim for anybody who is expected to benefit from the protections of this form.

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

ACTING PRESIDENT BENJAMIN: Does

the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: This bill includes language that requires that a list of all not-for-profit legal service providers actively handling housing matters in the county where the subject premises are located, that such lists are to be prepared and regularly updated, to the extent practicable, for such purpose and published on the website of the Office of Court Administration.

So I understand, reading this, that the Office of Court Administration is responsible for publishing on their website this information. But who is responsible -- is there language somewhere that requires the Office of Court Administration or someone else to prepare and regularly update this information? Or is it just assumed that that's going to happen?

SENATOR KAVANAGH: Yeah, I think that the bill -- the bill creates -- through you, Mr. President, the bill creates an ongoing

obligation of the Office of Court Administration to have that information available. I think it would be reasonable to read that obligation as information that is current, as opposed to information that was true last year but is no longer true.

And I also think the Office of Court Administration -- we had a hearing in this house of the Judiciary and the Housing and the Codes Committees about the capacity of the court to respond to the many problems that people are having during COVID-19, and the courts have expressed quite a bit of willingness to provide all parties -- landlords, tenants, property owners -- with the information they need.

What they have suggested at that hearing is that they would like some direction from the Legislature or Governor or both as to what the standards ought to be, and that is one of the things we're doing today.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Senator Kavanagh, the Declaration of Hardship form, will that be released at the same time as the required resources are ready to be released? Or do you anticipate the hardship form will be released prior to resources?

SENATOR KAVANAGH: I believe -- (pause). So I just wanted to check, since we went through a number of drafts of this.

The bill requires that the Office of Court Administration make that form available consistent with this law within 15 days of the date of enactment. So that form would be available on the Office of Court Administration's website.

In addition, the bill provides for a 60-day stay against -- of proceedings against those homeowners and renters and property owners that we are -- and small landlords that we're intending to protect by this bill. And during that 60 days, presumably all parties will have an

opportunity to familiarize themselves with the law and their new rights and obligations under this bill.

If the case is pending as of the effective date of this bill, the court is required, as we discussed a moment ago, to provide notice of this new declaration process to the litigants who are intended to benefit from it.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: When discussing service of the Notice of Petition, there is a requirement that the Notice of Petition must have attached to it the Hardship Declaration and that the Notice of Petition, with the attached Hardship Declaration, shall be made by personal delivery to the respondent unless such service

cannot be made with due diligence.

Is "due diligence" defined somewhere in the law or in this bill?

SENATOR KAVANAGH: Through you, Mr. President, there is a great deal of court experience and case law -- this is a provision that would be required and reviewed at the point where there is a case filed because a tenant has not returned the declaration form.

I think that a judge and participants in the litigation process have a lot of familiarity with what is required to properly serve somebody with a document that they are required to receive to proceed with litigation.

I will confess that as the Housing chair, I am not an expert on that process, but I am told that serving documents in court proceedings and doing it with adequate diligence, with the diligence that is due, is something that courts will be able to handle whether that has occurred.

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

ACTING PRESIDENT BENJAMIN: Does

the sponsor yield?

SENATOR KAVANAGH: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: This legislation includes a rebuttal presumption. And my question is, if there is a safety hazard, if a home is deemed to be unsafe for occupants by local or state code enforcement officers, does this section -- does this rebuttal presumption prevent removing inhabitants from an unsafe living provision?

And why I bring this up is it seems, especially during the winter months, there are so many horrible fires that result, we have roof collapses, you know, roofs that are compromised because of snow loads. There's just a lot that's going on.

So again if you can just answer whether or not this would prevent someone being asked to leave a home that is no longer safe. There could be a gas leak ...

SENATOR KAVANAGH: I wanted to make sure my colleague finished the question.

SENATOR HELMING: Yeah.

SENATOR KAVANAGH: So there are a few different provisions that the -- my colleague is referring to.

The rebuttable presumption provisions are not relevant to this particular question. The rebuttable presumption is about circumstances in which somebody is claiming a hardship in some subsequent proceeding, and it says that having signed this form creates a presumption that there was a hardship.

But at a point where the litigant -- litigants might have an opportunity to rebut that. That is not about the question of whether somebody could be removed from their home now under those provisions.

There are situations that are relevant to that question. The first is if the tenants themselves are causing a danger to property, to the safety or health of their neighbors, or they're engaging in persistent behavior that threatens the ability of other residents of the building to enjoy their property, that is a circumstance in which this bill would allow an eviction proceeding to go forward. And there would be a special hearing to

determine whether those circumstances are present in a given case.

Some of the examples that my colleague mentioned I think it would be dealt with in different provisions of law. If there's a fire in a building or some other serious threat to health and safety, typically that is dealt with by local authorities issuing a full vacate order or a partial vacate order that specifies who's entitled to be in the building.

And that is not -- it is not necessary at that stage to engage in an eviction proceeding. It is the authority of local government, under its ability to protect the public safety and public health, that causes people to be not permitted to go into those buildings. It's not an eviction. Often the residents of those buildings retain the rights of tenants, they're just not allowed to enter the building because of safety concerns. Often the landlord is also not allowed to enter the building in those conditions because there is a physical danger present, until engineers get in and determine what is safe and what is not safe.

SENATOR HELMING: Through you,

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Senator Kavanagh, under the legislation it's my understanding that the individual submitting the Hardship Declaration only has to submit it once, and they'll be covered from participating in a proceeding through at least May 1st.

What happens if the individual's financial circumstances improve before May 1st? For example, they may get their jobs back. Hopefully, right, with the vaccine and the positive steps that we're taking, they may become employed. Or maybe they'll secure additional government assistance. Theoretically, they would no longer be experiencing financial hardship and they are able to pay either their full obligation or a partial obligation.

SENATOR KAVANAGH: Through you,

Mr. President. First of all, there is nothing in this bill that alters the obligation of people to pay. This is an eviction moratorium; it is not a rent holiday. And so people who have the ability to pay ought to pay their rent.

The bill reflects the idea that we believe that a stay of these proceedings is appropriate for four months while we continue to take steps to recover from the pandemic, while we attempt to get the resources into the hands of people that they need to cover these expenses. A process where somebody had to recertify frequently during that four-month process would be certainly difficult to administer.

And again, we believe that it has to be -- to issue a stay, it has to be stayed for some period. And it is the sense of the sponsors of this bill and the many members of our -- of both houses that are supporting it that a four-month stay of these proceedings is reasonable for somebody who has a hardship. Now that we are entering the tenth month of this pandemic, in many cases even if somebody got their job back tomorrow, it would be a while before they fully overcome the hardships that

have been built up since March 7th, when the first emergency order was issued.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: So we've touched on this a little bit, but does the legislation preclude any individuals from submitting a hardship declaration if they have a certain income level? And we discussed that a little bit so far. But for example, if a person had a significant loss of income but they have substantial amounts of savings, under this bill is there anything that actually requires the individual to draw down at least some of those assets?

SENATOR KAVANAGH: Through you, Mr. President. We did discuss this a bit previously. But again, to reiterate, the person

would be signing a form that says they're experiencing financial hardship and unable to pay their rent or other financial obligations under the lease in full, or obtain alternative suitable permanent housing because of these conditions.

If they have a very large bank account or a trust fund or some other thing that they can draw upon, presumably they would not be unable to pay their obligations and to pay their rent or find suitable housing. Similarly, they might be able to pay their mortgage in that circumstance, and as a homeowner in that circumstance, they wouldn't be protected either.

But if they -- the whole thrust of the declaration people are making is that they are unable to meet their financial obligations or, in the case of tenants, that vacating the premises would pose a significant health risk because they or a member of their family have increased risk of severe illness because of their age or because of a medical condition or because of a disability.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Interesting. If they are unable to meet their financial obligations, but they're -- it's not really defined what that is. So they could come up with a whole litany of things.

Under the bill, a tenant may still be evicted if they are persistently and unreasonably engaging in behavior that substantially infringes on the use and enjoyment of other tenants or occupants or causes a substantial safety hazard to others. If the tenant violates their lease by committing property damage but it doesn't bother anyone else, and they filed a financial hardship, even though the hardship has nothing to do with the property damage, can they be evicted under the bill?

SENATOR KAVANAGH: Mr. President, I'm not sure what sort of circumstances the --

what kind of property damage wouldn't be causing a threat to the safety of -- or the health or safety of others. Perhaps my colleague could, you know, provide an example so I can better understand her question.

SENATOR HELMING: Through you, Mr. President. So it could be a tenant is maybe knocking holes in a wall, maybe even breaking out windows, things that don't necessarily -- I've heard of tenants plugging up toilets and letting the stuff flood out their apartment, but it doesn't necessarily impact anyone else in the building. In those circumstances, how does this --

SENATOR KAVANAGH: It would be a fact-based determination by a court under a special hearing required by this bill as to whether those conditions are causing threats to the peaceful enjoyment of the other residents of the building or a safety or health hazard.

I would suggest that plugging up your toilet and letting the water flow where it may probably would qualify.

But again, the goal of this is to prevent people from being evicted during a

pandemic in a way that will cause a threat to their health and a threat to the public health of everyone in their community. Because, of course, the thrust of this is to prevent the spread of a highly communicable deadly disease.

But again, it would have to be a fact-based determination. And again, I would suggest that some of the circumstances my colleague mentioned would qualify as threats to the safety and the well-being of their neighbors.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: the sponsor yields.

SENATOR HELMING: Subpart C of the bill prevents negative marks on the credit reports of tenants or homeowners in arrears. But, Senator Kavanagh, what about the negative reporting for property owners who cannot pay their bills? For example, rents may come with

free heat, hot water, electric, cable, Wifi for tenants, so the landlord's still responsible for these costs even though there's no rent being paid. The landlord can't just shut off these services.

But why are the unpaid bills for the landlord's expenses not protected from adverse credit reports?

SENATOR KAVANAGH: Through you, Mr. President. We took a number of actions previously in the session that are related to some of the issues my colleague is raising.

For example, we did pass a bill that prohibits turning off services for various utilities in residential settings. That includes heat and gas and electricity and phone service, and that would include residential buildings in -- generally, in addition to individual apartments. So we have taken steps to ensure that people are protected.

