

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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8  
9 ALBANY, NEW YORK

10 May 3, 2021

11 3:20 p.m.

12  
13  
14 REGULAR SESSION

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16  
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18 SENATOR SHELLEY B. MAYER, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

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

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

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

15 THE SECRETARY: In Senate, Sunday,  
16 May 2, 2021, the Senate met pursuant to  
17 adjournment. The Journal of Saturday, May 1,  
18 2021, was read and approved. On motion, Senate  
19 adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: Senator Hinchey

1 moves to discharge, from the Committee on  
2 Agriculture, Assembly Bill Number 4690 and  
3 substitute it for the identical Senate Bill 5751,  
4 Third Reading Calendar 738.

5 ACTING PRESIDENT MAYER: The  
6 substitution is so ordered.

7 THE SECRETARY: Senator Kaplan  
8 moves to discharge, from the Committee on Rules,  
9 Assembly Bill Number 7127 and substitute it for  
10 the identical Senate Bill 5742, Third Reading  
11 Calendar 795.

12 ACTING PRESIDENT MAYER: The  
13 substitution is so ordered.

14 Messages from the Governor.

15 Reports of standing committees.

16 Reports of select committees.

17 Communications and reports from  
18 state officers.

19 Motions and resolutions.

20 Senator Gianaris.

21 SENATOR GIANARIS: Thank you,  
22 Madam President.

23 Amendments are offered to the  
24 following Third Reading Calendar bills:

25 By Senator Comrie, on page 17,

1 Calendar Number 302, Senate Print 2939;

2 By Senator Kaplan, on page 18,

3 Calendar Number 374, Senate Print 534;

4 By Senator Sepúlveda, on page 27,

5 Calendar Number 541, Senate Print 2103;

6 And by Senator Liu, on page 32,

7 Calendar Number 626, Senate Print 1059.

8 ACTING PRESIDENT MAYER: The  
9 amendments are received, and the bills shall  
10 retain their place on the Third Reading Calendar.

11 Senator Gianaris.

12 SENATOR GIANARIS: I now wish to  
13 call up Senate Print 328, recalled from the  
14 Assembly, which is now at the desk.

15 ACTING PRESIDENT MAYER: The  
16 Secretary will read.

17 THE SECRETARY: Calendar Number 98,  
18 Senate Print 328, by Senator Persaud, an act to  
19 amend the Penal Law.

20 SENATOR GIANARIS: Move to  
21 reconsider the vote by which this bill was  
22 passed.

23 ACTING PRESIDENT MAYER: The  
24 Secretary will call the roll on reconsideration.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT MAYER: The bill  
3 is restored to its place on the Third Reading  
4 Calendar.

5 SENATOR GIANARIS: On behalf of  
6 Senator Persaud, I offer the following  
7 amendments.

8 ACTING PRESIDENT MAYER: The  
9 amendments are received.

10 SENATOR GIANARIS: Please call on  
11 Senator Lanza.

12 ACTING PRESIDENT MAYER: Senator  
13 Lanza.

14 SENATOR LANZA: On behalf of  
15 Senator Borrello, Madam President, I move to  
16 recommit Senate Print 422, Calendar Number 275 on  
17 the order of third reading, to the Committee on  
18 Transportation, with instructions to said  
19 committee to strike out the enacting clause.

20 ACTING PRESIDENT MAYER: It is so  
21 ordered.

22 Senator Gianaris.

23 SENATOR GIANARIS: Madam President,  
24 there will be an immediate meeting of the  
25 Rules Committee in Room 332.

1           ACTING PRESIDENT MAYER:    There will  
2   be an immediate meeting of the Rules Committee in  
3   Room 332.

4           SENATOR GIANARIS:    The Senate  
5   stands at ease.

6           ACTING PRESIDENT MAYER:    The Senate  
7   will stand at ease.

8           (Whereupon, the Senate stood at ease  
9   at 3:23 p.m.)

10          (Whereupon, the Senate reconvened at  
11   3:29 p.m.)

12          ACTING PRESIDENT MAYER:    The Senate  
13   will return to order.

14          Senator Gianaris.

15          SENATOR GIANARIS:    Madam President,  
16   I believe there's a report of the Rules Committee  
17   at the desk.

18          Can we please take that up.

19          ACTING PRESIDENT MAYER:    The  
20   Secretary will read.

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

24          Senate Print 6473, by  
25   Senator Gaughran, an act in relation to the

1 assessment of property owned by water-works  
2 corporations.

3 The bill is reported direct to third  
4 reading.

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

7 ACTING PRESIDENT MAYER: All those  
8 in favor of accepting the report of the  
9 Rules Committee signify by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT MAYER: Opposed,  
12 nay.

13 (No response.)

14 ACTING PRESIDENT MAYER: The Rules  
15 Committee report is accepted.

16 Senator Gianaris.

17 SENATOR GIANARIS: Can we now take  
18 up the calendar, please.

19 ACTING PRESIDENT MAYER: The  
20 Secretary will read.

21 THE SECRETARY: Calendar Number  
22 168, Senate Print 1868, by Senator Ritchie, an  
23 act in relation to authorizing the Town of  
24 Dekalb, in the County of St. Lawrence, to reduce  
25 the maximum speed limit on certain public

1 roadways.

2 ACTING PRESIDENT MAYER: There is a  
3 home-rule message at the desk.

4 Read the last section.

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

7 ACTING PRESIDENT MAYER: Call the  
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT MAYER: Announce  
11 the results.

12 THE SECRETARY: In relation to  
13 Calendar 168, voting in the negative:  
14 Senator Skoufis.

15 Ayes, 61. Nays, 1.

16 ACTING PRESIDENT MAYER: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 260, Senate Print 2767A, by Senator Kennedy, an  
20 act to establish a private student loan refinance  
21 task force.

22 ACTING PRESIDENT MAYER: Read the  
23 last section.

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



1           ACTING PRESIDENT MAYER:    Call the  
2 roll.

3           (The Secretary called the roll.)

4           ACTING PRESIDENT MAYER:    Announce  
5 the results.

6           THE SECRETARY:    Ayes, 62.

7           ACTING PRESIDENT MAYER:    The bill  
8 is passed.

9           THE SECRETARY:    Calendar Number  
10 280, Senate Print 1509A, by Senator May, an act  
11 to amend the Transportation Law.

12          ACTING PRESIDENT MAYER:    Read the  
13 last section.

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

16          ACTING PRESIDENT MAYER:    Call the  
17 roll.

18          (The Secretary called the roll.)

19          ACTING PRESIDENT MAYER:    Announce  
20 the results.

21          THE SECRETARY:    Ayes, 62.

22          ACTING PRESIDENT MAYER:    The bill  
23 is passed.

24          THE SECRETARY:    Calendar Number  
25 377, Senate Print Number 3966A, by

1 Senator Reichlin-Melnick, an act to amend the  
2 Public Health Law and the Social Services Law.

3 ACTING PRESIDENT MAYER: Read the  
4 last section.

5 THE SECRETARY: Section 3. This  
6 act shall take effect on the 180th day after it  
7 shall have become a law.

8 ACTING PRESIDENT MAYER: Call the  
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT MAYER: Senator  
12 Reichlin-Melnick to explain his vote.

13 SENATOR REICHLIN-MELNICK: Thank  
14 you, Madam President.

15 This is a very simple bill, because  
16 those of us who in our constituencies send our  
17 kids out, whether it's to school or other places,  
18 want to have the assurance that they are safe.

19 And when kids go to school, we know  
20 that teachers and employees and anybody else  
21 interacting with them will be checked against the  
22 state's Sex Offender Registry. And we know that  
23 if a kid goes to a summer camp, that summer camp  
24 must check their counselors and their employees  
25 against the state Sex Offender Registry.

1           But there has been a whole class of  
2       camps that has not had to do that, and these are  
3       single-purpose camps -- it could be a soccer  
4       camp, it could be a sailing camp, a chess camp,  
5       whatever it might be. And the employees and the  
6       counselors who work at these nonregistered  
7       children's single-use camps have never had to be  
8       checked against the state's Sex Offender  
9       Registry.

10           This bill will address that and will  
11       help keep our kids safe. Because I think so many  
12       people already assume that of course they must  
13       have been checked, and yet that has not been what  
14       the law says. And so I'm proud that we're moving  
15       this bill, and I think it will make a real  
16       difference and hopefully keep our kids safe from  
17       dangerous people.

18           Thank you for bringing it up. I  
19       vote yes.

20           ACTING PRESIDENT MAYER:     Senator  
21       Reichlin-Melnick to be recorded in the  
22       affirmative.

23           Announce the results.

24           THE SECRETARY:     Ayes, 63.

25           ACTING PRESIDENT MAYER:     The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 396, Senate Print 944, by Senator Gaughran, an  
4 act to amend the Public Service Law.

5 ACTING PRESIDENT MAYER: Read the  
6 last section.

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

9 ACTING PRESIDENT MAYER: Call the  
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT MAYER: Announce  
13 the results.

14 THE SECRETARY: Ayes, 63.

15 ACTING PRESIDENT MAYER: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 417, Senate Print 2057, by Senator Sepúlveda, an  
19 act to amend the Civil Service Law.

20 ACTING PRESIDENT MAYER: Read the  
21 last section.

22 THE SECRETARY: Section 3. This  
23 act shall take effect on the 90th day after it  
24 shall have become a law.

25 ACTING PRESIDENT MAYER: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT MAYER: Announce  
4 the results.

5 THE SECRETARY: Ayes, 63.

6 ACTING PRESIDENT MAYER: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 449, Senate Print 4778, by Senator Weik, an act  
10 in relation to authorizing the assessor of the  
11 Town of Brookhaven to accept an application for  
12 exemption from real property taxes.

13 ACTING PRESIDENT MAYER: Read the  
14 last section.

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

17 ACTING PRESIDENT MAYER: Call the  
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT MAYER: Announce  
21 the results.

22 THE SECRETARY: In relation to  
23 Calendar Number 449, voting in the negative:  
24 Senator Akshar.

25 Ayes, 62. Nays, 1.

1                   ACTING PRESIDENT MAYER:    The bill  
2   is passed.

3                   Senator Lanza.

4                   SENATOR LANZA:    Madam President --  
5   thank you, Senator Gianaris.

6                   Madam President, I wanted to take a  
7   moment to congratulate Senator Weik on the  
8   passage of her first bill as a Senator.

9                   ACTING PRESIDENT MAYER:  
10   Congratulations, Senator Weik.

11                   (Applause.)

12                   ACTING PRESIDENT MAYER:    The  
13   Secretary will read.

14                   THE SECRETARY:    Calendar Number  
15   495, Senate Print 1026, by Senator Ramos, an act  
16   to amend the Workers' Compensation Law.

17                   ACTING PRESIDENT MAYER:    Read the  
18   last section.

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

21                   ACTING PRESIDENT MAYER:    Call the  
22   roll.

23                   (The Secretary called the roll.)

24                   ACTING PRESIDENT MAYER:    Announce  
25   the results.

1           THE SECRETARY:   In relation to  
2   Calendar 495, voting in the negative:  
3   Senator Lanza.

4           Ayes, 62.   Nays, 1.

5           ACTING PRESIDENT MAYER:   The bill  
6   is passed.

7           THE SECRETARY:   Calendar Number  
8   502, Senate Print 5025A, by Senator Serrano, an  
9   act creating a legislative task force on outdoor  
10   environmental education and recreation.

11          ACTING PRESIDENT MAYER:   Read the  
12   last section.

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

15          ACTING PRESIDENT MAYER:   Call the  
16   roll.

17          (The Secretary called the roll.)