In addition, the provisions that the -- I'm looking -- you know, it's -- I'm looking for the specific provision so I can cite the language. But I believe that this -- the provisions regarding credit would protect people

who are taking advantage of this -- of the provisions of this bill. (Pause.)

I just -- I would note two things. Although my colleague has very much wanted to focus on the tenant benefits of this, again, I would note that this bill protects homeowners and it also protects small landlords, defined as people who have 10 or fewer dwelling units that they control. And they would also be benefiting from many of the protections of this bill.

I would note that in the provisions that -- we've talked about the five provisions that apply to tenants claiming hardship. I would note that the property owner provisions have a sixth provision which constitutes a hardship which says that "one or more of my tenants have defaulted on a significant amount of their rent payments since March 1, 2020."

So we are addressing a situation where tenants are not paying the rent to a small landlord; we are allowing the landlord to claim a hardship -- again, simply by signing the form attesting to such hardship without further inquiry as to the accuracy of that form.

We are trusting landlords, just like

we are trusting tenants to make an attestation under penalty of perjury that they are experiencing a hardship. That hardship could include the tenant's not paying rent. And that landlord, who is benefiting from the protection of this bill, would also benefit from the protection that their credit cannot be adversely affected by taking advantage of the provisions of this bill.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Happily, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Senator Kavanagh, what do you envision for the payback of rents or mortgage payments? What does that look like? Over what time is that going to be paid back? And do you feel like the backlog is going to be enormous and that payment delays are going to prevent or stand in the way of New York State's

recovery, economic recovery?

SENATOR KAVANAGH: Mr. President, I do have some of those concerns. And again, I have been advocating for much quicker and more decisive and more generous action from the federal government. And I believe in a situation where we're facing a $15 billion budget gap in this year's budget and a $15 billion budget gap in next year's state budget, we are going to need federal assistance.

I would note that at my urging and the urging of many other people, the U.S. House of Representatives adopted a package last spring that would have provided $100 billion nationally, of which New York might have seen many billions of dollars, to address this situation. Had that action been taken up by the U.S. Senate and signed to law by the White House, we would not be where we are today. We would have been able to have a generous rent subsidy program and also a generous program to help landlords with the costs that they have not been able to cover.

I mentioned that bill carried $100 billion for renters; it also carried $70 billion nationally to help homeowners.

Unfortunately, that bill was blocked in Washington.

But the good news is that we have finally seen action in the Senate and the Assembly -- I'm sorry, the U.S. Senate and the U.S. House of Representatives got together and passed a generous package -- it is not all that we need, but it will allow $1.3 billion to be spent to address the fact that tenants have not been paying their rent because they are having hardships and because they don't have the resources to do so. And that money will, under the terms of that bill, get into the hands of landlords, who are then able to pay their expenses. I think that is a major step forward.

And today what we are doing is a stopgap to ensure that in the meantime, homeowners are not foreclosed on by their banks or by local taxing authorities, small landlords are not foreclosed in that way, and tenants are not evicted in the middle of a pandemic.

But I share the concern that it is going to take a while to dig out of this, and that's why I've spent the last 10 months advocating for quicker action and more relief so

that we could have addressed this problem as we went along.

SENATOR HELMING: Thank you.

Mr. President, on the bill.

ACTING PRESIDENT BENJAMIN: Senator Helming on the bill.

SENATOR HELMING: Thank you, Mr. President. And Senator Kavanagh, thank you for your patience in answering all of my questions.

I have seen things during the last several months that I have never seen. People are coming out and looking for help and support who never envisioned ever having to reach out to the government for help and assistance.

And one of the areas where I feel like we should have helped them is we should have incorporated something into this legislation that made it a requirement for someone, whether it's Office of Court Administration or someone else, to provide information regarding all the assistance programs that are available. Whether, as I said earlier, it's HEAP, EBT, whatever it is -- but I think that is one area that we've missed here.

Tenants and small landlords are among the thousands of New Yorkers experiencing economic hardship as a result of the pandemic. They deserve our help. But today, instead of taking action to begin our economic recovery, we're voting on a bill that does little to provide any meaningful or real long-term relief to tenants or property owners. In fact, it's my feeling that this bill is so flawed that it's going to allow millionaires to avoid paying their rent.

We must protect both tenants and property owners. I've offered an amendment -- along with my colleagues in the Minority -- to this bill that would treat people more equally -- equitably, treat both the tenants and the property owners more equitably.

Tenants who are struggling to pay their rent as a result of the pandemic deserve relief. No one is arguing with that. But the legislation before us today, however well intentioned, will not help people get back to work or meet their rent obligations. It will not enable landlords to maintain and keep their property safe or meet their mortgage obligation.

It is not going to preserve affordable housing in our communities or help our local economies.

What this bill does is simply kicks the problems down the road and creates a bigger financial hole for tenants and landlords. Come 1 May, when the end of this exemption comes, so too will all those back-rent payments, the mortgage payments, the interest and penalties and other fees. We're no doubt going to see increased liens and foreclosures. This is only going to delay New York's economic recovery.

This bill misses an opportunity to help real people and does a disservice to those most in need. It fails to ensure tenants have access to information on federal and state programs already in place, programs that could help them keep their heat on, feed their families and even pay their rent.

New York has tens of millions of dollars in rent relief funding. Where is it? This funding, and the additional money that we can expect from the federal government, must be distributed. It's got to be moved out to the people who need it. Our focus should be on getting this money in the hands of New Yorkers

who need it most, not taking redundant action that will only add more bureaucracy.

There are tenants and landlords experiencing real economic hardship. Unfortunately, this bill falls short. It's not a solution to the problems either of them face. We must bring everyone to the table and work together to develop solutions that allow people to stay in their homes and ensure that landlords can maintain their property. Let's not make a bad situation worse or further delay New York State's economic recovery.

I will be voting no on this bill.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Amedore.

SENATOR AMEDORE: Thank you, Mr. President. Will the sponsor yield for a few questions?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Absolutely, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: Senator Kavanagh, nice to see you. Thank you so much for working with me throughout the years.

And to you, Mr. President, and to all of the colleagues in the chamber and members of the Senate, it's been a great honor for me to serve. I will miss you all, and I wish everyone a very blessed New Year.

But I have a few questions for Mr. -- for Senator Kavanagh on this -- on the bill that's before the house. And that is the first question, Senator, is does the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020, will this extend after the emergency declaration is removed or ends?

SENATOR KAVANAGH: Through you, Mr. President, the provisions of this bill apply immediately upon the bill being signed, it is effective immediately. And it creates various stays and a moratorium through May 1, 2021. It is not tied -- I don't think any part of the bill that I'm aware of is tied to any other provision of law or any other emergency declaration.

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

yield?

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: So, Senator Kavanagh, what I believe I hear you say, if I may interpret it properly in my own way, is there's nothing in this bill that will be made permanent in the laws of the State of New York within this time frame of this pandemic. After the pandemic is over, the declaration of emergency is removed, we hopefully get back to normal, then the landlords, tenants, homeowners, business owners, banks will go through the courts, will go back to its normal way of life following the laws that we already have on the books, and statutes?

SENATOR KAVANAGH: Yeah. Through you, Mr. President, that would be the expectation.

As I discussed with our other colleague, it may take time before things are back to normal on the ground before we get the

rent arrears paid, before we get, you know, people's mortgage arrears cleared out, before we get taxes paid. But this bill does not, on its own terms, create any changes past May 1st.

There may, of course, be implications of court proceedings that are begun under this process. The provisions about the rebuttable presumption about the form that is submitted under this do last beyond May 1st; I think that's provided for in the effective-date clause.

But other than that, there is an expectation -- a hope, I would say -- that through this bill, which provides immediate relief to people who might be facing tax foreclosure or mortgage foreclosure or eviction, it provides that immediate relief, and then in the meantime I think we're all going to need to work on figuring out how to address the very serious financial obligations of all of this, and the many other human implications of all that we've gone through in the last 10 months.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: Senator Kavanagh, you've probably explained this before, and you may have even said it during the Housing Committee meeting, but how does this legislation differ from the executive order that Governor Cuomo has put in place and has extended?

SENATOR KAVANAGH: The executive order -- so there have been a number of executive orders in this area, and they have been modified a few times. And in addition, they are overlapping with a piece of legislation that we passed previously called the Tenant Safe Harbor Act. So it is a little hard to summarize the current state of affairs absent this bill.

I would notice that there are reports that the Governor intends to sign this bill, and it will presumably supersede what we've had in place so far.

But that -- the current state of

affairs is such that -- I'm trying to summarize the differences. I think the single biggest difference is this bill contemplates somebody -- it is a requirement that we check whether the homeowner or the small landlord or the tenant is experiencing a hardship before a case is filed. And if they are experiencing such a hardship, then a case to get a possessory judgment to remove them from the property cannot be initiated.

There's a concern now that what we've seen since in -- as of June 20th, one could file residential eviction cases; as of the end of September, they could proceed with evictions. What we've seen is many, many cases, tens of thousands of cases were filed against tenants and against homeowners, and those people then had to proceed through a process of trying to defend themselves in court, to answer a complaint, to file papers.

That process for tenants and homeowners and small landlords who are experiencing a hardship is problematic in itself because the courts are not capable of adjudicating those things effectively.

So what we're doing is taking the question and putting it earlier in the process. Before a landlord can file a case against a tenant, before a bank can file a foreclosure proceeding against a homeowner, before your local tax authority can try to sell a tax lien relevant to your property or foreclose based on your unpaid taxes, they must first get you an opportunity to declare that you have a hardship.

And if you do have a hardship, the case is stayed until May 1st, you are not -- actually, I'm sorry, I misspoke. The case cannot be filed until May 1st. If there's an existing case, it will be stayed until May 1st.

Under current law in New York, evictions and foreclosures can proceed to the point where somebody is being removed from their home, and we've already seen that. We've seen quite a bit of it in Rochester. We believe the first case in New York City was in the third week of November, where an eviction was actually carried out effectively. They're happening in the Capital Region. They're happening around the state.

And we believe without this

legislation, that will accelerate and we'll see more and more New Yorkers involuntarily displaced from their homes even though they're experiencing a hardship. This bill, we believe, is more effective at protecting against that than the current executive order in place.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: So, Senator Kavanagh, has the courts or the financial institutions or the industry itself and the experts that work it, or legal counsels or advocates -- other than maybe, you know, political advocates --

SENATOR KAVANAGH: (Inaudible interjection.)