18          ACTING PRESIDENT MAYER:   Announce  
19   the results.

20          THE SECRETARY:   Ayes, 63.

21          ACTING PRESIDENT MAYER:   The bill  
22   is passed.

23          THE SECRETARY:   Calendar Number  
24   657, Senate Print 1201, by Senator Harckham, an  
25   act to amend the Public Health Law.

1                   SENATOR LANZA:    Lay it aside.

2                   ACTING PRESIDENT MAYER:    The bill  
3 is laid aside.

4                   THE SECRETARY:    Calendar Number  
5 674, Senate Print 4716A, by Senator Hoylman, an  
6 act to amend the State Technology Law.

7                   ACTING PRESIDENT MAYER:    Read the  
8 last section.

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

11                   ACTING PRESIDENT MAYER:    Call the  
12 roll.

13                   (The Secretary called the roll.)

14                   ACTING PRESIDENT MAYER:    Announce  
15 the results.

16                   THE SECRETARY:    Ayes, 63.

17                   ACTING PRESIDENT MAYER:    The bill  
18 is passed.

19                   THE SECRETARY:    Calendar Number  
20 684, Senate Print 3402, by Senator Bailey, an act  
21 to amend the Real Property Tax Law.

22                   ACTING PRESIDENT MAYER:    Read the  
23 last section.

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



1                   ACTING PRESIDENT MAYER:    Call the  
2 roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT MAYER:    Announce  
5 the results.

6                   THE SECRETARY:    Ayes, 63.

7                   ACTING PRESIDENT MAYER:    The bill  
8 is passed.

9                   THE SECRETARY:    Calendar Number  
10 702, Senate Print 2019, by Senator Jackson, an  
11 act to amend the Education Law.

12                   ACTING PRESIDENT MAYER:    Read the  
13 last section.

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

16                   ACTING PRESIDENT MAYER:    Call the  
17 roll.

18                   (The Secretary called the roll.)

19                   ACTING PRESIDENT MAYER:    Announce  
20 the results.

21                   THE SECRETARY:    In relation to  
22 Calendar 702, those Senators voting in the  
23 negative are Senators Borrello, Cooney, Helming,  
24 Jordan, Kennedy, Krueger, Lanza, Liu, May,  
25 Oberacker, Ortt, Palumbo, Rath, Reichlin-Melnick,

1 Ryan, Serino, Stec, Tedisco and Weik.

2 Ayes, 44. Nays, 19.

3 ACTING PRESIDENT MAYER: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 711, Senate Print 5509, by Senator Comrie, an act  
7 to amend the Vehicle and Traffic Law.

8 ACTING PRESIDENT MAYER: Read the  
9 last section.

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

12 ACTING PRESIDENT MAYER: Call the  
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT MAYER: Announce  
16 the results.

17 THE SECRETARY: Ayes, 63.

18 ACTING PRESIDENT MAYER: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 712, Senate Print 6036, by Senator Brooks, an act  
22 to amend the Vehicle and Traffic Law.

23 ACTING PRESIDENT MAYER: Read the  
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT MAYER: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT MAYER: Senator  
6 Helming to explain her vote.

7 SENATOR HELMING: Thank you,  
8 Madam Chair. I rise today to explain my vote.

9 Gold Award Girl Scouts tackle so  
10 many issues and drive such positive, lasting  
11 changes in their respective communities and far  
12 beyond. As a former Girl Scout, I'm proud to  
13 cosponsor and support this important bill.

14 I'm also proud to sponsor  
15 Senate Bill 2180, a bill somewhat similar that  
16 would create the New York State Veterans  
17 Remembrance License Plate. This plate is an  
18 opportunity to honor those who have given so much  
19 for our freedom.

20 One unique feature about this  
21 legislation is that it also creates a revenue  
22 source and a fund to establish -- eventually  
23 establish our first New York State-run veterans  
24 cemetery, which is so incredibly important.

25 So I'm hoping that the Majority will

1 see fit to bring this legislation forward this  
2 year. It's passed five years, but last year it  
3 never moved.

4 Madam Chair, I'm proud to support  
5 this legislation, and I vote aye. Thank you.

6 ACTING PRESIDENT MAYER: Senator  
7 Helming to be recorded in the affirmative.

8 Announce the results.

9 THE SECRETARY: Ayes, 63.

10 ACTING PRESIDENT MAYER: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 738, Assembly Print Number 4690, substituted  
14 earlier by Assemblymember Lupardo, an act to  
15 amend the Agriculture and Markets Law.

16 ACTING PRESIDENT MAYER: Read the  
17 last section.

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

20 ACTING PRESIDENT MAYER: Call the  
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT MAYER: Announce  
24 the results.

25 THE SECRETARY: Ayes, 63.

1                   ACTING PRESIDENT MAYER:    The bill  
2   is passed.

3                   THE SECRETARY:    Calendar Number  
4   742, Senate Print 5581, by Senator Breslin, an  
5   act to amend Chapter 589 of the Laws of 2015.

6                   ACTING PRESIDENT MAYER:   Read the  
7   last section.

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

10                  ACTING PRESIDENT MAYER:   Call the  
11   roll.

12                  (The Secretary called the roll.)

13                  ACTING PRESIDENT MAYER:   Announce  
14   the results.

15                  THE SECRETARY:    Ayes, 63.

16                  ACTING PRESIDENT MAYER:   The bill  
17   is passed.

18                  THE SECRETARY:    Calendar Number  
19   782, Senate Print 1745, by Senator Skoufis, an  
20   act to amend the Alcoholic Beverage Control Law.

21                  ACTING PRESIDENT MAYER:   Read the  
22   last section.

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

25                  ACTING PRESIDENT MAYER:   Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT MAYER: Announce  
4 the results.

5 THE SECRETARY: Ayes, 63.

6 ACTING PRESIDENT MAYER: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 795, Assembly Print 7127, substituted earlier by  
10 Assemblymember Bronson, an act to amend a chapter  
11 of the Laws of 2021.

12 ACTING PRESIDENT MAYER: Read the  
13 last section.

14 THE SECRETARY: Section 6. This  
15 act shall take effect on the same date and in the  
16 same manner as a chapter of the Laws of 2021.

17 ACTING PRESIDENT MAYER: Call the  
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT MAYER: Announce  
21 the results.

22 THE SECRETARY: In relation to  
23 Calendar 795, those Senators voting in the  
24 negative are Senators Borrello, Boyle, Felder,  
25 Gallivan, Griffo, Helming, Jordan, Lanza,

1 Martucci, Mattera, Oberacker, O'Mara, Ortt,  
2 Palumbo, Rath, Ritchie, Skoufis, Stec and Weik.

3 Ayes, 44. Nays, 19.

4 ACTING PRESIDENT MAYER: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 796, Senate Print 6362A, by Senator Kavanagh, an  
8 act to amend Chapter 381 of the Laws of 2020.

9 SENATOR LANZA: Lay it aside.

10 ACTING PRESIDENT MAYER: The bill  
11 is laid aside.

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

14 SENATOR GIANARIS: Thank you,  
15 Madam President. Let's please move to the  
16 supplemental calendar.

17 ACTING PRESIDENT MAYER: The  
18 Secretary will read.

19 THE SECRETARY: Calendar Number  
20 868, Senate Print 6473, by Senator Gaughran, an  
21 act in relation to the assessment of property  
22 owned by water-works corporations.

23 ACTING PRESIDENT MAYER: Read the  
24 last section.

25 THE SECRETARY: Section 8. This

1 act shall take effect immediately.

2 ACTING PRESIDENT MAYER: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT MAYER: Senator  
6 Kaminsky to explain his vote.

7 SENATOR KAMINSKY: Thank you,  
8 Madam President.

9 Residents of Long Island have been  
10 suffering under a private water company called  
11 American Water, which has been gouging ratepayers  
12 paying water bills in multiples in excess of what  
13 their neighbors and counterparts with public  
14 water have been paying.

15 Today's bill we think works out a  
16 comprehensive solution to that, that would take a  
17 large amount of the tax bill that gets passed  
18 along to customers and disburse that throughout  
19 Nassau County, as well as, more importantly,  
20 creating a public water authority that would then  
21 be able to municipalize and take over  
22 American Water, to get us off the path we are  
23 currently on.

24 I'm grateful to my fellow Senators  
25 and to Senate leadership and staff that helped



1 craft this bill.

2           Unfortunately, as we stand here  
3 today I don't have the greatest expectation that  
4 this will be a joint bill and it will end up  
5 being the law of the land. And that's  
6 unfortunate.

7           And when a resident asks me, Hey,  
8 why can't we work out a solution that can help  
9 delay and stop these increases that I can no  
10 longer afford, my answer to them is: There is no  
11 good reason. We can do this.

12           And so I say to anyone listening, we  
13 still stand here willing to work with any  
14 governmental body to help put these increases  
15 off, make sure that this water company is under  
16 control, and to work toward a more permanent  
17 solution that creates a public water authority.

18           So today we are showing that the  
19 Senate is ready for business. We think this bill  
20 is well thought out and can provide a good  
21 solution. We are hoping to move this forward,  
22 and we stand ready to work with anyone who will  
23 do so.

24           I vote in the affirmative. Thank  
25 you, Madam President.

1           ACTING PRESIDENT MAYER:    Senator  
2 Kaminsky to be recorded in the affirmative.

3           Announce the results.

4           THE SECRETARY:    Ayes, 63.

5           ACTING PRESIDENT MAYER:    The bill  
6 is passed.

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

9           SENATOR GIANARIS:    Let's move on to  
10 the controversial calendar, please.

11          ACTING PRESIDENT MAYER:    The  
12 Secretary will ring the bell.

13          The Secretary will read.

14          THE SECRETARY:    Calendar Number  
15 657, Senate Print 1201, by Senator Harckham, an  
16 act to amend the Public Health Law.

17          ACTING PRESIDENT MAYER:    Senator  
18 Lanza, why do you rise?

19          SENATOR LANZA:    Madam President, I  
20 believe there's an amendment at the desk. I  
21 waive the reading of that amendment and ask that  
22 Senator Borrello be recognized and heard.

23          ACTING PRESIDENT MAYER:    Thank you,  
24 Senator Lanza.

25          Upon review of the amendment, in

1 accordance with Rule 6, Section 4B, I rule it  
2 nongermane and out of order at this time.

3 SENATOR LANZA: Accordingly,  
4 Madam President, I appeal the ruling of the chair  
5 and ask that Senator Borrello be recognized.

6 ACTING PRESIDENT MAYER: The appeal  
7 has been made and recognized, and Senator  
8 Borrello may be heard.

9 SENATOR BORRELLO: Thank you,  
10 Madam President.

11 I rise to appeal the ruling of the  
12 chair. This amendment is germane because the  
13 bill-in-chief deals with the Public Health Law  
14 and, for more than a year, the Governor has  
15 modified, extended and suspended numerous  
16 provisions of the Public Health Law.

17 As we all know, there's no industry  
18 that's been hit harder in New York State than the  
19 hospitality industry. It's been the largest  
20 economic casualty of this pandemic. And really  
21 no industry has suffered more under the  
22 Governor's absurd and arbitrary directives that  
23 have cost so many businesses their lives and the  
24 livelihoods of so many people in New York State.

25 You know, the Senate took a positive

1 step last week repealing the food-with-alcohol  
2 mandate. That's great, I'm glad we did that.  
3 But it really could have gone away a lot sooner.  
4 I mean, we started introducing a clean repeal of  
5 the Governor's executive authorities back in  
6 January, and I believe every day of session  
7 since.

8                   So it could have gone away a lot  
9 sooner, and that probably would have saved  
10 hundreds if not more businesses in New York State  
11 from closing that will never reopen.

12                   But we still have all these numerous  
13 harmful directives. You know, today we saw the  
14 Governor's introducing something else new, we're  
15 not quite sure what it's going to be, but it has  
16 something to do with capacity limits. So we  
17 still have these arbitrary and capricious rulings  
18 coming from our Governor that are really  
19 confusing New Yorkers altogether.