SENATOR AMEDORE: -- have they reached out to you or members of the Legislature

to improve the system that we currently have, going through a proceeding, to maybe expedite the process from determining an eviction or foreclosure, a tax -- a sale of taxed property? Have any of the recommendations that they face that is very frustrating because, maybe, of the bureaucracy or the red tape or the years of overlegislating in this chamber -- have any recommendations been made to come up with this piece of legislation that will streamline the process?

SENATOR KAVANAGH: Through you, Mr. President. I respect that, you know, court processes can often be very complicated and there's lots of bureaucracy out there in the world, and those are conditions that perhaps we should be addressing.

I would submit, though, that in this case the primary obstacle to the courts and other bodies adjudicating these cases properly now is twofold: It is the massive amount of -- the massive volume of cases that have been created by the massive hardship that everybody is experiencing throughout this state, and it is the difficulty of running effective court processes

during a pandemic.

So again, there are four -- just to talk about tenants for a moment, since we've talked mostly about tenants at the -- in response to the questions of my colleagues today -- there are 4.1 million tenant households in this state.

There is an estimate from the National Association of State Housing Agencies that somewhere between 800,000 and 1.2 million of those households are behind in rent, creating a -- the housing courts, we know, don't work particularly well or particularly quickly in normal circumstances -- but a circumstance where trying to adjudicate the hardship of a million households is going to be very, very difficult to create even under the best of circumstances.

In addition, the courts have suffered losses of personnel because of COVID. They are also trying to function in a way that is restricting their activity, restricting mobility within the buildings, restricting the ability of people to come in in person in general.

And I would note that there's a huge backlog of every other kind of case that needs to be adjudicated as well in our state, including

criminal matters and other things that present great urgency.

So it seems to many of us that it is an insoluble problem if what you're expecting is that the courts are going to efficiently adjudicate this, and we've already seen that. After -- in New York City, for example, there are at least 20,000 cases, eviction cases that have been filed where the respondent has not been able to file an answer. We don't know why that is, but we do know that there are lines down the block and around the corner at our courthouses of people trying to physically get in to file an answer.

We know that if you call the phone numbers that the courts make available to reach the clerk's office, you do not get anybody answering the phone because those folks are overwhelmed, understandably.

So this is not a matter of clearing the bureaucracy or the normal problems of courts, this is a matter of an emergency situation where we are unable to adjudicate the question of whether -- of which of those million tenants are experiencing hardship, but we know that many,

many tenants are, and we're trying to prevent them from being evicted.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Happily, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: Senator Kavanagh, you mentioned some of the statistics, 4.1 million tenants throughout the State of New York, about 800,000 to 1.2 million are in arrears or have not paid their -- their lease, made their lease payments.

Do we know or do you know how many of the 800,000 to 1.2 million are -- were prior to the COVID pandemic or are now involved based on the COVID pandemic? Because, you know, I know the housing market -- tenants, landlords, the expansion of housing throughout the State of New York, throughout the City -- matter of fact, New York City was one of the top markets

throughout the entire nation in the multifamily market.

So how many of the 800,000 to 1.2 million were prior to the pandemic that were in arrears? And how many now do we face of the 1.2, possibly, that are caused by the COVID? Do we know that number?

SENATOR KAVANAGH: Through you, Mr. President, it's a very important point. There are at any time, not just during a pandemic, tenants who are having trouble paying their rent and, you know, are falling behind.

I do not have those statistics available to me here. I'm happy to, you know, review those studies and discuss them with my colleague, you know, after session. But I will note that if somebody is experiencing a hardship now and is unable to pay their rent, the public health implications of permitting that person to be evicted are about the same whether they started having a hardship before March of 2020 or whether that hardship began after COVID.

We are trying to prevent evictions and also foreclosures in homeowners and also foreclosures against small landlords at a time

when those activities are particularly dangerous to people. And yes, some fraction of the arrears that exist now might have occurred anyway even absent COVID, but in any case our goal is to reduce the extent to which people are evicted and the extent to which homeowners and small landlords are foreclosed upon.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: Well, thank you, Senator Kavanagh, for your continuation.

And you mentioned about the hardships. It's something that may be a little different I think now, going through this new process that's in your -- in the bill here, the declaration of hardships. I know Senator Helming did a great job asking you some questions and getting some explanations. Some of the

explanations were a little, oh, vague, I believe, and not so direct to some of her answers -- or her questions.

SENATOR KAVANAGH: I'm trying my best, Mr. President.

SENATOR AMEDORE: But, you know, I think that there's a list that you have here in the legislation, there's five criterias, I believe. Some of them seem to be very broad, very broad, that can capture a lot of different I think definitions that someone could easily write down and just say, oh, I'm experiencing a hardship.

And regardless of signing an affidavit or, you know, some statement today that they may -- they don't even know -- I don't believe -- and that's another question that I have for you, of what the penalty is if they falsify the hardship declaration. But when you list these hardships out, you have one -- I know Senator Helming went over childcare and she went over increased out-of-pocket expenses related to performing essential work. Which still, to me, I can't -- I haven't figured that one out. I think you tried to explain that, but I still can't

figure that one out.

But you also have on here increased income -- or increased by necessary out-of-pocket expenses. And moving expenses and difficulty of moving or securing another housing unit or dwelling. So if I can't find -- if I find it difficult or stressful that I'm going to move from one place to another, that I -- that's a hardship and I'm not going to move out of my apartment or I -- I just feel like I should just live in this new apartment, I can't make the payments but I'm just going to live here anyways for this period of time?

What does moving expenses, what does that have to do with a hardship when you're dealing with housing?

SENATOR KAVANAGH: Thank you, Mr. President. For -- through you, just to read the language that we're referring to, there are five circumstances that one would have to attest to if one were claiming a financial hardship. They have to be experiencing a financial hardship and unable to pay their rent or other financial obligations under the lease in full or obtain alternative suitable permanent housing because of

one or more of the following conditions.

And my colleague is referring to the fourth of those conditions, which says that "Moving expenses and difficulty I have securing alternative housing make it a hardship for me to relocate to another residence during the COVID-19 pandemic."

And yes, to answer the implicit question of that, it is the goal of this bill to prevent people from being removed from their homes, whether they are renters or homeowners, if they would be -- have difficulty finding another place to live in the middle of a pandemic. That is the goal of this. And again, they would have to have a financial hardship.

The example my colleague gave earlier of somebody who has tremendous wealth might not -- it might not be a hardship. But for somebody who is struggling, for somebody who has lost their job, for somebody is going to have difficulty moving their family in the middle of a pandemic, we are intending to provide a limited protection for a short period, for four months, while we dig our way out of this pandemic.

And there was a -- there was a

ques -- there was something that my colleague described as a question earlier which was about the penalty for signing this. And again, each of the forms, whether they be landlords signing them or tenants signing them or homeowners signing them, they say "NOTICE: You are signing and submitting this form under penalty of law. That means it is against the law to make a statement on this form that you know is false."

And my understanding is that making a statement -- a false statement under the circumstances nonetheless would be a Class A misdemeanor.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: So there's no language in the bill that identifies, defines what the penalty is in the law. Your

understanding is it could be a Class A misdemeanor, did I hear you say?

SENATOR KAVANAGH: Yes. Again, the language specifies that it is against the law to sign the form. Legally, and in my experience, most people are reluctant to sign forms where they are lying on a written document if they are notified that it is against the law to do so.

SENATOR AMEDORE: Yeah. But what's a Class A misdemeanor? What -- is there -- is there jail time, is there a fine, a penalty? Is there something that they -- is it on your record? Is it like any -- is it -- it's not like a felony.

SENATOR KAVANAGH: Through you, Mr. President. Again, I wish we had our Codes Committee chair or some others here with greater experience in this area, but generally speaking, a Class A misdemeanor is not as serious as a felony. It is the most serious kind of misdemeanor. It is more serious than a mere violation. And it can typically carry jail time.

I believe we have, you know, Senator Lanza, who knows more about this than I do also, but I believe that a misdemeanor

typically would not carry more than a year of jail time but could carry jail time, and certainly it could carry fines and other significant penalties.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: Thank you for your answer. Maybe you can amend the bill and list it exactly more specific, because anyone can falsify. It may not feel like it's any big deal to say, well, I -- I'm sure that they do it even on credit reports at times.

But my question to you, Senator Kavanagh, is how -- how will the declaration of hardships be verified? So a statement is made that I'm facing -- I fit one of these criterias that are very broad, indef -- could be meaning anything -- out-of-pocket

expense increase, whatever. But how is it verified? That I'm telling the truth.

SENATOR KAVANAGH: Through you, Mr. President, I'm reluc -- I want to keep the conversation going, but I want -- I'm reluctant to let comments like "out-of-pocket expenses, whatever" -- the phrases in this bill are specific -- it specifies specific kinds of out-of-pocket expenses. They have to be out-of-pocket expenses that result from childcare responsibilities or responsibilities to care for an elderly, disabled, or sick family member during the pandemic and that have negatively affected their income or the income of somebody in their household or increased their out-of-pocket expenses.

This is not a bill, for example, about something my colleague mentioned earlier about, you know, your Netflix or your -- you know, your cable bill during the pandemic. It is about out-of-pocket expenses that result from these very significant obligations we all have during the COVID-19 pandemic.

In terms of verification, this bill is a bill that permits landlords and homeowners

and tenants to attest that they have a hardship. There is no process contemplated during the four months that this bill provides to contest that attestation, because we do not believe that there is a reasonable, rational, safe way during a pandemic to put millions of people through a process of testing the truth of their attestation.

And we want to protect people from eviction and we want to protect people from foreclosure and we want to protect tax authorities from taking people's homes, and that involves allowing each of those parties to attest that they are experiencing a hardship under penalty of law and gaining some temporary protection. That is the scheme that's intended here.

This is no process in this bill to second-guess, to force the attesting party -- whether they be a landlord or a homeowner or a tenant -- to prove their circumstances, because we don't believe that that's a reasonable thing to do in the midst of this pandemic.