20                   I don't think business owners or  
21 people that patronize businesses in our  
22 hospitality industry can tell you from one day to  
23 the next what the rule is. That's because we  
24 have lost control, as a State Legislature, of the  
25 process.

1                   You know, right now we are going  
2   into what will be the beginning, the unofficial  
3   beginning of the summer tourism season,  
4   Memorial Day. And the Governor has said that  
5   we're going to let -- we're going to rescind the  
6   curfew on May 17th for outdoor areas but it's  
7   going to go till May 31st, the last day of  
8   Memorial Day weekend, for indoors.

9                   That makes no sense. I don't  
10   understand why we're doing this, because we  
11   repealed the Governor's powers, we were told. So  
12   now there will be another nail in the coffin of  
13   our hospitality industry as they suffer with an  
14   arbitrary rule through what is, for many  
15   businesses in the tourism/hospitality industry,  
16   one of the busiest of the entire summer season.

17                  So we continue to do this dance with  
18   the Governor. And instead, we should have done a  
19   long time ago what we still can do today, and  
20   that is to pass this amendment that will do a  
21   clean repeal of the Governor's authority so we  
22   can finally regain the transparency and the  
23   legislative authority that we need to ensure that  
24   New York's economy can get back on track. We are  
25   among the worst in the United States of America

1 right now. Our unemployment rate is still second  
2 only to Hawaii.

3 We are still suffering under these  
4 arbitrary and capricious directives. No matter  
5 how much we dress this up, no matter how many  
6 press releases we put out, the reality is  
7 New Yorkers lack the confidence to go back to  
8 work, to reopen their businesses and to feel like  
9 we are on the right path.

10 So let's pass this amendment today  
11 so that we can truly and finally repeal the  
12 Governor's executive authority.

13 Thank you.

14 ACTING PRESIDENT MAYER: Thank you,  
15 Senator.

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

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

21 SENATOR LANZA: Request a show of  
22 hands.

23 SENATOR GIANARIS: By unanimous  
24 consent, we've agreed to waive the showing of  
25 hands and record each member of the Minority in

1 the affirmative.

2 ACTING PRESIDENT MAYER: Without  
3 objection, so ordered.

4 Announce the results.

5 THE SECRETARY: Ayes, 20.

6 ACTING PRESIDENT MAYER: The ruling  
7 of the chair stands, and the bill-in-chief is  
8 before the house.

9 Are there any other Senators wishing  
10 to be heard?

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

13 Read the last section.

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

17 ACTING PRESIDENT MAYER: Call the  
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT MAYER: Announce  
21 the results.

22 THE SECRETARY: In relation to  
23 Calendar 657, voting in the negative:  
24 Senator Lanza.

25 Ayes, 62. Nays, 1.

1                   ACTING PRESIDENT MAYER:    The bill  
2   is passed.

3                   The Secretary will read.

4                   THE SECRETARY:    Calendar Number  
5   796, Senate Print 6362A, by Senator Kavanagh, an  
6   act to amend Chapter 381 of the Laws of 2020.

7                   ACTING PRESIDENT MAYER:    Senator  
8   Lanza, why do you rise?

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

13                  ACTING PRESIDENT MAYER:    Thank you,  
14   Senator Lanza.

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

18                  SENATOR LANZA:    Accordingly,  
19   Madam President, I appeal the ruling of the chair  
20   and ask that Senator Helming be recognized.

21                  ACTING PRESIDENT MAYER:    The appeal  
22   has been made and recognized, and Senator Helming  
23   may be heard.

24                  SENATOR HELMING:    Thank you,  
25   Madam President.



1 I rise to appeal the ruling of the  
2 chair because the proposed amendment is clearly  
3 germane to Senate Bill 6362A, the bill before the  
4 house that we seek to amend.

5 Both Senator Kavanagh's bill, 6362A,  
6 and the amendment relate to the extension of both  
7 the tenant and commercial eviction moratoriums.  
8 Senator Kavanagh's legislation would extend the  
9 eviction moratoriums until August 31st of this  
10 year.

11 The proposed amendment before you  
12 would extended the eviction moratoriums until  
13 June 30th of this year, which mirrors the CDC's  
14 recommendation. More specifically, this  
15 amendment brings New York in line with the  
16 federal government guidelines.

17 Madam President, in the past the  
18 Majority has repeatedly ruled amendments proposed  
19 by the Minority are nongermane. However, I would  
20 ask in this instance what could possibly be more  
21 germane than a proposal to change a date on the  
22 bill in question? And honestly, from a human  
23 perspective, what could be more germane or more  
24 important than providing meaningful assistance to  
25 our fellow New Yorkers who are rightfully

1 concerned about losing their homes and  
2 properties?

3 We all agree there are thousands of  
4 tenants and landlords who are in desperate need  
5 of relief now. One study that I read -- it was a  
6 survey by the Census Bureau -- found that  
7 42 percent of New Yorkers are living in  
8 households not current on rent or mortgage.

9 This widespread housing instability  
10 is also affecting the economy and placing a  
11 severe financial burden on property owners. Just  
12 about a week ago I had the privilege of meeting  
13 with an elderly woman who depends upon a rent  
14 payment from the apartment that's attached to her  
15 single-family home to help her meet her financial  
16 obligations. And they're not that great --  
17 paying her taxes, getting her prescriptions,  
18 going to the grocery store.

19 She's devastated. I can't describe  
20 to you how emotional this meeting was. She's  
21 absolutely devastated financially and emotionally  
22 because she hasn't been paid rent in well over a  
23 year. What won't help her or anyone else who's  
24 in this situation is another moratorium.

25 Throughout this pandemic this body

1 has taken steps to extend support to struggling  
2 New Yorkers and our small businesses. This  
3 support included a moratorium on evictions  
4 intended to protect individuals and families who  
5 are unable to make their rent payments as a  
6 result of the state-mandated shutdown of our  
7 economy.

8           Unfortunately, hundreds of thousands  
9 of small-business landlords were not offered  
10 similar relief. They continue to do their best  
11 to meet their financial obligations while still  
12 providing housing to their tenants, including  
13 those who have been unable to pay.

14           But the time and the need for such  
15 extraordinary measures is rapidly coming to an  
16 end. Government officials across the state,  
17 including those in New York City, are preparing  
18 for a total reopening of our state. This  
19 reopening should include a June 30th end to the  
20 eviction moratorium consistent with the federal  
21 government. Small-business landlords should be  
22 given back control of their residential and  
23 commercial private properties.

24           To support both our tenants and our  
25 property owners who have suffered during this

1 historic pandemic, the Senate Majority should  
2 focus on delivering the more than 2 billion in  
3 federal relief funds that are intended for tenant  
4 relief.

5           Move the funding. No more excuses,  
6 no more stalling with moratoriums. This is the  
7 only way -- the only real way -- to ease the  
8 financial hardship of tenants and to allow local  
9 property owners to recoup the significant loss of  
10 rent accrued during this moratorium.

11           These dollars will be reinvested in  
12 our economy, as property owners will finally have  
13 the resources to meet their full financial  
14 commitments and make improvements to their  
15 properties. Extending this eviction moratorium  
16 beyond the federal guidelines would ignore the  
17 reality that our state is reopening and people  
18 are returning to work. Restrictions on nearly  
19 every industry have begun to be lifted while our  
20 small-business landlords continue to have their  
21 property rights restricted.

22           This bill, again, should be amended  
23 to reflect the CDC guidance and should expire  
24 once that date has passed.

25           During the Senate Housing Committee

1 debate on this bill, I asked Senator Kavanagh,  
2 the sponsor of the bill, why the need to extend  
3 the moratorium beyond the CDC recommendation, and  
4 the response included some feedback about public  
5 health and New York State's COVID-19 numbers.

6 But we've seen how more and more  
7 people are being vaccinated; thousands and  
8 thousands of New Yorkers have been vaccinated.  
9 And just yesterday the headlines of so many  
10 newspapers and media outlets was all about the  
11 Governor pointing out that our positivity  
12 rates are the lowest since last October of 2020.  
13 Hospitalizations are down, lowest since last  
14 November.

15 So based on the data and the science  
16 as well as the federal CDC guidelines, I don't  
17 see any real public health justification for  
18 extending these moratoriums beyond June 30th.  
19 Rather than continuing to kick this can down the  
20 road and watch people fall further and further  
21 into debt and into despair, this body should show  
22 real support for struggling families of both the  
23 tenants and property owners by not extending the  
24 moratorium beyond the CDC recommendations, but by  
25 demanding that the OTDA disburse the federal

1     tenant relief funding.

2                 We all know, we've had these  
3     discussions here on this floor and in committee  
4     meetings, that if this money is not distributed  
5     by September 30th, it can be clawed back and sent  
6     back to Washington, D.C., or another state that  
7     will get the money out the door. We don't want  
8     that to happen. I don't believe that anyone here  
9     wants that to happen. But again, enough delays,  
10    enough excuses. We need to move the federal  
11    resources.

12                I believe we can accomplish this  
13    critical victory for tenants and restore the  
14    property rights of hundreds of thousands of  
15    small-business landlords in our state by working  
16    with the executive and the OTDA. But the Senate  
17    Majority must be willing to step up and do more  
18    than just put forward these moratorium bills.

19                For these reasons I'm asking my  
20    colleagues on both sides of the aisle who truly  
21    care about tenants and small businesses in the  
22    five boroughs and in every county of this state  
23    to vote in support of this amendment today.  
24    Failure to overrule the ruling of the chair is a  
25    failure to provide real help to our struggling

1 neighbors.

2 Thank you, Madam Chair.

3 ACTING PRESIDENT MAYER: Thank you,  
4 Senator.

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

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

10 SENATOR LANZA: Request a show of  
11 hands.

12 SENATOR GIANARIS: We've again  
13 agreed to waive the showing of hands and record  
14 each member of the Minority in the affirmative,  
15 Madam President.

16 ACTING PRESIDENT MAYER: Without  
17 objection, so ordered.

18 Announce the results.

19 THE SECRETARY: Ayes, 20.

20 ACTING PRESIDENT MAYER: The ruling  
21 of the chair stands, and the bill-in-chief is  
22 before the house.

23 Senator Martucci.

24 SENATOR MARTUCCI: Thank you,  
25 Madam President. Through you, will the sponsor

1 yield for a question.

2 ACTING PRESIDENT MAYER: Senator  
3 Kavanagh, will you yield?

4 SENATOR KAVANAGH: Yes,  
5 Madam President.

6 ACTING PRESIDENT MAYER: The  
7 Senator yields.

8 SENATOR MARTUCCI: Thank you,  
9 Senator Kavanagh. Good to see you, as always.

10 SENATOR KAVANAGH: Good to see you.

11 SENATOR MARTUCCI: So my colleague  
12 Senator Helming just asked a question, which is a  
13 question that I'm hoping you can help me with:  
14 Why was the date of August 31st chosen for this  
15 piece of legislation in terms of extending the  
16 eviction moratorium through August 31st?

17 SENATOR KAVANAGH: Because it is --  
18 through you, Madam President, because we believe  
19 that based on the data that we have reviewed and  
20 based on the recommendations of the CDC and our  
21 experience so far with the moratorium and the  
22 CDC's review of the effects of letting eviction  
23 moratoria expire prematurely, that four months  
24 seems like the right amount of time.

25 Obviously there's no perfect science



1 to that, but we put the moratorium in place at  
2 the end of December for four months and at this  
3 moment, based on the data that I've reviewed, we  
4 believe that four months is the right amount of  
5 time.