SENATOR AMEDORE: Through you, Mr. President, will the sponsor yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: So if there's no verification that I'm going to fill out this declaration, if I was the person, declaration of hardship, and I listed out whether it is the hardship relating to essential work, out-of-pocket expenses, because it increased my out-of-pocket expenses maybe to find another job or something -- I don't know what that really specific thing is. But if there's no verification of my statement, then what's to stop me other than, well, the law says we -- it's against the law?

People break the law every day. Every day. Matter of fact, in this -- in this house and in the State of New York, we did bail reform, you don't even have to go to jail anymore, or go to bail, or face the judge -- for anything, just about. Certain things.

But I don't think that -- without

any type of language in here talking about the penalty that they will face, and now you just said that you're not going to -- that there's no way to verify the statement, I just think that that is extremely dangerous that we're setting this precedent that someone may wake up today during this pandemic period of time -- hopefully it will be over very shortly -- that says, you know what, I got this excuse, I got that excuse that I can't make my rent, and I'm not paying it.

And I think of that homeowner, even as you've mentioned before even in the committee meeting, Senator Kavanagh, that, you know, there's something -- and I know I brought this up a few months ago, talking about -- remember I brought up my grandma who had that one little --

SENATOR KAVANAGH: I do.

SENATOR AMEDORE: -- single-family, right?

So I appreciate the intent of trying to capture small business owners or homeowners who are renting their second floor or first floor flat because they're trying to make ends meet in their mortgage payment or their taxes. Which I still don't see any language in this bill that

offers any relief whatsoever to them.

But if there's no verification, then we are saying to the 1.2 million people, if that's the correct number --

ACTING PRESIDENT BENJAMIN: Senator Amedore, are you on the bill?

SENATOR AMEDORE: -- who are not paying the bill -- this is my question to him.

ACTING PRESIDENT BENJAMIN: This is a question, okay.

SENATOR AMEDORE: The 1.2 million people that are not paying the rent in the State of New York: You can fill this out, this is the new process, there's no verification of what you're saying, it's your hardship. How, Senator Kavanagh, are we going to have the integrity in the court proceedings and the processes -- because we're dealing with people's lives. Yes, the tenant's life, because they live in a dwelling unit and it's their abode, but also the person who owns the real property. So where is there fairness and the integrity in the process and in this -- and in -- in this legislation?

SENATOR KAVANAGH: Mr. President, I think it's important to note something I noted

earlier, which is that the Minority of this house, in their critique of this bill as captured in their attempt to alter the bill through a hostile amendment, seems to have expressed a concern only that tenants might take advantage of this attestation that doesn't get verified. They amended the portions that apply to what tenants have to attest so that they could tighten it up, so they could say if you make more than $99,000, you can't possibly have a hardship, even if, you know, many people in your family might be suffering COVID -- they made a variety of changes that are premised on the notion that tenants don't need protection, that tenants might be inclined to be deceitful.

And yet they left the provisions in place -- those very same provisions are in place, they left them in place -- for homeowners who might be trying to protect themselves from being foreclosed upon by tax authorities or by mortgage holders, and they left those provisions in place for small landlords. Under their amendment to this bill, small landlords could attest to their hardship and nobody would be able to question that hardship until May 1st. But somehow there

is a strong concern for ensuring that tenants are telling the truth, but not that landlords are telling the truth and not that homeowners are telling the truth.

I submit, to answer my colleague's question, that the fairness of this bill comes in treating similarly situated people similarly. If you are somebody that is going to benefit from this bill because you have a hardship and you are attesting to that hardship under penalty of law, whether you are a landlord or a homeowner or a tenant, that attestation cannot be challenged during the course of this period where you're getting relief.

I think that is fair. Treating tenants in a manner that is far more suspicious than homeowners or landlords would not be my definition of fairness.

SENATOR AMEDORE: Through you, Mr. President, on the bill.

ACTING PRESIDENT BENJAMIN: Senator Amedore on the bill.

SENATOR AMEDORE: I appreciate what Senator Kavanagh just said, and thank you for that statement, but I don't think it's

necessarily true. Because whether it's the Minority Conference -- and every member of it -- or others, we're talking about the integrity and well-being of all New Yorkers, not just the fairness of one side of the housing equation, whether it's a landlord or homeowner, and singling out and thinking that it's, oh, poor tenant.

No, we look at it as all New Yorkers having protection and rights. And in this great state and in this great country, we have our Constitution. And what we have that's different than other countries throughout the world is we have property rights.

And so I know, because I was in the Legislature prior to 2008, the great bubble, the housing bubble that we all faced and we saw come rise up and grow. And then all of a sudden it exploded, and we faced a housing crisis, foreclosure rates that were exponential.

And we had all kinds of ideas and gimmicks and legislation that the Assembly and this house put forth -- laid out funding streams, counseling mechanisms, and advice for those struggling homeowners.

I believe -- and the reason why I bring that up is because I believe my statement and my question to Senator Kavanagh about the integrity and the verification of the hardship -- declaration of hardship, if we don't have a way to verify the authenticity and the truth behind statements, whether it's a homeowner, a business owner, whether it's a landlord, a tenant, anyone who's going to try to get a loan, who's got to pay their property taxes, who wants to go and get an application to -- and be creditworthy to get a loan or to rent an apartment or to rent a home.

The last thing we need in this State of New York is another one of the 2008 housing crises to face. We're facing unprecedented times now with COVID-19. And it's cost us our municipalities, it's cost our school districts, it's cost so many agencies and public authorities as well as the local governments in this state a great deal. But not only that, it's cost us, as the citizens of this state, a great deal -- our jobs, our livelihoods, a quality of life, and affordability.

If we can't have integrity and verification that someone's going to say because

they may face a hardship -- some who are facing hardships because of the COVID pandemic, but others who may just say, I just feel like I'm not paying my rent, I just feel like I want to go and mortgage to get more units in my little portfolio, up to 10, I don't have even have the means and the creditworthiness, but yet falsified the application and some lender gave them the money -- we are setting up a ticking time bomb here. That's not what we need.

And I appreciate the -- the effort that Senator Kavanagh and his colleagues -- Senator Myrie -- made on this legislation. But we have the federal government, we have the state executive orders from our governor, and this house has already been through, already, legislation that brings about some relief to the homeowners and to the tenants of this state.

Now we face this new piece of legislation that's going to kick the can down the road without really true relief for those who struggle. All's you're saying is nah, you don't have to -- you're going to pay your rent. I heard one colleague on the committee, a member of the Committee of Housing, today, no, everyone is

still going to pay their rent but we're just going to kick it down the road. You're going to have to pay it maybe after May 1st.

Come May 1st, what's going to happen? Is this house going to sit here and say, oh, we need to do another extender of this bill, without the verifications, without really getting to the core root of the cause? Or are we just using the pandemic as an excuse that this is what we're going to do for new housing rules and laws?

This doesn't bring affordability to the problem that we face in the State of New York. This doesn't bring on new units to the State of New York for housing. This doesn't help the homeless. This doesn't help, but kicks the can down the road.

I think we could have done better. And I think the people who need housing assistance should be fighting and screaming and asking for more help because this bill lacks quite a bit. And it sets up that ticking time bomb for possibly another housing crisis that the State of New York can't afford.

Our municipalities need revenue. Our school districts need revenue. And they need

homeownership, they need property rights to be intact. By private property ownership, not government entities.

So, Mr. President, it's sad that today, probably the last day that I'll enter into these chambers as a elected State Senator, has to deal with housing -- when I know the housing market and industry and worked it for over 30 years in my career and understand what it is to be a landlord. I understand what it is to be a tenant. And I understand what it is to be a business owner in the State of New York.

This is pretty sad today that we're disguising what we think is tenant protection rights under the COVID bill, the disguise of the terrible disease and virus that is killing tens of thousands of people. We need to get New York on a solid footing and a foundation to get it back so that the quality of life in New York is for everyone, not a select few that the Majority thinks this will cover. It's unfortunate.

I'll be voting in the negative.

ACTING PRESIDENT BENJAMIN: Senator Jordan on the bill.

SENATOR JORDAN: Thank you,

Mr. President.

And greetings to the limited number of colleagues and staff allowed in the chamber and to all those on Zoom.

On the bill. I believe that every legislator recognizes and supports the notion that people who are truly suffering financially or medically due to the pandemic should not be required to find another place to live because they cannot pay their full rent.

However, in the Senate Majority's words, passing -- and I quote -- the strongest eviction moratorium in the nation, end quote, does not mean it is the best solution.

The legislative intent of this bill states, and I quote, that stabilizing the housing situation for tenants, landlords and homeowners is to the mutual benefit of all New Yorkers and will help the state address the pandemic, protect public health and set the stage for recovery, end quote.

This indeed is a strong eviction moratorium -- so strong that its strength is flawed. This bill allows a tenant to simply fill out a declaration of hardship stating that they

are experiencing financial hardship and unable to pay their full rent and check off suggested reasons as to why they are unable to make their payment.

The individual is never required to show documentation that they have financial difficulty. In fact, there's no definition as to an amount of income available to pay rent. Or in other words, there's no hardship income threshold. This could lead to a high income individual, someone not in need, to take advantage of the eviction prohibition. It could also lead to someone who decides to do a lot of shopping or unwise spending to state they are having financial hardship during the pandemic.

I also want to emphasize that the words "during the pandemic" are used throughout the bill, rather than financial hardship due to the pandemic.

Furthermore, in filling out a declaration of hardship, there's a rebuttable presumption that the individual is stating the truth unless proven otherwise. Yet there's no mechanism to challenge the tenant's declaration of hardship.

This is all so very strong for the tenant, with no recourse for the landlord. This is chipping away at individual property rights. Even at the end of the eviction moratorium, there's no true recourse for the landlord. True recourse would be rent payment. This bill doesn't even require a minimum rent payment to maintain the moratorium, where you pay a portion of income to rent, like California does.

This bill does not solve a problem for all that are suffering. It is not for the benefit of all New Yorkers. It does not set the stage for recovery.

You have to remember that our landlords are our neighbors, they are our constituents. They are also small businesses who rely on this income, not only to pay their mortgages, which is addressed in this bill, but also to purchase food, medication, and other needs for their families, to pay utilities for the units, to even pay workers that help to maintain the units.