6 SENATOR MARTUCCI: Madam President,  
7 will the sponsor continue to yield.

8 ACTING PRESIDENT MAYER: Senator  
9 Kavanagh, do you continue to yield?

10 SENATOR KAVANAGH: Yes,  
11 Madam President.

12 ACTING PRESIDENT MAYER: The  
13 Senator yields.

14 SENATOR MARTUCCI: So since what  
15 I'm hearing here is that public health is one of  
16 the drivers -- really the primary driver behind  
17 this piece of legislation, would you agree, then,  
18 that the CDC is a reliable source of public  
19 health information?

20 SENATOR KAVANAGH: Yes. And as you  
21 may note, the sponsor's memo for this bill cites  
22 a great deal of data from the CDC, which I'm sure  
23 you've had an opportunity to review.

24 The critical point is that the CDC  
25 is making decisions for the entire country based

1 on the data for the entire country. We are  
2 basing our decision today on the data for the  
3 State of New York, and the source of that data is  
4 the CDC, but they are asking a different  
5 question. They are asking about the rates of  
6 COVID transmission nationally. We are asking  
7 about the rates of COVID transmission in the  
8 state.

9 And as of today, the data justify an  
10 extension of this moratorium, just as the data in  
11 March justified a three-month extension of the  
12 national moratorium.

13 SENATOR MARTUCCI: Thank you,  
14 Madam President. Will the sponsor continue to  
15 yield.

16 ACTING PRESIDENT MAYER: Senator  
17 Kavanagh, do you continue to yield?

18 SENATOR KAVANAGH: Yes,  
19 Madam President.

20 ACTING PRESIDENT MAYER: The  
21 Senator yields.

22 SENATOR MARTUCCI: So since that  
23 date of August 31st was chosen for local  
24 reasons -- when I say "local," I mean based on  
25 the State of New York's data -- could you share

1 maybe the names of public health experts or  
2 individuals who you consulted with to actually  
3 arrive at that date?

4           SENATOR KAVANAGH: Through you,  
5 Madam President, as I've already said, we relied  
6 on the extensive analysis -- that is updated  
7 every week for every state in the country -- of  
8 the CDC.

9           And as I noted before, the  
10 current -- in the memo that was written -- you  
11 know, this bill was introduced last week. As of  
12 that point, the COVID transmission rate, the  
13 community transmission rate in the state was more  
14 than twice the rate that CDC considers a high  
15 rate. And that was true in virtually every  
16 county in the state. The one state that had a  
17 low transmission rate -- I'm sorry, the one  
18 county in the state that had a low transmission  
19 rate was Hamilton County as of that moment.

20           We are, as has been noted, on a  
21 positive trend, both nationally and at the state  
22 level. But at the moment the most recent data  
23 from the CDC -- it's a weekly analysis of the  
24 case -- the community transmission case rate per  
25 100,000 people. The most recent weekly summary

1 from the CDC says that that number statewide  
2 right now is at 188 cases per 100,000. That is  
3 considered a high rate.

4 The CDC in fact considers any rate  
5 above 100 per 100,000 a high rate. They don't  
6 have another category for "extraordinarily high  
7 rate." High is as high as it goes in their  
8 ranking system. So we have a rate that is nearly  
9 twice the rate that they would consider  
10 concerning.

11 For what it's worth, on March 28th  
12 when the CDC decided that a three-month extension  
13 applying to all 50 states was appropriate, the  
14 transmission rate per 100,000 was 129.86. So we  
15 have a very substantially higher rate than was  
16 present nationally when the CDC decided in late  
17 March to extend this moratorium through the end  
18 of June.

19 I also note that, you know, we don't  
20 know what the CDC would decide is the appropriate  
21 number nationally if they were to make that  
22 decision today. They made that decision in late  
23 March. They decided at that time that three  
24 months was the appropriate period.

25 SENATOR MARTUCCI: Will the sponsor

1 continue to yield.

2 ACTING PRESIDENT MAYER: Senator  
3 Kavanagh, do you continue to yield?

4 SENATOR KAVANAGH: Yes,  
5 Madam President.

6 ACTING PRESIDENT MAYER: The  
7 sponsor yields.

8 SENATOR MARTUCCI: So while I  
9 understand all those facts and figures and data  
10 and it certainly sounds like here someone --  
11 perhaps you, who crafted this bill -- went  
12 through and arrived at those conclusions with  
13 respect to New York's infection rates and picked  
14 this date of August 31st.

15 So I guess my question, very simply,  
16 is has the CDC -- given the fact that the CDC  
17 covers the entire country and different states  
18 have different infection rates, has the CDC  
19 released any guidance at all to individual states  
20 or individual regions in the country indicating  
21 that it would be appropriate to select a later  
22 date, as we have, based on data?

23 SENATOR KAVANAGH: Through you,  
24 Madam President. The CDC has not opined  
25 specifically about New York's eviction

1 moratorium, as far as I know.

2 And I would note that,  
3 Madam President, this is also a moratorium on the  
4 foreclosure for taxes and for mortgages and for  
5 tax lien sales against homeowners, and also  
6 against small landlords and also against small  
7 businesses and small commercial property owners.  
8 So this is a broader base.

9 And my colleague earlier in this  
10 session was talking about the struggles of small  
11 landlords, especially homeowners that might have  
12 tenants that they're using to cover their costs.  
13 It is important to note that what we're doing  
14 today is protecting all New Yorkers and their  
15 need for housing stability, not just residential  
16 tenants, although that's a very important part of  
17 what we're doing.

18 But with respect to eviction  
19 moratoria, the CDC, when they announced their  
20 very extensive order, to explain how they  
21 reviewed the situation and how they determined  
22 that a three-month extension was valid, was  
23 warranted at that time, they noted that they had  
24 done a review of moratoria at the state level and  
25 a review of states that had continued their

1 moratoria and a review of states that had allowed  
2 their moratoria to expire, and they found that  
3 the expiration of a moratorium caused, on  
4 average, a -- there was a 60 percent higher case  
5 rate after states allowed an eviction moratorium  
6 to expire than the states that did not allow  
7 those to expire. They corrected for other public  
8 health factors that were happening behind the  
9 scenes.

10 So effectively, the CDC has  
11 concluded that state-level eviction moratoria  
12 have prevented the spread of COVID-19 to the  
13 extent that states have kept them in place.

14 Secondly, I would note that the CDC  
15 specifies that states can and should take more  
16 stringent measures as appropriate in their state.  
17 That order is a minimum. It is effectively not  
18 in place in New York because our standards are  
19 more stringent and we join many states in the  
20 country that have adopted more stringent  
21 standards.

22 And again, CDC's analysis of those  
23 stringent standards has said if you allow them to  
24 expire prematurely, you are increasing the spread  
25 of COVID-19. And presumably the number of

1 New Yorkers or people in your state who will die.

2 SENATOR MARTUCCI: Thank you,  
3 Senator.

4 Madam President, will the Senator  
5 continue to yield.

6 ACTING PRESIDENT MAYER: Senator  
7 Kavanagh, do you continue to yield?

8 SENATOR KAVANAGH: Yes,  
9 Madam President.

10 ACTING PRESIDENT MAYER: The  
11 Senator yields.

12 SENATOR MARTUCCI: So just to shift  
13 gears a little bit, to date, are you aware of a  
14 number -- do we know how many hardships have been  
15 filed in connection with this program, the  
16 Emergency Rent Relief Assistance Program,  
17 specifically?

18 SENATOR KAVANAGH: Madam President,  
19 through you, I think the -- my colleague is  
20 referring to hardships under the moratorium  
21 rather than under the COVID-19 Emergency Rental  
22 Assistance Program, which I'm happy to talk about  
23 as well.

24 There is no reliable number about  
25 that, because the main use of that form is for a



1     tenant to return it to their landlord when there  
2     is a rent demand or when there is an assertion  
3     that the landlord believes that the tenant might  
4     be subject to eviction.

5                 So I've seen news reports of  
6     something on the order of tens of thousands of  
7     those being filed in court. But again, the  
8     principal purpose of those forms -- and again, I  
9     would note that those forms can be filed by  
10    residential tenants, residential homeowners,  
11    small landlords, small businesses, and in all  
12    those cases either trying to avoid eviction or  
13    foreclosure.

14                But again, unless you have a  
15    complete survey of all landlords in the state and  
16    their interactions with their tenants, that's not  
17    really a knowable number at this time.

18                SENATOR MARTUCCI:    Thank you.

19                Madam President, will the sponsor  
20    continue to yield.

21                ACTING PRESIDENT MAYER:    Senator  
22    Kavanagh, do you continue to yield?

23                SENATOR KAVANAGH:    Yes,  
24    Madam President.

25                ACTING PRESIDENT MAYER:    The

1 Senator yields.

2 SENATOR MARTUCCI: Well, so since  
3 we don't know the exact number that have been  
4 filed, and presumably there are thousands and  
5 thousands -- or tens of thousands of these  
6 applications, are you aware of any cases where  
7 someone has falsified their application for a  
8 hardship?

9 SENATOR KAVANAGH: Through you,  
10 Madam President, I have heard and seen news  
11 reports in some cases with landlords or others  
12 asserting that a particular tenant is not telling  
13 the truth on that form, by the lights of the  
14 landlord. But I am not aware of any case where  
15 it has been demonstrated that a tenant or a  
16 homeowner or a small business owner or a small  
17 landlord has falsified that information.

18 SENATOR MARTUCCI: Thank you,  
19 Madam President. Will the sponsor continue to  
20 yield.

21 ACTING PRESIDENT MAYER: Senator  
22 Kavanagh, do you continue to yield?

23 SENATOR KAVANAGH: Yes,  
24 Madam President.

25 ACTING PRESIDENT MAYER: The

1 Senator yields.

2 SENATOR MARTUCCI: So that having  
3 been said, Madam President, the previous eviction  
4 moratorium bill that we took up here did not  
5 include any income limits as the federal program  
6 had. And that program allows you to qualify if  
7 you made \$99,000 individually last year or  
8 198,000 if you filed jointly.

9 Does the extension that's on the  
10 floor today include any similar income limits?

11 SENATOR KAVANAGH: Through you,  
12 Madam President. We have made the decision --  
13 the extension that is on the floor today does not  
14 change the underlying rules of the various  
15 moratoria that we're extending today.

16 There's certainly, you know, the  
17 opportunity for this Legislature to do that at  
18 any point. But what we're doing today is  
19 extending the moratoria. So there's nothing in  
20 this bill that would affect those criteria.

21 And the decision we have made is to  
22 the extent people are experiencing a hardship  
23 that might cause housing instability, that  
24 allowing a court process to go forward and  
25 possibly remove people from their homes, given

1     that we think there may be -- although my  
2     colleague's question before was about how many  
3     hardship declarations have been filed. We do  
4     have some data that suggests that somewhere  
5     between 800,000 and 1.2 million households,  
6     perhaps being two and a half or 3 million people  
7     in New York, in our state of under 20 million,  
8     are experiencing a hardship and are behind in  
9     their rent.

10                 So the decision that we are making  
11     today, just as we've made many hard decisions  
12     during this pandemic to restrict certain economic  
13     activities, is to restrict the eviction process  
14     because we believe, based on the guidance from  
15     the CDC, that that is a necessary public health  
16     measure and will reduce the spread of COVID-19.

17                 SENATOR MARTUCCI:     Thank you.

18                 Madam President, will the sponsor  
19     continue to yield.

20                 ACTING PRESIDENT MAYER:     Senator  
21     Kavanaugh, do you continue to yield?

22                 SENATOR KAVANAGH:     Yes,  
23     Madam President.

24                 ACTING PRESIDENT MAYER:     The  
25     Senator yields.

1                   SENATOR MARTUCCI:    Madam President,  
2    through you.  So in essence, what I heard was  
3    that someone who has a net worth in the millions  
4    or tens of millions who can claim some negative  
5    financial hardship as a result of COVID would  
6    still qualify under this program.  Is that  
7    correct?