This bill only kicks the can down the road, allowing for the accumulation of more rent owed, month by month, that will most likely

never be paid because the amount becomes insurmountable.

In short, this bill allows protection to those who truly don't need it, delays the inevitable -- eviction -- does not provide any payment whatsoever to landlords, does not set the stage for recovery, and in fact is bad for New York's economy.

I'm a no vote on this bill, which I believe is yet another hastily put together piece of legislation that at some point will have to be fixed because of its unintended ramifications.

It's disappointing that the Democrat Senate Majority will not consider the amendment that the Republican Senate Minority has put forth. That bill protects those that truly need help and would provide some payment to landlords rather than mounting debt.

Thank you.

ACTING PRESIDENT BENJAMIN: Senator Boyle on the bill.

SENATOR BOYLE: Mr. President, will the chairman yield for a few questions?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR BOYLE: Thank you, Senator.

Senator, we talked a little bit about this bill in the Housing Committee today, and one of the concerns I had -- and I'll express it here on the floor -- is the fact that we have a CDC federal moratorium on evictions and we also have an executive order by Governor Cuomo which bans evictions at this point in time. I don't know if he signed an extension of it, but I assume he's going to before the end of this year.

My question to you is, why do we need this bill, which is much more expansive, rather than just letting the Governor extend his moratorium? And you can add on to that, is there a three-way agreement on this bill that you've talked to the Governor about that we don't know about?

SENATOR KAVANAGH: Mr. President, through you, it's a good question. And the answer is that neither the CDC moratorium nor the Governor's current executive order and the

accompanying decisions by the courts through administrative orders do in fact prevent evictions from happening.

And as I mentioned earlier in the debate -- I know we're in and out of the room in this strange time of COVID -- but evictions have resumed all over New York State. We had evictions resume in Rochester in the second week of October; we had the first eviction that I'm aware of in New York City in the third week of November. And there's a strong expectation that that will accelerate as cases proceed through the courts, as the courts are able to process them and issue eviction orders.

And that is the harm that we are trying to prevent today. The CDC moratorium requires the tenant to attest to a great many things in addition to the fact that they're experiencing a financial hardship, and it doesn't prevent a case from being filed and a case from proceeding. And similarly, the Governor's current executive order, although it has been protective of many tenants, is not sufficiently protective of tenants who may be experiencing a hardship.

Similarly, homeowners are not protected from tax foreclosure, from tax lien sales, from mortgage foreclosures under present law either at the federal or state level. And small landlords are not protected in the way this bill will protect them from tax foreclosure and mortgage foreclosures either.

So this is a bill that is adding protections that do not currently exist under law.

I -- my -- I've been -- I was busy preparing for this debate and then in the chamber today. I understand that the Governor has made positive comments about his intent to sign this. I haven't spoken with him personally, but I understand he has said publicly that he expects to sign this bill. But again, I was not present for that; I believe it was at a press conference today.

I do believe that this is a governor that has expressed a strong desire for the state government to take decisive action to protect people, and I believe that he and many others will see this bill as protective. And I expect the Assembly to pass it, and I do expect it to

become law today, but again, that's up to the other parties.

But we are -- we are genuinely trying to add protections. And I will note that a vote against this bill is a vote against protecting homeowners from having tax foreclosure on their homes and mortgage foreclosure on their homes between now and May 1st. It's not -- even though there's been a lot of talk about, you know, dishonest tenants in this chamber today, the bill puts homeowners and tenants and small landlords on equal footing, in that they can declare a morator -- they can declare a hardship and receive some of the protections of this bill.

SENATOR BOYLE: Mr. President, if he'll continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR BOYLE: Yes, Senator, I think we all agree that we want to protect tenants and we want to protect landlords and

people that owe mortgages, but we just disagree perhaps on the way to do it. We think this bill is far too expansive.

So this bill really is not a moratorium on evictions, it's a moratorium on proceedings of evictions. And I'm an attorney, I've done a little bit of landlord-tenant, not much. But anybody that's done this area of law can tell you that when you -- when you -- when a landlord files something in court to evict a tenant, it doesn't happen the next day or the next week or the next month, it's several months down the road.

And these cannot even begin until this bill ends in May, and then we're talking months and months after that. Would you agree with that assessment?

SENATOR KAVANAGH: I would amend that assessment in a couple of ways.

First of all, I would remind my colleague that it is equally a moratorium on filings in foreclosure cases against homeowners and small landlords. It is not an eviction moratorium bill, it is the Eviction and Foreclosure Prevention Bill -- Act.

And it's important to note that these provisions are parallel and weakening one -- all the arguments for weakening the protections of tenants would presumably apply to weakening the protections for homeowners.

Secondly, the problem we face is that cases have been permitted to be filed now since June 20th. There are thousands and thousands of cases pending. This bill stays -- creates a mechanism to stay those cases if the tenant respondent or the homeowner respondent in those cases is experiencing a hardship.

The logic of this bill is that if we're going to stay all those cases, there's not a whole lot of point in allowing people to file new cases against tenants and new cases against homeowners at a time when the court is not allowed to move forward with those cases. People who receive notice that eviction cases have been filed against them could be forgiven for thinking that that might lead to their eviction, and they then need to respond in some way.

We are trying to avoid all of that activity, we're trying to put a pause on that. And again, we're trying to limit the protections

to people who are experiencing a hardship, as opposed to some of the blanket moratoriums that I and some others have talked about in the past.

This is a bill that is targeted to the fact that we have very large numbers of people experiencing hardship, and it would be a hardship to allow enormous numbers of cases to be filed against those folks and then have them have to go defend themselves during the course of this pandemic.

SENATOR BOYLE: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR BOYLE: Yes, I think that if a proceeding is started, though, a lot of these would go -- I don't know what's going on in New York City, but I know that our judicial system on Long Island and upstate are using online ways of doing it so there's not really -- not a big rush of people going to court. These

proceedings are going, but they're all done remotely and safely.

I'd just like to get back to one of the issues you spoke with some of the earlier Senators about: means testing. There's no provision in here to say if you make over a certain amount of money, that you're not going to be able to use this provision.

Now, I know -- I think -- correct me if I'm wrong, I could be wrong -- the California legislation or moratorium on evictions, they have means tests, but this bill does not. Or is -- am I reading that wrong?

SENATOR KAVANAGH: The California provisions -- the California process has several mechanisms that this bill does not have. Several of them were in the hostile amendment presented by the Minority today.

They for example require that to be protected at all if you're having a hardship, you must be paying at least 25 percent of the rent. That's something that is on the books in California. That's something that the Minority here tried to add to this bill through a hostile amendment earlier in this session.

And again, the problem with that is if people do not have money to pay the rent because they've lost their job entirely, because they have no income, telling them -- they are arguably the people with the greatest hardship, the ones that don't even have enough money to pay 25 percent of their rent. So that provision.

And similarly, there is no income threshold. As the Minority has proposed it and as some other moratoria have proposed it, including the CDC moratorium, there is an absolute prohibition on any protection at all.

In this case the Minority proposed that anybody making more than $99,000 as a single-income household does not get any protection at all if they're having a hardship. In my world, there are people who make more than $99,000 who might have somebody in their family who's seriously ill, who might have a significant rent, who might have several children and lots of expenses associated with keeping a family intact during a pandemic. And in our view, those folks deserve some protection if they're experiencing a hardship and they're unable to pay their mortgage or unable to pay their property taxes or unable

to pay their rent.

And so rather than setting an arbitrary threshold, we're allowing people, even people who make more than $99,000 or $198,000 for a couple, we're allowing those people to attest that I cannot pay my rent, I cannot pay my mortgage, and therefore I'm getting some temporary protection.

SENATOR BOYLE: Mr. President, on the bill.

ACTING PRESIDENT BENJAMIN: Senator Boyle on the bill.

SENATOR BOYLE: The sponsor -- I don't think we're talking about 99,000 or 100,000 or 105,000, I think that some of us are concerned about people making millions of dollars. I never thought that the Republican Party would be here being the one asking the very wealthy to pay a little bit more and maybe pay maybe 25 percent towards their rent. Because obviously there's not many places other than perhaps Manhattan in New York State that has monthly rents of $10,000 or more.

But I think that if an individual is making millions and perhaps is only making one

million instead of a couple million, they can find the additional funds to pay the rent and not try to delay this inevitable.

Mr. President, I think once again we're seeing the Majority here take a noble idea and go way too far, which is going to cause much greater problems down the road. We saw the same thing with bail reform earlier this year.

We have a situation where individuals hurting, both as tenants, as landlords, they're suffering healthwise and financially as a result of this pandemic, and they're not able to pay all or part of their mortgage. However, what are we doing? What are we setting up? The phrase has been used "kicking the can down the road." Well, I can tell you months and months of people adding onto the amount of rent that they owe is going to cause disaster in the spring.

Obviously the vaccine's here, hopefully we're all going to get it, perhaps by May or June, and we won't have to extend this again. And then what are we looking at?

I personally know numerous people, the children of my friends, who have apartments

in New York City and other parts of the state, and they tell me: "Phil, I don't have to pay rent." And I tell them, "Yes, you do. You can't be evicted, but you still owe the rent." And they are shocked and mortified, because they haven't been doing it.

And these are just the people I know. This could be thousands if not tens of thousands of people who are going to be sitting here, when this moratorium is over, owing $20,000, $30,000, $40,000 in rent. And it's going to haunt them for the rest of their lives. They will be evicted, maybe months down the road, but it's going to be a disaster.

So it begs the question, what is the real agenda here? I think just by allowing the proceedings to start, it's going to show them that this is serious, that they still owe the money. Because they don't know it. They're going to find out when the proceedings are put against them, commenced against them, after this moratorium ends.

I personally think it could be something else -- perhaps a more Democratic Socialist agenda we're seeing here? We've seen

it in the past on other issues. I looked at socialist.nyc.gov. On their platform it says: "What are we fighting for? Universal rent control. This means tenant power over where we live and an end to evictions and displacements."

It doesn't say an end to evictions and displacements during the pandemic, it says an end to evictions and displacement. That's the real agenda. And that's -- even if it's not the agenda, it's what's going to happen.