8                   SENATOR KAVANAGH:   Through you,  
9    Madam President, I don't believe that the Senator  
10   heard that on this floor.

11                   The moratorium requires that  
12   somebody declare that they have a hardship that  
13   prevents them from meeting their housing  
14   expenses, either their rent or their homeowner  
15   expenses.  If they are having trouble paying  
16   their mortgages or their taxes and that would  
17   lead to housing instability -- or, in the case of  
18   tenants, if they are experiencing those  
19   things and they're having difficulty paying their  
20   rent -- then they can sign a form under penalty  
21   of law to indicate that to their landlord and to  
22   the courts, and at that point they are protected  
23   from eviction and they are protected from their  
24   home being taken from them by foreclosure.

25                   SENATOR MARTUCCI:   Thank you,

1 Madam President. Will the sponsor continue to  
2 yield.

3 ACTING PRESIDENT MAYER: Senator  
4 Kavanagh, do you continue to yield?

5 SENATOR KAVANAGH: Yes,  
6 Madam President.

7 ACTING PRESIDENT MAYER: The  
8 Senator yields.

9 SENATOR MARTUCCI: So maybe I'll  
10 just go at it a little bit different way, then.

11 So if there were an individual who,  
12 say -- whose income was impacted by 50 percent,  
13 and this individual made \$100,000 a year and  
14 their income was impacted by 50 percent --  
15 however, that individual had a net worth that  
16 was, say, \$20 million -- would it be possible for  
17 that individual to qualify under this program?

18 SENATOR KAVANAGH: Through you,  
19 Madam President, I am always careful not to  
20 predetermine the decisions that judges and others  
21 will make about how our laws should be  
22 interpreted.

23 But the question before any judge  
24 that was reviewing that, or any prosecutor that's  
25 determining whether the person signing that form

1 has committed perjury, is did they have a  
2 hardship that prevented them from being able to  
3 meet their housing expenses. And if somebody  
4 wants to decide that they had many millions of  
5 dollars and that those assets were liquid and  
6 therefore they did not experience a hardship  
7 that caused housing instability, then they  
8 wouldn't qualify.

9           If they have some -- if there's some  
10 reason they can't access that money, for example,  
11 or if they have a health risk that might prevent  
12 them from moving, maybe they're  
13 immunocompromised, maybe they haven't left their  
14 home in months -- there are a lot of factors that  
15 could be considered.

16           But as a general matter, what people  
17 are attesting to is that they've had a  
18 significant loss of income or a significant  
19 increase in expenses as a result of COVID, that  
20 those factors caused them to be at risk of losing  
21 their home and that hardship is causing them to  
22 be unable to meet their housing expenses, and  
23 that's the circumstances in which this bill  
24 covers them.

25           SENATOR MARTUCCI: Thank you,

1 Madam President. Will the sponsor continue to  
2 yield.

3 ACTING PRESIDENT MAYER: Senator  
4 Kavanagh, do you continue to yield?

5 SENATOR KAVANAGH: Yes,  
6 Madam President.

7 ACTING PRESIDENT MAYER: The  
8 Senator yields.

9 SENATOR MARTUCCI: So shifting  
10 gears a little bit, as you may remember, Senator,  
11 we stood here with a great discussion, at about  
12 3 a.m. the night that we closed out the budget,  
13 on the Emergency Rental Assistance Program. And  
14 this is a \$2.4 billion program that was supposed  
15 to help our landlords and our tenants who need  
16 help now, need it now more than ever.

17 At the time you were very confident  
18 that OTDA was going to be able to get this  
19 program up and running very quickly so that way  
20 we could provide this immediate relief to our  
21 tenants and landlords. Would it be possible for  
22 you to give us an update on the program and how  
23 it's rolling out at this point?

24 SENATOR KAVANAGH: Through you,  
25 Madam President, I was indeed optimistic at that



1 point. I remain so, that that program -- that  
2 those several programs are going to assist those  
3 who are affected by this moratorium.

4 I would note that this is a public  
5 health measure and not a part of that program.  
6 We believe that a moratorium on evictions, as the  
7 CDC has demonstrated, reduces the spread of  
8 COVID, and that is the main purpose.

9 However, of course we're very aware  
10 that landlords and tenants and homeowners and  
11 small-business owners and commercial landlords  
12 are all struggling, and so we are very anxious to  
13 see those programs rolling out.

14 I was not present at an 11:30 a.m.  
15 press conference today held by the mayor and his  
16 staff, but I understand that they have said now,  
17 as of this morning, that that program will be up  
18 and running by the end of the month -- or the end  
19 of this month, May.

20 I began trying to get that funding  
21 out of the federal government last March. I  
22 introduced legislation that early to do it. I  
23 amended that legislation as the federal bills  
24 finally began to provide relief. And ultimately  
25 we got that language done in the budget, which

1 was signed about a week and a half ago now, that  
2 requires that program to be up and running as  
3 soon as practicable. I assume that OTDA is  
4 indeed putting that program in place as soon as  
5 practicable.

6 In addition to the \$2.35 billion  
7 that is available for tenant applicant relief,  
8 there is also \$100 million of state money. We  
9 have another bill that we're working on that I  
10 think will come to this floor soon carried by my  
11 colleague Senator Skoufis that will clarify the  
12 circumstances in which landlords can directly  
13 apply for that money, even if their tenant is not  
14 actively participating in that process.

15 And I would note also that we have a  
16 \$600 million program for homeowner relief as  
17 well, direct homeowner relief where there's not a  
18 tenant present.

19 So it is important that that money  
20 get out as soon as possible. I've certainly been  
21 pushing for that and will continue to do so.

22 SENATOR MARTUCCI: Thank you.

23 Madam President, will the sponsor  
24 continue to yield.

25 ACTING PRESIDENT MAYER: Senator

1 Kavanagh, do you continue to yield?

2 SENATOR KAVANAGH: Yes,  
3 Madam President.

4 ACTING PRESIDENT MAYER: The  
5 Senator yields.

6 SENATOR MARTUCCI: Madam President,  
7 through you. The sponsor just mentioned  
8 something that I want to touch on, it was the  
9 piece of legislation that the sponsor introduced  
10 earlier in this session.

11 In fact, I remember it in my first  
12 committee meeting on the Housing Committee, this  
13 piece of legislation was heard. And I was very  
14 excited at that time to hear that there was going  
15 to be a voucher program put in place so that this  
16 money could be distributed.

17 We knew in late December that the  
18 first billion of rent relief was coming from the  
19 federal government. My question for the Senator  
20 is, why didn't we pass this legislation then?  
21 Why did we wait till the budget, and here we  
22 stand a month after the budget still with this  
23 issue completely unaddressed?

24 SENATOR KAVANAGH: Through you,  
25 Madam President. I share my colleague's

1 frustration that this program is not up and  
2 running as of this date.

3           However, just for context, the  
4 date the federal government -- the date the  
5 former president of the United States decided for  
6 the first time that any rent relief at all was  
7 warranted was around December 28th, if I'm not  
8 mistaken. That was the date he signed that piece  
9 of legislation that provided \$1.3 billion.

10           Certainly I'm sure my colleague  
11 understands that the day the president signs the  
12 bill, the money is not sitting in an account  
13 ready for New York City to spend.

14           There was then subsequent guidance  
15 from the Treasury Department of the prior  
16 presidential administration that began to spell  
17 out how that money could be spent. There was  
18 then a change in administration -- it was touch  
19 and go there for a while on January 6th, but we  
20 got through it, and we have a new administration  
21 and a new Treasury Department that then put out  
22 additional guidance clarifying additional aspects  
23 of what states were able to do with that money.

24           We then had a subsequent piece of  
25 legislation in the new administration, with the

1 new Congress, that added about a billion dollars  
2 and once again changed the parameters under which  
3 people can spend that money.

4 So again, as the sponsor of this  
5 bill, I was keeping an eye on those things. I  
6 was amending the bill as we went. At some point,  
7 as we got close to the budget process, like  
8 things in Albany, this very big and important  
9 issue got rolled into that budget process.

10 You know, again, I've been ready and  
11 willing and able to discuss this at any point in  
12 the last year, really. But, you know, we have  
13 worked, you know, expeditiously to get the  
14 legislation passed and we are now looking to the  
15 executive branch to roll the program out.

16 SENATOR MARTUCCI: Thank you,  
17 Senator.

18 Madam President, will the Senator  
19 continue to yield.

20 ACTING PRESIDENT MAYER: Senator  
21 Kavanagh, do you continue to yield?

22 SENATOR KAVANAGH: Yes,  
23 Madam President.

24 ACTING PRESIDENT MAYER: The  
25 Senator yields.

1                   SENATOR MARTUCCI:     So,  
2     Madam President, I completely share in my  
3     colleague's frustration with this state's  
4     habitual inability to distribute this money. I  
5     agree that this should have been done long ago.  
6     And perhaps -- in fact, if it was done, we might  
7     not be standing here having this debate today.

8                   But, you know, many of my  
9     constituents right now who are property owners  
10    are paying their mortgages and some of the  
11    tenants -- many of the tenants that I represent  
12    are continuing to pay their rent on time every  
13    month. Does this bill provide anything for those  
14    people who have done the right thing, who have  
15    somehow made ends meet even in the face of all  
16    the challenges that we face economically?

17                  SENATOR KAVANAGH:    Through you,  
18    Madam President, this bill provides for the  
19    safety and health of all New Yorkers. Again, the  
20    principal purpose of this bill is to prevent  
21    another spike in COVID-19 infection rates that  
22    will undo the progress we've made in recent  
23    times.

24                  We've made a fair amount of  
25    progress. Our infection rates are moderate

1 relatively to where they've been in the past, but  
2 they are still much higher -- very stubbornly  
3 high at the moment. We have -- about 30 percent  
4 of our population has gotten two doses of the  
5 vaccine or a complete regimen of the vaccine if  
6 they had a one-dose vaccine. We are not out of  
7 the woods yet.

8                   And so the purpose of the bill is  
9 certainly to protect tenants and homeowners who  
10 are themselves having a hardship, as well as  
11 small-business owners and small landlords and  
12 small commercial property owners that are having  
13 a hardship. But its principal purpose is as a  
14 public health measure to prevent all of us from  
15 getting sick and from extending this pandemic  
16 unnecessarily, which would be what would occur if  
17 we were to allow these moratoria to expire  
18 prematurely.

19                   SENATOR MARTUCCI: Thank you.

20                   Madam President, will the sponsor  
21 continue to yield.

22                   ACTING PRESIDENT MAYER: Senator  
23 Kavanagh, do you continue to yield?

24                   SENATOR KAVANAGH: Yes,  
25 Madam President.

1                   ACTING PRESIDENT MAYER:    The  
2   Senator yields.

3                   SENATOR MARTUCCI:    So through you,  
4   Madam President, I'm not sure that you've even  
5   had a chance to see it yet, but I had the  
6   opportunity before coming on the floor to have a  
7   chance to review a Bloomberg report which was  
8   released just a couple of hours ago, and in that  
9   report it talked about New York's \$2.4 billion of  
10   emergency housing relief and how that money is  
11   expected to cover less than 80 percent of the  
12   total back rent and utilities as of March of this  
13   year.

14                  And I know you pointed to the data  
15   before where you said somewhere between 800,000  
16   and 1.2 million families are in need of some sort  
17   of rental support.

18                  Do you believe that the \$2.4 billion  
19   that's been allocated in the budget we passed  
20   just last month is going to be enough?  And if  
21   not, what do we do when the money runs out?

22                  SENATOR KAVANAGH:    Through you,  
23   Madam President, I'm not sure what data Bloomberg  
24   or my colleague are referring to.  But the data I  
25   have seen suggest to me that it is reasonably



1 likely that the money we've allocated will cover  
2 the full need in the state.