Because we all know, as some of my colleagues alluded to, when this moratorium is over, we're not going to sit here and just say -- I know the majority is not going to say, All right, start the evictions, you can start kicking out your tenants because they owe you $30,000 in back rent, you know they can't pay it. We're going to say: We're going to continue a moratorium in some way, shape or form. People are going to be remaining in these apartments, homes, without paying anything and with a backlog and back rent and back mortgage that they will never be able to pay for decades.

This is creating a disaster. It was well-meaning, but it's a big problem. There's a

way to do it: Let the Governor extend his current moratorium through his executive order, and we can work on the rest with help from Washington, hopefully, help from here in Albany.

But this is not the right way to go, and I'll be voting in the negative.

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

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

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Mr. President.

What we're doing today is incredibly important. But having listened to that debate, I also want to make the point that it by no means solves the problem. It merely allows us to put a finger in the dam to keep it from bursting. But

the pressure in the housing market is going to continue to mount.

And the real problem is we have not provided -- save for a $100 million program which has helped some people -- we have not provided real relief to help people pay their rent and maintain their housing.

And so as we're wrapping up this year, this is critically important, because we will keep people from being thrown out of their homes. At a time when we're telling everyone, Stay in your homes, the last thing we want to allow is for people to become homeless by the thousands.

But we have to go into next session with a mission to provide real relief and hold up this housing market so that tenants will be made whole and, yes, small homeowners will be made whole as well, because they shouldn't bear the entire burden on their own either.

Now, I've heard -- listening to this debate, I heard two concerns predominantly. One is for small homeowners, who I totally sympathize with. And we should provide real subsidization and relief for them as we go forward.

But the other thing I heard about was the millionaire scammers. Which is kind of funny and contradictory, because I promise you the people who are making millions of dollars in income are not renting the basement apartment from the small -- the woman who owns the building on your corner, a two-family home.

So suddenly the big concern is that a multimillionaire is going to scam a multi-billion-dollar real estate corporation. I don't think that's really what we're trying to get at here. What we're trying to get at is helping the tens and hundreds of thousands of tenants in this state, many of whom have lost their jobs through no fault of their own because we have shut down entire segments of our economy for good reason through this health pandemic that we're dealing with.

And what we've seen both in the federal moratorium, in California, and in the executive orders that New York has already had is that putting the burden on tenants to go make evidentiary proof of their hardship is only going to result in tens of thousands of them having default judgments entered against them -- because

they don't have the money to hire lawyers, they don't have the wherewithal to show up in court with a basket of evidence to present to a judge. Many of them don't speak English as their primary language.

And all we're doing is setting up mass evictions if we don't do something to stop that from happening right now, and to make it easier than putting the entire burden on the tenants to go make a proof, a legal proof in court.

And so what we've come up with today, and I commend Senator Kavanagh, Senator Myrie and all the -- all my colleagues who worked so hard on this, is just to allow us to get through the next few months while hopefully, God willing, the federal government does more than it's done so far to help us and, if need be, the state step in and do additional work on our end to help us get through the back end of this without a full-blown housing crisis, which is where we're heading if we don't take the necessary steps.

So I'm proud to cast my vote in the affirmative, and I thank my colleagues who are

supporting this bill.

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

Senator Jackson to explain his vote.

SENATOR JACKSON: Well, thank you. Mr. President and my colleagues, I rise this afternoon, I came up to Albany in order to let you know how important this issue is to the constituents that I represent.

And as you know I've said many times before, I represent 13 miles of Manhattan and I have the most rent-regulated units in the entire State of New York. But I'm not only here to talk about my constituents, I'm talking about the constituents in Staten Island and Buffalo, Rochester, in rural areas that will -- if we don't pass this bill, will be evicted or proceedings will take place not only from their apartments, from their homes.

This is about saving the people of our state. They have said to me loud and clear, We need help from you guys up in Albany. When are you going to do it? Well, I say to all of you, the time is now.

And what this is doing is putting

off eviction proceedings or foreclosure proceedings for all of the people in the State of New York that will make a declaration about this pandemic and what effect it had on them. That's what this is about -- signing, saying that they pledge that the information they're giving is true.

And we are saying that addressing this is absolutely a necessity of halting evictions, foreclosures, negative credit reports for all of the working people. And we are creating more protections for senior citizens and disabled homeowners.

But there are more problems we must address in the coming weeks. Too many people are one food bank drive away from not being able to feed their kids. Too many people have little or no healthcare in our state during one of the worst epidemics in human history. Too many children at our already underfunded schools are being denied a sound, basic education that is guaranteed by the New York State Constitution.

The only way forward for our state is to tax the wealthiest New Yorkers to raise revenue that we need to protect the vast majority

of our society. Our next step is to create revenues we need to protect millions of our friends and neighbors.

And with that, I vote aye on this, in understanding that the time is now to help all New Yorkers. Be they Republican, Democrat, or no party, the time is now.

I say aye, Mr. President.

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

Senator Parker to explain his vote.

SENATOR PARKER: Thank you, Mr. President, to explain my vote.

I gladly stand with the people of the State of New York who have been suffering through this pandemic, and I vote aye on this bill.

There has been literally millions of people who not only have been under the effects of being sick, there are people who have lost lives, have seen their friends and families and community members die because of this horrible pandemic. But on top of that, they've been stressed because they have not had income because they lost their jobs, many times because of

nothing that they have done other than being in a industry that got affected by the pandemic.

We in this Legislature are finally doing something about that. I'm so proud of my colleagues -- Senator Myrie, Senator Kavanagh -- who have, you know, come together, have organized us to bring forward this legislation that is going to provide at least some temporary relief as we start to sort out the economic hardships that people are going through.

I vote aye on this because we need to protect tenants, we need to protect landlords, we need to protect property owners. And we need to protect the financial livelihoods of the people of this state.

Thank you so much, all of you, for all of the important work that you've done. And I look forward to even doing more in the next coming session to provide relief for the people of our great state.

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

Senator Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you,

Mr. President.

I want to thank my colleagues for supporting this extremely important legislation. And for me, I'm truly honored to be here today to vote for this legislation, being that it will be the last piece of legislation that I get to vote for in this chamber.

And it's been an amazing experience to work with such wonderful individuals in this house, and I just want to thank each and every one of you for the work you've done over the years and the work that you will continue to do.

I specifically want to thank Senator Kavanagh and Senator Myrie and our leader, Andrea Stewart-Cousins, for shepherding through this extremely important piece of legislation.

And as we've heard from the comments and the debate on the floor, it's not easy, but we've worked together to push through and make sure that people still have a place to rest their head and call a place home.

A part of this bill I'm really proud of is the extending the disability and senior property tax exemption. This is something that

often goes unseen, but by requiring that municipalities reinstitute the homeowner exemption, this will allow for tens of thousand of New Yorkers, whether they have a qualifying disability or they're a low-income senior, to be able to stay in their home.

And particularly in Rockland and Westchester Counties, the district that I represent, which happen to be the highest property-taxed counties in the nation, this bill is extremely important and will be the difference between them being able to stay in their homes or having to leave and move out of the community or out of the state entirely.

So again, this is extremely important. It does -- strikes the right balance to protect our tenants, protect landlords and property owners throughout New York State.

So it's so gratifying and so exciting to be able to cast my last vote in this chamber for these extremely important protections. And I want to thank each and every one of the Senators that worked on this, and all the Senators I've been able to work with in the past. I thank you, and I wish you the best of

luck. I know that the next session will be a challenging one with so many issues to work on, but I know all of the Senators that are here in this chamber are ready for the challenge and will do great work in the future.

So thank you so much. I vote aye and encourage my colleagues to do the same.

Thank you, Mr. President.

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

Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you, Mr. President.

I want to wish you and everybody in the chamber a Happy New Year. It's a bit ironic, though, that it's a very challenging new year for many of our residents here in New York -- over 1.7 million of our fellow New Yorkers out of work; the hardship that many of our tenants, our homeowners, and our small landlords are facing is why we're here today.

I want to thank Senator Kavanagh and Senator Myrie for their work on this bill. I think Senator Carlucci just said this: This

strikes the appropriate balance.

And I wanted to come and voice my support for this measure for several reasons. My district is very mixed. We have a mixture of large rental buildings, a vast amount of small rental properties, and we've got a lot of single-family dwellings. And all of them are a challenge right now.

And what this bill does is it simply gives us a four-month time-out to allow folks to get back on their feet or to allow the federal government to come in in a meaningful way to assist those folks. It helps tenants, it helps people with mortgages from either bank foreclosure or taxing foreclosure. This helps our seniors and our disabled with their tax exemption extensions, which are now automatic and they weren't.

So this is really an appropriate bill. It's a timely bill. It gives us time to work with our federal partners so that we can provide the relief that's absolutely necessary structurally. In the long term, this is not going away, but in the short term, this is an appropriate measure.

So I want to thank the sponsors for their hard work, and I vote aye.

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

Senator Thomas to explain his vote.

SENATOR THOMAS: Thank you very much, Mr. President.

Thank you to our leader, Andrea Stewart-Cousins, for pushing this bill forward, and to Senator Myrie and Senator Kavanagh for all their tireless work on this matter.

New Yorkers are hurting. New York was hit hard and we lost so many lives and continue to do so every day. This pandemic led to many businesses shutting their doors and laying off their workers. And for New Yorkers who have been laid off through no fault of their own, unemployment insurance is often the only source of income. They've got to support their families while they look for a new job.

Months have gone by and the economy is still stagnant. Many New Yorkers who need to pay their rent, mortgage, and other bills are finding it hard to do so because they are still unemployed or underemployed. But we are going to

get through this.

The COVID-19 Emergency Eviction and Foreclosure Prevention Act before us today is an absolutely necessary step to help our economy recover. This legislation is the strongest bill in the nation to block eviction proceedings from going forward and will help ensure renters and homeowners can stay in their homes if they are facing hardships due to this pandemic.

This bill will prevent evictions till May 2021. It will protect against foreclosures and tax lien sales. It will protect against negative reporting and discrimination on extending credit and protect the exemptions of senior citizens and disabled homeowners.

Simply put, this will protect our tenants, our small landlords, our homeowners, our senior citizens, and those disabled, and I proudly cast my vote in the affirmative.

Thank you so much.