3 But obviously that depends on how  
4 long the emergency lasts and how much continuing  
5 hardship that we experience. And of course it  
6 depends on some things that are really  
7 unknowable, which is how much rent arrears are  
8 really out there. And no one has really truly  
9 reliable data on that.

10 One study that's been done on behalf  
11 of the 50 state housing agencies, the agencies  
12 like HCR in New York, suggested it was an  
13 analysis as of late October that through January,  
14 through the end of January, the total rent  
15 arrears would be between 1.4 and 2.2 billion  
16 dollars. So if it is on the very high end of  
17 that and we've continued to accrue arrears since  
18 then, we may in fact fall short with our  
19 \$2.4 billion program.

20 Having said that, there is always a  
21 level of arrears that exists in the market. You  
22 know, it is unlikely that a hundred percent of  
23 all eligible tenants will apply for this program.  
24 It's unlikely that a hundred percent of landlords  
25 will participate in this program. And I do not

1 believe that in the near future, at least, there  
2 is a meaningful danger that this program is going  
3 to run out of money.

4           And I obviously, as someone who's  
5 been committed to ensuring that we cover the full  
6 need, would continue to fight for whatever funds  
7 are necessary. But I do think in the range of  
8 1.4 to 2.2, the optimistic assumption is that it  
9 was closer to 1.4; the most pessimistic  
10 assumption is closer to 2.2. If it were indeed  
11 at the very high range and all the tenants in the  
12 state were to apply and be found eligible and  
13 receive the money, we may in fact need at some  
14 point down the road additional funds.

15           I will note that there is a  
16 mechanism to get additional funds. My colleague,  
17 even during the commentary on the amendment to  
18 the bill that was voted nongermane in this house,  
19 mentioned this provision, but it actually has  
20 been updated subsequent to the version she  
21 described. She had said that the -- there's a  
22 danger of losing the money if it's not spent by  
23 September.

24           What she's referring to is a  
25 provision in the federal law that says that after

1 a period of time the federal government will  
2 review the experiences of all the states who have  
3 received money, and those who have spent more  
4 than 50 percent of their money will be eligible  
5 for additional money, and those who have spent  
6 less than 50 percent of their money, some of  
7 their money might be reallocated to the states  
8 that have spent more than 50 percent.

9           It certainly behooves New York to  
10 get this money out the door to exceed that  
11 50 percent mark. But the deadline for that is  
12 next March, 2022, not September 2021 as it was in  
13 the original provision. So we do have some time.

14           And again, it is my hope that if  
15 our -- if our rent arrears estimates are at the  
16 high end, we may indeed need additional federal  
17 funds, and I'm sure my colleague will join me in  
18 pushing for those funds.

19           SENATOR MARTUCCI: Thank you,  
20 Madam President. If the sponsor will yield, I  
21 have one final question for him. I thank him for  
22 his time.

23           ACTING PRESIDENT MAYER: Senator  
24 Kavanagh, do you yield?

25           SENATOR KAVANAGH: Yes,

1 Madam President.

2 ACTING PRESIDENT MAYER: The  
3 Senator yields.

4 SENATOR MARTUCCI: Thank you again  
5 for this robust debate, Senator.

6 My last question is this. You know,  
7 we've all heard -- well, I guess I'll start with  
8 this. Certainly my colleague Senator Helming  
9 brought this up before, is that our conference  
10 does not support the idea that there should be  
11 mass evictions immediately. In fact, we think  
12 that an appropriate date would be June 30th.

13 And, you know, when we look at the  
14 state's habitual inability to get \$2.4 billion  
15 out of the door, almost all of which has come  
16 from the federal government, to tenants and  
17 landlords that are in need, it's just -- it's  
18 mind-boggling. And frankly, I agree with you and  
19 I hope that we're able to get that money out the  
20 door quickly so that we can potentially even  
21 receive more if needed.

22 But, you know, we've all heard from  
23 tenant advocates, myself included, that what must  
24 happen if these federal funds are not enough is  
25 that we must cancel rent. And today we have this

1     ballooning debt, tremendously ballooning debt  
2     that moves forward.

3                 Do you feel like these extensions in  
4     the face of what could be insurmountable debt,  
5     especially in the face of this \$2.4 billion that  
6     we have, is going to create a situation where  
7     effectively rent will have to be canceled because  
8     there will be no way to address it?

9                 SENATOR KAVANAGH:     Through you,  
10    Madam President, no, I do not.

11                I have from the beginning of this  
12    pandemic -- you know, I have great respect for  
13    the Cancel Rent movement in basically  
14    demonstrating the magnitude of this crisis and  
15    the need for aggressive action in response.

16                But I think that, you know, that  
17    phrase has become kind of, you know, a catchword  
18    for a broader desire to close the gap and make  
19    sure everybody is made whole. So, you know,  
20    there's an approach where you cancel rent and  
21    then you compensate the landlords. This approach  
22    is different, partly because it is based on the  
23    federal law, which requires that the tenant who  
24    has the rent arrears be an applicant.

25                So what we're doing here, instead of

1 canceling the rent and then compensating the  
2 landlords, we are having the tenants and the  
3 landlords apply jointly, put their data, and then  
4 paying the full amount of that rent.

5           And I don't believe that -- at this  
6 time, as I've said, I believe that \$2.4 billion,  
7 with an additional \$100 million that we've  
8 allocated, some of which will be available to  
9 landlords who either can't get in touch with  
10 their tenant, maybe because they've left, or  
11 tenants who decline to participate in this  
12 program, I do believe that we have the tools in  
13 place now to cover the vast majority of this  
14 need.

15           And again, with \$600 million direct  
16 for homeowners, I think that will also be a huge  
17 help.

18           But I think that the problem we face  
19 now is not so much a problem of scarcity of funds  
20 as it is a need to distribute those funds. And  
21 then in the meantime, we, as many other states  
22 have -- and I would note that a number of states  
23 have extended their moratoria beyond June 30th,  
24 including Kansas and several other states that  
25 are not known as bastions of anti-landlordism.

1 But many states have decided, as we have, that we  
2 need a continuing public health measure in the  
3 meantime while we're working to distribute those  
4 funds. And it is not simply a question of  
5 whether those funds are adequate or not adequate,  
6 it is a question of whether we are willing to do  
7 what's necessary to prevent the spread of  
8 COVID-19.

9 And so we're taking this step today.  
10 And again, hopefully in the next few weeks, as  
11 was announced this morning, this program to begin  
12 to undo the financial damage of this crisis will  
13 take hold. But in the meantime, we're taking  
14 this step that is absolutely necessary to prevent  
15 COVID-19 from spreading.

16 And again, we will have  
17 opportunities to review these things again.  
18 Perhaps time will demonstrate that the Minority  
19 was correct and August 31st was unnecessary. But  
20 that would be a remarkable change in the  
21 trajectory of this pandemic based on the data we  
22 have right at this moment.

23 SENATOR MARTUCCI: Thank you.

24 Thank you, Senator.

25 Thank you, Madam President, on the

1 bill.

2 ACTING PRESIDENT MAYER: Senator  
3 Martucci on the bill.

4 SENATOR MARTUCCI: So first I want  
5 to begin by thanking my colleague  
6 Senator Kavanagh for his responses today.

7 Look, I don't think that it's  
8 necessary to keep housing courts in our state  
9 closed to ensure public health. And simply what  
10 we're asking for here today is for this  
11 Legislature to stop interfering in the  
12 relationship between property owners and their  
13 tenants, because our courts have displayed that  
14 they can be safely open and continue to conduct  
15 business even in the face of COVID.

16 You know, earlier this month in a  
17 budget debate Senator Kavanagh and I had a very  
18 similar discussion, as I was saying, at 3 o'clock  
19 in the morning where we talked about the  
20 importance of the Emergency Rental Assistance  
21 Program. And as you may recall, that program was  
22 worth \$2.4 billion, and it was aimed at helping  
23 tenants pay back rent.

24 Let me be crystal-clear. We do not  
25 want to see mass evictions, what we want to see



1 is this \$2.4 billion put in the hands of our  
2 tenants and our landlords to address an  
3 absolutely mounting debt that has been just  
4 growing and growing and growing since March of  
5 last year.

6               That night Senator Kavanagh and I  
7 both shared optimism that OTDA and its program  
8 would not fall victim to the same failures that  
9 this state has fallen victim to again and again  
10 in terms of distributing this money. And here we  
11 stand a month later, similarly disappointed that  
12 we have done just that.

13              My office receives hundreds of calls  
14 every single week about this very issue, and  
15 we're hearing a lot from small-property owners.  
16 I can think of two right off the top of my head:  
17 A senior who's trying to sell her home in my  
18 district but can't. She's struggling to continue  
19 to support her home, has made the tough decision  
20 to sell the home that she loves so much, but has  
21 a tenant who she can't evict from the property in  
22 order to sell it. So she continues to struggle  
23 and just be absolutely consumed by mounting debt.

24              I also have another individual who  
25 called me who told me that he has to raid his

1     401(k) to come up with the money so that he can  
2     continue to support his property because his  
3     tenant has not paid him in over a year.

4             Again, what I'm not asking for today  
5     are mass evictions. What I'm asking for are  
6     these folks to have an opportunity and their day  
7     in court.

8             Again, like I said before, we were  
9     assured that this \$2.4 billion would be  
10    distributed immediately to provide that relief.  
11    And the fact of the matter is we have had months,  
12    the Majority has had months to act on getting  
13    this money out even prior to the budget, and  
14    instead we sat on our hands and found ourselves  
15    at this point today. And between executive  
16    actions and laws passed here in this chamber, we  
17    will be well over a year into this moratorium  
18    before it's set to expire.

19            So despite enhanced unemployment,  
20    stimulus checks and other relief, we're still  
21    here today not giving our small landlords, so  
22    many of whom I represent, a fair shake and their  
23    day in court.

24            So, you know, again I'll end by  
25    saying I certainly share in my colleague's

1 frustration that this state has been unable to  
2 distribute the \$2.4 billion. That absolutely  
3 needs to happen today as this debt just continues  
4 to mount. And for that reason, today I'll be  
5 opposing this bill -- again, I believe that our  
6 landlords deserve their day in court -- and I  
7 encourage my colleagues to do the same.

8 Thank you, Madam President.

9 ACTING PRESIDENT MAYER: Senator  
10 Palumbo.

11 SENATOR PALUMBO: Thank you,  
12 Madam President. Will the sponsor yield for a  
13 few questions, please.

14 ACTING PRESIDENT MAYER: Senator  
15 Kavanagh, do you yield?

16 SENATOR KAVANAGH: Yes,  
17 Madam President.

18 ACTING PRESIDENT MAYER: The  
19 sponsor yields.

20 SENATOR PALUMBO: Very good. Thank  
21 you, Brian, how are you?

22 I just have a few questions, if I  
23 may, regarding the court proceedings  
24 specifically, and a few specifics regarding an  
25 eviction proceeding.

1                   And since you mentioned that there  
2                   are essentially no changes -- it looks like we  
3                   just changed the date from May 1st to August  
4                   2021 -- I did have some experience with some  
5                   colleagues and constituents who had to deal with  
6                   this enacted law that we're now extending  
7                   regarding the section -- and I'm just looking on  
8                   page 3, where the prohibition is regarding  
9                   initiating eviction proceedings.

10                   So I guess my first question to you  
11                   is, does that also include the period of time  
12                   that would involve sending a notice to a tenant?  
13                   For example, a notice to terminate a  
14                   month-to-month tenancy, where now they've been in  
15                   for over 14 months, so it would be a 60-day  
16                   notice or a 90-day notice.