ACTING PRESIDENT BENJAMIN: Senator Thomas to be recorded in the affirmative.

Senator Myrie to explain his vote.

SENATOR MYRIE: Thank you, Mr. President.

Firstly, Happy Kwanza, everybody, and happy holidays to all who celebrate.

I want to first thank the staff that helped draft this bill: Adriele Douglas, Kenan Kurt, Nic Rangel. I want to thank the chair of our Housing Committee, Senator Kavanagh, who I think did a masterful job defending this bill. And I want to thank our Majority Leader for making this a priority and dealing with this issue.

I remember the first time that I saw an eviction notice as a child. I didn't know what the repercussions were until much later when I was in housing court with my mom. But that experience is the same pain and anxiety and trauma that is experienced by a homeowner who gets a call or a letter from the bank telling them that the home that they've invested in is now in peril of being foreclosed on. It is the same pain and shame and anxiety that is felt by a property owner who gets a notice from their city, town, or village that their house is now going to be on sale because of back property taxes.

We are in the midst of an unprecedented pandemic, one that has claimed

hundreds of thousands of lives, permanently affected thousands more, and that has wreaked havoc on our economy. Just this morning the Governor reported that the state is seeing hospitalizations and infections and deaths unlike what we've seen since early May of this year.

These are not normal times. We are in a public health crisis, an economic crisis together, which has given way to a looming eviction crisis.

So what this bill stands for today is a simple proposition, that you do not solve a public health crisis, you do not solve an economic crisis by kicking people out on the street. You solve it by keeping them in their homes.

I've heard a lot today about kicking the can down the road. And I would ask my colleagues who think that we are kicking the can down the road, what is your alternative? To kick people on the streets instead?

The data is clear. When eviction moratoria end, COVID-19 infections and consequently COVID-19 deaths increase. This isn't a business proposition, this isn't a profit

proposition, this isn't a bottom-line proposition -- it is life or death.

So I proudly support this bill today because not only is it the strongest protection for tenants and homeowners in the country, but because the single mom in Rochester who lost her job through no fault of her own deserves to stay in her home. The family in Syracuse that has to take care of more children and the elderly deserve to stay in their home. The restaurant worker in Buffalo who has less hours through no fault of their own deserves to stay in their home. And property owners in Brooklyn, in Queens, the Bronx who have invested everything into their homes, who have sheltered tenants, they too deserve to stay in their homes.

Now, some have said that this bill doesn't go far enough, that more relief is needed. And I agree. And we will fight for more. But this Democratic Majority stood up and led the nation in protecting tenants and property owners at a time when they needed it the most. So help is on the way, and we believe that you should be able to stay in your home to receive it.

For those reasons I vote in the affirmative, Mr. President. Thank you.

ACTING PRESIDENT BENJAMIN: Senator Myrie to be recorded in the affirmative.

Senator Kavanagh to explain his vote.

SENATOR KAVANAGH: Thank you, Mr. President.

I've had a great deal of opportunity to speak today on this bill. I just want to conclude today's conversation with a few comments and a few additional thank-yous.

Senator Myrie very rightly thanked Nic Rangel and Kenan Kurt and Adriele Douglas, who worked on this. I just want to add Andra Stanley, who's committee counsel for Housing, and Stanley Davis, who spent a great deal of time over the last few days over Christmas fielding lots of questions from lots of folks about this, and Elizabeth Nowicki and Allison Bradley and Chris Friend.

And it should be said that Shontell Smith has defined so much of what we do here that it's almost like, you know, thanking the air and the water around you.

(Laughter.)

SENATOR KAVANAGH: But she really is the motivator of so much of what we do and obviously played a huge role in getting this done today, and I wanted to acknowledge and thank her for her work.

I want to thank the leader, who from the beginning of this crisis has said that this house is going stand for the proposition that people will not lose their homes during the pandemic, and we are living up to that promise today.

I want to thank Senator Myrie we just heard from so eloquently today, but also who has been a champion of tenants and particularly of addressing the eviction problem through legislation for many months now.

I want to thank Senator Hoylman, the chair of our Judiciary Committee. You know, at the beginning of this the most obvious way to do this was to get an executive order in place from the government, get administrative orders from the courts. We called for that in the very first days of things being shut down, Senator Hoylman and I, and that was in place through the end of

September, a blanket moratorium on evictions.

And obviously he also was somebody that cochaired that hearing I mentioned earlier where we examined the impacts of the court's reopening.

Senator Gianaris, as our deputy leader, and also as someone who has really stood very strong for the notion that the Legislature needs to act to protect tenants.

In the other house, we have Senator -- Assemblymember Dinowitz, our sponsor of the bill, Assemblymember Reyes, who's also been carrying legislation to address this, and of course Speaker Heastie, who was a partner in this negotiation and got this done.

I also do want to thank our Minority members today for a thorough debate. Obviously we have a really fundamental different understanding of what steps we should be taking, but I think having a debate as we did today that gets into the details of this is an important way of making people understand what's at stake and how the bill will work and, you know, elucidating all of that in a way that's better than just, you know, passing the bill and leaving people to read

it and figure it out. So I thank the many members of the Minority who jumped up today to have that conversation.

I will conclude by just saying, as has been said today in various forms, we are committed to addressing the great hardships that have come from this pandemic. We recognize this is an ongoing pandemic.

We began this work at a time when in many of our communities, including my own, you could hear very little other than sirens in the streets, where we had a tremendous shutdown of this economy and of people's ordinary lives. There are parts of the state where we're getting things back to normal. We are seeing disturbing trends of infections going upward. We know that we are still in the midst of a very serious health crisis. And as has been said in many contexts, in the midst of a health crisis your home is very much a part of your health. And our means of addressing our health crisis is very much going to be a matter of continuing to protect people's homes.

This bill does that. It does it for homeowners as well as renters, and it does it for

small landlords. It is an enormous step forward. And I, like many people in this chamber, intend to get back to work on addressing the second part of this, which is the enormous financial implications, the financial resources that are going to be necessary for a real, long-term, robust solution that many people, including members of the Minority, have called for today.

I vote aye, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1034, those Senators voting in the negative are Senators Akshar, Amedore, Borrello, Boyle, Felder, Funke, Gallivan, Griffo, Helming, Jordan, Lanza, LaValle, Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Serino, Seward and Tedisco.

Ayes, 40. Nays, 21.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

SENATOR GIANARIS: Thank you,

Mr. President.

At this time I wish to call up Calendar Numbers 132 and 146, with corresponding Assembly Print Numbers, 2405 and 4770A, and move to reconsider the vote by which these Assembly bills were substituted.

ACTING PRESIDENT BENJAMIN: The secretary will read the titles of the bills.

THE SECRETARY: Assembly Number 2405, an act to amend the Education Law;

Assembly Number 4770A, an act to amend the Real Property Law.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

SENATOR GIANARIS: I now move to recommit those Assembly bills to the Committee on Rules and restore the Senate bills to the order of third reading.

ACTING PRESIDENT BENJAMIN: All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN:

Opposed?

(No response.)

ACTING PRESIDENT BENJAMIN: The Assembly bills are recommitted, and the Senate bills are restored.

SENATOR GIANARIS: I now move to recommit the calendar of bills to the Rules Committee.

ACTING PRESIDENT BENJAMIN: It is so ordered.

SENATOR GIANARIS: At this time, Mr. President, we're going to hear from the leaders, beginning with Minority Leader Ortt.

ACTING PRESIDENT BENJAMIN: Minority Leader Ortt.

SENATOR ORTT: Thank you, Mr. President.

Leader Stewart-Cousins, nice to see you.

I want to thank Deputy Leader Lanza, his first day here in this chair.

And of course, Mr. President, nice to see you.

I just wanted to -- I guess this is the official end of session. It came much later

than I think most of us would have anticipated. And it's been a tough year. And I don't mean for the people in this room. Certainly we've borne the burdens of being in public office, the burdens of leadership in a trying time.

I'm talking about the people who aren't in this building. I'm talking about the people who own businesses, whether they be restaurants, salons, any small business, any business. I'm thinking about the people who work in those businesses -- the waiters and the waitresses, teachers, nurses, doctors, police officers, people who work in long-term-care facilities -- I could go on and on. There's been no aspect of our life that has not been impacted by the pandemic and by the resulting restrictions, lockdowns, whatever you want to call it.

It has been a very tough year for New Yorkers. And I think there is some hope on the horizon, but there's also continued uncertainty about what the future may hold. Because I firmly believe we will get through the public health part of this crisis. We have the best research and development -- you look at the

companies that have brought the vaccine to the market -- and I firmly believe we have the best doctors, the best medical personnel in this country that we will get through the public health component of this.

But there are lingering aspects of this, socioeconomic impacts of this pandemic that we're living through that will be with us for many years. Whether it's the impact on our schoolchildren who are remote-learning, or whether it is the impact on businesses, on our economy both in New York City and across New York State.

And when we come back to work next week, I can tell you that the Republican Conference will be coming back to work with that single-minded focus, to make that we are doing our jobs so that New Yorkers can go back to doing theirs.

And that is going to be -- we stand ready to work with the Majority. Of course we stand ready also to be the loyal opposition on policies that we think do not achieve those ends. But I know, in talking with Majority Leader Stewart-Cousins, everyone is looking forward to

getting back to work for the people of this state, the people who have elected us, millions of New Yorkers who turned out in record numbers. And they expect not only the Governor, but they expect the 63 members in this chamber to go to work and represent them. And I think they have a right to expect that, and I look forward to fulfilling that obligation.

Before I sit down for the year, I do want to mention a couple of my members in our conference who are leaving after in some cases decades of public service. And again, unique because we didn't get to -- and I'm sure Leader Cousins could say the same for members in her conference -- we didn't get to say the farewell that we have grown accustomed to in this chamber.

I know I've been here for six years now, and when members who have been here for a long time -- be they Democrats, be they Republicans -- have left, there's always been both a fitting sendoff both in the chamber, obviously internally with the conference, maybe there's a dinner involved, you know, some old war stories. None of that really happened the way it normally would.

And so I just want to take just a few moments to recognize a few of my colleagues who will be leaving in a couple of days.

Senator George Amedore, who we all heard from today. I want to thank Senator Amedore for being willing, even though he was at the end -- I always say you can tell a lot about somebody when it's at the end of their time and they're still willing to show up to work. Senator Amedore was here today; I'm sure he could have been with his family, he could have sent his vote in remotely. He was here, he was here to ask some important questions of Senator Kavanagh.

And Senator Amedore has been a very important member of our conference as a business owner, as someone who I always say signs the front of checks as well as the back of checks. He employs a lot of folks in this district, in his district, and he has been a great voice for small businesses, for business owners, for taxpayers here in the State of New York.

And I want to thank him. He is someone I am proud to call a personal friend. He came in with me in 2015, January 2015, we were both elected in November of '14. And he will be

missed, but obviously not forgotten.

Senator Rich Funke, Senator Joe Robach, both from the Rochester region. Senator Funke, of course, a very long term broadcaster. Senator Joe Robach has been here in Albany for many years. He was in the Assembly as a Democrat -- which I'm sure my colleagues across the aisle might find hard to believe, but certainly he was -- and then he ran as a Republican to the Senate and has been reelected time and time again.

I will tell you this. There are few people who really bled for their community the way Senator Robach did. He was a tireless advocate for the City of Rochester. Whether it was inner city Rochester, whether it was the first ring suburbs, it didn't matter to Senator Robach, he would go to bat for that community, and on several occasions delivered for that community over the years, whether he was a Democrat, whether he was a Republican, whether he was in the Majority or he was in the Minority.

And he certainly brought some levity to our conference, which I will tell you -- and as I'm sure both -- everyone in this room can

agree, sometimes whether you're in conference, whether you're on the floor, you're discussing very serious things, and sometimes a little levity is helpful. And Senator Robach certainly was -- was that for us. But he could also, obviously, be a statesman and a hard-fighting advocate for the City of Rochester and for Monroe County. So I want to thank him and Senator Funke.

Senator Seward. You know, Senator Seward in some ways has been a microcosm of this year. He battled through cancer, he battled through COVID-19. And if you were to see Senator Seward today, you would never know that he had any health issues. I like to say he's kind of the Republican answer to Dick Clark. He just never seems to get older, always looks great, always upbeat, a gentleman. I think for those who were on the other side, always a gentleman in his floor debates, in the way he handled himself.

And he is the definition, I think, of a statesman and will certainly be missed by the people of his district as he is succeeded by Senator-elect Oberacker.

Senator Ranzenhofer, a neighbor of mine in Western New York, an attorney but someone who was certainly a -- served in this body for I believe a decade.

Senator Betty Little, from the North Country, a champion for women's rights, for women's issues. I think certainly when it came to the Women of Distinction event, whether it came to environmental issues up in the North Country, a very fierce advocate. But also a very gentle person. Another person who has battled through some health issues this year, remarkably so. Someone who has a lot of courage and who I think very highly of and will be missed is Senator Betty Little.

And then last but certainly not least, I want to recognize Senator Ken LaValle. Senator LaValle has been in this chamber -- and I know sometimes it's easy to sort of knock people that have served a long time in public service, but Senator LaValle served in this chamber longer than the person speaking right now has been alive.

And I don't say that in any way demeaning; I say that as a real positive.

because he was reelected, right -- that wasn't a lifetime appointment, he was continually reelected by his constituents. And I know when it came to specifically environmental issues and higher education issues, Senator LaValle has a lot to be proud of, and so do the constituents of the First Senate District, who sent him back here time and time again to be their champion and their representative.

So I want to recognize -- those are our retiring members. Obviously Senator Flanagan, no longer here. I want to thank him for his service, as well as Senator Chris Jacobs, who is now in Washington, D.C.

But, Mr. President, I want to thank you for the indulgence. I want to thank you for giving me the time to share those comments about my colleagues.

Leader Cousins, I look forward to working with you in the new year.

And I wish everyone a Happy New Year and a safe holiday season.

SENATOR GIANARIS: Mr. President, can you now recognize Majority Leader Stewart-Cousins.

ACTING PRESIDENT BENJAMIN: Majority Leader Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you so much, Mr. President.

And it's certainly good to see you in person and to congratulate you for your election as leader. I too look forward to working together, you know, on behalf of the people of New York State.

And I wanted to say to Senator Lanza, congratulations on your new position as well. I know that you will do a great job working with my fabulous floor leader and deputy, Senator Mike Gianaris, so.

So -- and thank you, Mr. President.

I also want to make a quick mention of our newest Senator. We had Senator John Mannion, who voted for the very first time today. And we normally will do this when we introduce our new members in January when we come back, but since Senator Mannion was able to take his seat today, I just wanted to recognize that we are very, very happy to have him. He's a science teacher, and I know that we will learn a lot from Senator Mannion. And I was really, really happy

that he was able to make this first historic vote.

I think everyone understands that this year has been extremely challenging for all of us. We've seen the COVID-19 pandemic ravage our communities, our state, our nation, and the world. It's chilling to think that we've been through so much in just this last nine months. Family members, friends, colleagues, constituents have passed away due to this awful pandemic. Businesses have closed, jobs have been lost. People are hurting. We're a changed state. We're a changed nation. We're changed throughout the entire world.

But, Mr. President, we're standing here because hope is on the horizon. We have vaccines beginning to be distributed, and we have some form coming in the latest COVID relief bill that's been signed by the president. And come January 20th, we'll have an administration in Washington that will be looking to help us and not to hurt us.

I thank all of my colleagues over the last year for all of the amazing work they've done during this crisis, work that I don't think

anyone could have envisioned being part of their job. Working to get refrigerated trucks for local hospitals; setting up massive food banks for constituents; checking on people stuck in quarantine; setting up Zoom town halls; working to get an unprecedented number of unemployed constituents through the unemployment claims process; providing PPEs to front-line workers and to members of our community -- and that's just to name a few.

And I also want to thank our Governor, Governor Cuomo, whose leadership during this pandemic has been so important to this state and has frankly spread to people across America.

Together, our voices continue to ring loud and clear. We need the federal government to do the right thing and provide the needed support for our state -- for all of our states.

But right now we're here, back on the floor of the Senate. In a time normally spent getting ready for a new year and a new session, we're here in this empty chamber -- relatively empty for what we do -- taking historic action.

When I first took over as Senate President, I spoke of two different paths that we could take together, the path of putting up barriers or the path of creating opportunity. This pandemic has made these choices seem sometimes impossible. This pandemic has created insurmountable barriers.

But this chamber today has again chosen the path of tearing down barriers, sending out a lifeline of hope to millions of New Yorkers who will now be able to stay in their homes. We've chosen to stand with these millions of people hurting during a crisis and say that we understand. We've made a commitment to enact the strongest eviction moratoriums in the nation while at the same time helping homeowners, small landlords, and our seniors and disabled community.

I want to thank all the advocates who have tirelessly fought to make this possible. And I want to thank my counterpart in the Assembly, Speaker Heastie, for being a strong partner in moving this legislation forward.

And then of course I want to thank the chair of our Housing Committee, Senator Brian

Kavanagh, whose steady leadership was so important in making sure we get this done. And of course I have to recognize Senator Zellnor Myrie for the work and the effort that he put in when he initially brought this forward. I want to thank him and frankly all of my Democratic Majority colleagues for doing the work that was required so that we could stand here in this historic moment.

And I know I've heard you, Senator Kavanagh, when you were talking about Shontell Smith and her incredible staff, including Eric and the Housing team that worked tirelessly to try and get this done so that we would have it ready at this moment, especially because of the uncertainty that was happening in the federal government.

So I want to thank them, and also make sure that we understand that this is not a panacea, that we know more must be done. But what I always understood is that we could not go into next year leaving this undone.

Once again, we've sent the message that when given the choice, this house will always take the path of creating hope and

creating opportunity and tearing down barriers.

Mr. President, today, as Leader Ortt said, is also our last session day of the 2019-2020 term, and I wanted to thank not only all my members, but to take an opportunity to recognize some of my members -- and yours -- who are going to be leaving at the end of this term.

I don't know what this chamber is going to be like without my friend, my mentor, my inspiration, Senator Velmanette Montgomery. She's done so much for so many New Yorkers -- her advocacy for children, her fight to finally pass criminal justice reforms, juvenile justice reform. Her standing with all those who needed help have made this a stronger place. And I know for Senator Montgomery, for this vote to be her last vote is really rewarding for her.

And of course on the other side of the aisle I will mention Senator Ken LaValle because he not only had decades of service -- I think he was the dean of our chamber -- but he was my first seatmate when I came. When, like you, you all were spread over there, and he was my first seatmate. So I'm going to miss him.

And of course I'm going to miss

Betty Little, who's also been a strong friend and a leader in this chamber. And wish the very, very best for Senator Seward. I'm happy to hear that he's doing so very, very well.

And in my world here, we're going to miss Senator Jen Metzger, who did so much in terms of the environment and agriculture, a strong voice for farmers, just an advocate for every good thing.

And Senator Monica Martinez, who spent her career as a teacher and administrator and never, ever lost the heart for her children, for education, and her passion to take care of animals big and small.

And of course Senator Carlucci as well, who really made his mark in terms of the mental health field, where he had the opportunity to chair for so many years.

And also I just want to wish a fond farewell to Senators Robach and Ranzenhofer, Amedore and Funke, and Senator Flanagan, for their service to this state.

So, Mr. President, I really thank you, as well, for presiding over the most unusual session probably in the history. When I first

came I remember I entered with a governor at that time whose motto was "Day One, Everything Changes." That was in 2007. I don't know what he thought he was saying, but I can say that everything has changed. And every time I think that we've seen it all, we get to see more.

So I can only say that we will have yet another change. There will be a new year. I don't say that it can't be worse, because now I don't know. I do know, however, that I wish everyone a happy and healthy, prosperous New Year. And I know that whatever the new year brings, whatever it holds for us, we in this chamber will stay focused on the people of New York and doing the very best we can for them.

So thank you very much.

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

Is there any further business at the desk?

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

SENATOR GIANARIS: Then I move to

adjourn until the call of the Temporary President, intervening days being legislative days.

ACTING PRESIDENT BENJAMIN: On motion, the Senate stands adjourned until the call of the Temporary President, intervening days being legislative days.

The Senate is adjourned.

(Whereupon, the Senate adjourned at 3:56 p.m.)