17                   Under this new bill, just by way of  
18                   legislative intent so we can clarify those  
19                   issues, could a landlord today or tomorrow send  
20                   out a notice to terminate tenancy to at least  
21                   start that 90-day clock, at which time they could  
22                   then proceed with an eviction once the moratorium  
23                   is lifted?

24                   SENATOR KAVANAGH:    I just wanted  
25                   to -- yes.   The short answer is yes, that notice

1     could be sent. In fact, the bill, the  
2     underlying bill contemplates landlords sending  
3     notices to their tenants.

4             The requirement is that they include  
5     in that notice the hardship declaration form so  
6     that if the tenant is having a hardship, they can  
7     return the hardship declaration to the landlord.

8             SENATOR PALUMBO: Will the sponsor  
9     yield for another question, please.

10            ACTING PRESIDENT MAYER: Senator  
11     Kavanagh, do you yield?

12            SENATOR KAVANAGH: Yes,  
13     Madam President.

14            ACTING PRESIDENT MAYER: The  
15     Senator yields.

16            SENATOR PALUMBO: Thank you,  
17     Senator.

18            And so in that regard, and I'm glad  
19     that you were able to clarify that, in the event  
20     that they serve a 90-day notice to terminate  
21     tenancy, a month-to-month tenancy, along with a  
22     hardship declaration, once that hardship  
23     declaration is filed, there is a stay that's  
24     entered by the court, does that stop the clock on  
25     that 90-day termination of tenancy notice?

1                   SENATOR KAVANAGH:    Through you,  
2   Madam President, I did want to consult with  
3   counsel on this.

4                   And I do want to emphasize again  
5   that we get to write the laws, we don't always  
6   get to interpret them.

7                   But in my mind the provision that my  
8   colleague is talking about is a provision that  
9   was added in the Housing Stability and Tenant  
10   Protection Act of 2019, and it said that  
11   basically if you have been in residence for  
12   multiple years, you need more than a month's  
13   notice to be removed, and if you've been there  
14   for three years or more, you need 90 days notice.

15                  So it is my understanding of --  
16   again, this is the bill we passed in December,  
17   that that notice could be filed and the notice  
18   would still be valid, but you wouldn't be able to  
19   take action in court if the tenant has a hardship  
20   until the expiration of the moratorium.

21                  SENATOR PALUMBO:    Thank you,  
22   Senator.   Would you yield for another question,  
23   please.

24                  ACTING PRESIDENT MAYER:    Senator  
25   Kavanagh, do you continue to yield?

1                   SENATOR KAVANAGH:    Yes,  
2   Madam President.

3                   ACTING PRESIDENT MAYER:    The  
4   Senator yields.

5                   SENATOR PALUMBO:    And I appreciate  
6   that, Senator, because I've had a number of  
7   practitioners and local judges who are concerned  
8   about that.  Because technically, it's similar to  
9   a notice of claim when you're suing the  
10   municipality, where you need to have that, that  
11   is actually a prerequisite to suit that needs to  
12   be adequately pled within, say, a summons and  
13   complaint against a municipality, or in a special  
14   proceeding you must plead in your petition.

15                   So just so that we're clear -- and I  
16   do appreciate that, that we've got -- the  
17   timeline would still be the same, but the notice  
18   to terminate tenancy or notice to quit, the clock  
19   would tick despite the hardship, and then when  
20   the moratorium is lifted, a petition could be  
21   filed with the 17-day window of service and all  
22   the other aspects, but that notice to terminate  
23   would be valid, just so we're clear.

24                   I'm sorry to kind of ask the  
25   question again.

1                   SENATOR KAVANAGH:    Through you,  
2   Madam President, to the extent the intent of the  
3   Legislature were ever to be discerned from the  
4   proceedings today, I would just note that what my  
5   colleague is talking about is the text of a bill  
6   we passed in the waning days of December, which  
7   is not -- that particular provision is not before  
8   us today. I'm just speaking about my  
9   recollection and my understanding of it as of  
10  this moment.

11                   But, you know, obviously these  
12  issues may have to be litigated. But that's --  
13  my understanding is that there's nothing in this  
14  bill that would toll the -- toll the notice  
15  period from running, in the bill that we passed  
16  in December or the bill we're passing today.

17                   SENATOR PALUMBO:    Thank you,  
18  Senator.

19                   And, Madam President, would the  
20  sponsor yield for another question, please.

21                   ACTING PRESIDENT MAYER:    Senator  
22  Kavanagh, do you continue to yield?

23                   SENATOR KAVANAGH:    Yes,  
24  Madam President.

25                   ACTING PRESIDENT MAYER:    The



1 Senator yields.

2 SENATOR PALUMBO: Thank you,  
3 Senator.

4 And if I could even direct your  
5 attention on a similar issue to page 3, it says  
6 Section 4, that same paragraph, prohibition on  
7 initiation of eviction proceeding. If we go to  
8 the lower half of it, that there shall be no  
9 initiation of an eviction proceeding against the  
10 tenant until at least August 31st now, 2021, and  
11 in such event any specific time limit for the  
12 commencement of an eviction proceeding shall be  
13 tolled also until August 31, 2021.

14 So the commencement of an eviction  
15 proceeding will also be tolled, and the time  
16 limit -- they'll get, I guess, a break on any  
17 statute of limitations.

18 In that regard, under New York law  
19 you cannot file a special proceeding if a tenant  
20 is out of possession. So in the event a tenant  
21 vacates the property on August 29th, on  
22 September 1st is the -- since an eviction  
23 petition cannot be filed, can the owner then file  
24 a summary proceeding against that tenant or have  
25 they foregone that opportunity since the tenant

1 is now out of possession?

2 SENATOR KAVANAGH: So through you,  
3 Madam President, again, I want to emphasize that  
4 these are questions of court proceeding and how  
5 courts will interpret the statutes, which may  
6 vary by judge and may vary by court, and so I  
7 don't want to be the final word on this.

8 But it's my understanding that you  
9 would have an ability to pursue a judgment. You  
10 may have to do it in a court other than housing  
11 court, where you would normally do that -- have  
12 access to that summary proceeding.

13 I would also note that a bill that  
14 we expect to take up tomorrow is intended to  
15 allow landlords to get compensation where their  
16 tenant may have voluntarily left with some  
17 arrears in place, even if the tenant is not  
18 present or cooperating. So we are trying to  
19 address the landlord's needs in that  
20 circumstance.

21 If there are clarifications that the  
22 courts need or anybody else needs, obviously, as  
23 I said before, we could certainly change the  
24 provisions of underlying statute. Today we are  
25 putting in place an extension to ensure that it

1 does not expire. In fact, it expired effective  
2 Saturday if we don't take action today.

3 SENATOR PALUMBO: Thank you,  
4 Senator.

5 Madam President, if I could just go  
6 on the bill for a moment, because I have one more  
7 section that I'll come back and ask a few  
8 questions on.

9 ACTING PRESIDENT MAYER: Senator  
10 Palumbo on the bill.

11 SENATOR PALUMBO: Thank you,  
12 Madam President.

13 And see, that's the concern that I  
14 raise, because extending the -- any time limit  
15 for the commencement of an eviction to the same  
16 day has no effect. In fact, it's useless.  
17 Because we need to really -- and I would like the  
18 sponsor to consider extending it to maybe the end  
19 of September or October. Because the way it  
20 works in New York State, you're not allowed to  
21 sue for back rent.

22 So now we're talking 14 months.  
23 This will be close to 18, 19 months worth of  
24 rent. Say it's 15, \$20,000 -- a significant sum,  
25 yes. But as a practicing lawyer, not many

1 lawyers are going to take a case in Supreme  
2 Court, which is -- the jurisdictional limit now  
3 has to go there. For me, for example, in the  
4 Hamptons and on the East End of Long Island, in  
5 the eastern end of my district, the  
6 jurisdictional limits of those town courts is  
7 \$3,000.

8 But if you do it by way of a summary  
9 proceeding, the jurisdictional limit is virtually  
10 unlimited. You can get hundreds of thousands of  
11 dollars in back rent in a summary proceeding, but  
12 not in a small claim.

13 So now you're going to have to sue a  
14 full-blown lawsuit in Supreme Court for 15,  
15 \$20,000 -- maybe a little more, maybe a little  
16 less. But ultimately any moderate number like  
17 that -- first of all, you're going to be paying  
18 your lawyer a lot of money, probably more than  
19 you're seeking to recover, and you're also going  
20 to have to go through a full-blown lawsuit --  
21 depositions, interrogatories, bills of  
22 particulars, the whole shooting match.

23 And as it stands today in  
24 Suffolk County, if you were to certify for trial  
25 today, you're about a year and a half from

1 getting a jury. So -- or even a bench trial.

2           So this is something that will kick  
3 this money way, way, way down the road simply  
4 because the tolling of any time limit to bring an  
5 eviction proceeding ends the day before you're  
6 actually allowed to file an eviction proceeding.

7           So I would ask that the sponsor and  
8 the Majority consider making some changes to that  
9 particular bill, or that section of the bill,  
10 because if this has to go through, the landlords  
11 have absolutely no relief. And owners,  
12 particularly small owners who are looking to  
13 finance their buildings, where they have equity  
14 and collateral, by way of getting some of that  
15 rent back -- maybe even through a compromise, but  
16 they can't do it at a special proceeding.

17           So thank you, Madam President. Will  
18 the sponsor yield for just a few more questions,  
19 please.

20           ACTING PRESIDENT MAYER:    Senator  
21 Kavanagh, do you continue to yield?

22           SENATOR KAVANAGH:    Through you,  
23 Madam President, if my colleague would indulge  
24 me, I just want to -- may want to respond to his  
25 comments just now, if that's okay. It's his -- I

1 think it's his time, so is -- may I respond?

2 SENATOR PALUMBO: Oh, certainly,  
3 I'm sorry. Yes, absolutely. Please. Please do,  
4 Senator. Thank you.

5 SENATOR KAVANAGH: Okay, thank you.

6 Just to note, the -- first of all,  
7 that the kind of harm that my colleague is  
8 talking about, you know, exists in times when we  
9 don't have a pandemic and we don't have a  
10 moratorium in place: A tenant could leave  
11 without -- with multiple months in arrears, and a  
12 landlord would have to go through some of the  
13 mechanisms that my colleagues describes.

14 But again, I would also note that  
15 this bill was passed in December. I would note  
16 that notwithstanding something -- well, let me --  
17 let me actually just -- to the point, because  
18 it's his time, this moratorium was scheduled to  
19 expire May 1st. It's been in place for four  
20 months. If there are technical changes that my  
21 colleague or attorneys in the real estate  
22 industry or, frankly, attorneys for tenants think  
23 are necessary to clarify aspects of this, this is  
24 a state law, it can certainly be changed by the  
25 Legislature.

1                   So if my colleague or anybody else  
2                   there wants to talk about changes and thinks  
3                   they're warranted, they can be considered. But  
4                   what we're doing today is ensuring that the most  
5                   basic protections of landlords and tenants and  
6                   homeowners and small-business owners and small  
7                   commercial property owners are in place going  
8                   forward.

9                   SENATOR PALUMBO:     Thank you,  
10                  Senator. I appreciate it.

11                  Would you mind yielding for a few  
12                  more questions, please.

13                  ACTING PRESIDENT MAYER:     Senator  
14                  Kavanagh, do you continue to yield?

15                  SENATOR KAVANAGH:     Yes,  
16                  Madam President.

17                  ACTING PRESIDENT MAYER:     The  
18                  Senator yields.

19                  SENATOR PALUMBO:     And in that  
20                  regard, Senator, my concern too, then, is the  
21                  backlog of courts, because we are going to have a  
22                  year and a half worth of evictions that are now  
23                  going to flood the courts.

24                  Was there any consideration  
25                  regarding allowing the proceedings to go forward,

1     however issuing a stay on the execution of the  
2     warrant of eviction? Meaning that they can go  
3     through the process, they can get their  
4     judgments, they can do what they have to do, but  
5     everything will be stayed until the moratorium  
6     expires, at which time then they could file that  
7     with the sheriff and remove the tenant. Was  
8     there any consideration in that regard?

9                     SENATOR KAVANAGH: Through you,  
10    Madam President, this is a decision we made in  
11    December with the initial legislation.

12                    And, you know, the conclusion we  
13    came to at that time, which we are now extending,  
14    is that a lot of the harm that would come from  
15    lifting an eviction moratorium would come from a  
16    million renter households being served with  
17    notice that they have to appear in court, and  
18    perhaps actually appearing in court. And that  
19    certainly would lead to a flood now of eviction  
20    cases.

21                    There would also presumably be lots  
22    of foreclosures of homeowners, including tax  
23    foreclosures and mortgage foreclosures of small  
24    businesses. So what we've decided is that this  
25    activity of trying to adjudicate the hardship of



1 a million households is not an activity we can  
2 safely engage in during this pandemic.

3 Courts are continuing to function as  
4 necessary. There's an exception in this bill,  
5 for example, for instances where the tenant might  
6 be causing danger to other residents of the  
7 building or other people, or interfering with the  
8 peaceful enjoyment of other occupants of the  
9 building in their homes, and those cases are  
10 proceeding. There are also -- you can also  
11 proceed with cases where the tenant does not have  
12 a hardship.

13 But the bulk of the -- the cases  
14 that are being restricted here are the ones where  
15 they have a hardship. And by August, my  
16 assumption would be that in most cases those  
17 households are going to be applicants for the  
18 Emergency Rental Assistance Program and hopefully  
19 we'll be clearing these arrears out by then.

20 But a flood of evictions is exactly  
21 what we're trying to avoid, and we're especially  
22 trying to avoid it during this pandemic, which is  
23 very -- still very much a threat to our safety  
24 and health.

25 SENATOR PALUMBO: Thank you,

1 Senator. Would you yield just for one more  
2 question -- one or two more. I'm trying to get  
3 them in line.

4 ACTING PRESIDENT MAYER: Senator  
5 Kavanagh, do you continue to yield?

6 SENATOR KAVANAGH: Yes,  
7 Madam President.

8 ACTING PRESIDENT MAYER: The  
9 Senator yields.

10 SENATOR PALUMBO: Thank you,  
11 Senator Kavanagh.

12 And really, regarding that hardship,  
13 but it's not limited to financial hardship.  
14 Right? So when we read these -- and it's in all  
15 of the different hardship forms, that one of the  
16 reasons could be moving expenses and difficulty  
17 you have securing alternative housing make it a  
18 hardship for me for relocate. Or even Section B,  
19 it's an "or," it's not an "and," inclusive, that  
20 someone would have an increased risk for severe  
21 illness or death, they're over the age of 65, or  
22 they have some sort of a disability or underlying  
23 medical condition, which may include but is not  
24 limited to being immunocompromised.

25 So if I have high blood pressure and

1 I'm 35 years old or I have some sort of a  
2 pulmonary issue, I fit the criteria. And  
3 regardless of my financial condition, they  
4 certainly would be able to honestly say "I have a  
5 hardship because I don't want to move because I  
6 have a physical ailment that puts me at higher  
7 risk." Right? Isn't that accurate?

8 SENATOR KAVANAGH: Through you,  
9 Madam President, that is not accurate.

10 The hardship declaration is not  
11 about the desire of the tenant to move or the  
12 desire of the homeowner to vacate their home. It  
13 is about having a hardship.

14 And the Section B he refers to is  
15 where you are asserting that vacating the  
16 premises and moving into new permanent housing  
17 would pose a significant health risk because you  
18 have one of those conditions that he mentioned.  
19 And so somebody who has a significant health risk  
20 and therefore can't move is protected from being  
21 forced out of their home during the pandemic.

22 SENATOR PALUMBO: And I understand.  
23 If you'd yield just for one more follow-up  
24 question, please.

25 ACTING PRESIDENT MAYER: Senator

1 Kavanagh, do you continue to yield?

2 SENATOR KAVANAGH: Yes,  
3 Madam President.

4 ACTING PRESIDENT MAYER: The  
5 Senator yields.

6 SENATOR PALUMBO: But my point is  
7 that that is not specific to a financial  
8 hardship. It could be a physical hardship, you  
9 have a sick child or something along those lines.  
10 That's the point I'm trying to make. Correct?

11 SENATOR KAVANAGH: Yes,  
12 Madam President, that is correct. There are --  
13 there are -- for the eviction moratorium there  
14 are two distinct bases on which you could have a  
15 hardship. It could be because you're having a  
16 financial hardship that prevents you from being  
17 able to pay the rent or it could be because you  
18 have a condition that poses significant health  
19 risks if you are to be forced out of your home.

20 And that is -- it is the intent of  
21 the Legislature to protect all those folks, along  
22 with, again, homeowners, or protecting  
23 small-business owners from being pushed out of  
24 their small businesses. And our decision is that  
25 we want to protect people in those circumstances

1 during the pandemic as a means of preventing the  
2 spread of COVID-19.

3 SENATOR PALUMBO: Thank you,  
4 Senator.

5 On the bill, Madam President,  
6 please.

7 ACTING PRESIDENT MAYER: Senator  
8 Palumbo on the bill.

9 SENATOR PALUMBO: And I certainly  
10 appreciate the chairman's comments. And, you  
11 know, there's a lot of nuance to this. And  
12 obviously we all feel the pain of our  
13 constituents when it comes to these issues.

14 However, I believe there are some  
15 unintended consequences, and I've seen them in  
16 practical effect.

17 In my district, in Westhampton  
18 Village, a woman was called out of town for work,  
19 had a multimillionaire renting her home for less  
20 than market, who just didn't feel like leaving  
21 and going back to his multi-million-dollar  
22 brownstone in New York City. In fact, he finally  
23 left after the Post wrote an article and the man  
24 was shamed into leaving. But he was able to take  
25 advantage of this.

1                   So there are some unintended  
2 consequences where it is not a specifically  
3 enumerated list of conditions or of situations.  
4 It's a very vaguely drafted hardship declaration.  
5 And quite frankly, when you look at the one  
6 section, moving expenses and difficulty I have  
7 securing alternative housing make it a hardship  
8 for me to relocate to another residence during  
9 the pandemic -- who isn't going to have a  
10 hardship to move anywhere during the pandemic?  
11 We're in a pandemic. This affects everyone. So  
12 that would apply to just about every human being  
13 in a home, in a rental or elsewhere.

14                   And those are some real concerns  
15 that we have that unfortunately there are some  
16 bad actors. Overwhelmingly the people aren't,  
17 obviously. But this is not carefully drafted.  
18 In fact, Judge Marks was issuing administrative  
19 orders during the last year and a half regarding  
20 the execution of this, that there was no  
21 requirement that the tenant make a showing of  
22 financial hardship. There was at one point an AO  
23 for commercial buildings, but not residential.

24                   And that was all during this fight  
25 that this one person was having, the owner of the

1 home, who because of work was coming back to  
2 New York and trying to move back with her five  
3 children, I believe it was, and her husband, back  
4 into her home. And this fella and his girlfriend  
5 just didn't want to go back to New York City, and  
6 they were hiding behind this. So there are no  
7 changes or clarifications made to this.

8 One last point. The hardship  
9 declarations are equally as available for  
10 landlords and owners of property to stay tax lien  
11 sales, to stay foreclosure proceedings. But the  
12 problem is this. We haven't been able to roll  
13 out this money and get it in the tenant's hands  
14 or even directly to the landlord's hands.

15 A landlord, an owner, is in  
16 significantly different shoes than a tenant. A  
17 tenant may not have assets. Typically, they  
18 don't, if they don't have a way to pay their  
19 rent. You can get a judgment against them.

20 And this is where we're going,  
21 because quite frankly we have 14 months, now  
22 working on 18 or 19 months of unpaid rent for  
23 people who are tenants who probably don't have  
24 significant means. And where are we going to go  
25 with this? Get a judgment against them that's

1 good for nothing or require the landlord to sue  
2 in Supreme Court and pay a lawyer tens of  
3 thousands of dollars in legal fees to recover  
4 probably less than they'll pay their lawyer.

5           And so who eats that? Well, the  
6 tenant can leave. They can find adequate new  
7 housing. And they can do what they can to maybe  
8 pay the judgment. If they don't have any assets,  
9 you can maybe garnish 10 percent of their wages.  
10 That is a very different effect than the small  
11 owner of a commercial property, of a residential  
12 property, of a building, that has now had -- yes,  
13 they can stave off the foreclosure, they can  
14 stave off the tax liens, they can stave all this  
15 off. But at the end of the day, they have  
16 collateral that's going to be taken.

17           So this sounds wonderful for tenants  
18 because tenants can dodge the bullet and they can  
19 figure out what they can figure out and maybe  
20 compromise when the eviction petitions are  
21 flooding the courts in September, when you have  
22 to file, serve them between 17 and 10 days, go to  
23 court, get a new date -- if you can even get on  
24 the docket. They get a mandatory 14-day  
25 extension. You're talking another month,



1 month and a half of unpaid rent.

2 I think most landlords are going to  
3 say, I'll do what I can to maybe save what I can  
4 save and significantly reduce that debt.

5 But in any event, those are the  
6 folks who we're leaving out in the cold right  
7 now. The landlords aren't the big bad landlords  
8 who are multi-, multi-hundred-millionaires and  
9 billionaires. The landlords I'm talking about  
10 are the ones in my district. Those are the folks  
11 who have two-or-three-unit buildings.

12 Those are the folks who rely on that  
13 income for a small commercial mixed-use building  
14 for their retirement, because they took their  
15 life savings and bought a six or seven hundred,  
16 \$800,000, million-dollar, maybe, building. Yeah,  
17 that sounds like a lot. But when you take out a  
18 mortgage and you're dealing with debt service and  
19 dealing with the issues of obviously maintaining  
20 property in New York, which is not cheap -- any  
21 month, let alone a year and a half worth of lost  
22 rent can put you underwater for good. And that  
23 collateral will then ultimately be foreclosed  
24 upon at default interest rates, with attorney's  
25 fees, and the bank will get their money.

1           So this is what we have forgotten in  
2   this bill, that landlords need relief. And I  
3   know there's proposed legislation coming down the  
4   road. We have \$2.4 billion sitting in an  
5   account, and nothing's been done. That's  
6   shameful.

7           So, my friends, this is a problem  
8   that we all need to deal with. And we get it.  
9   And I get the laudable intent of this bill.  
10   Certainly Senator Kavanaugh has expressed his  
11   concerns, and they're genuine. We all agree that  
12   we're looking to get to the same place, just by  
13   different means.

14           And unfortunately, this is not the  
15   way to do it. I vote in the negative.

16           Thank you, Madam President.

17           ACTING PRESIDENT MAYER: Are there  
18   any other Senators wishing to be heard?

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

21           Read the last section.

22           THE SECRETARY: Section 30. This  
23   act shall take effect immediately.

24           ACTING PRESIDENT MAYER: Call the  
25   roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT MAYER: Senator  
3 Jackson to explain his vote.

4 SENATOR JACKSON: Thank you,  
5 Madam President.

6 So, my colleagues, I am rising to  
7 speak in support of this bill, which extends the  
8 COVID-19 Emergency Eviction and Foreclosure  
9 Prevention Act of 2020 and the COVID-19 Emergency  
10 Protect Our Small Businesses Act of 2021 until  
11 August 31st, 2021.

12 Many small business owners and  
13 resident tenants in my district or across  
14 New York State are still digging out from  
15 tremendous financial hardship in the shadow of  
16 the COVID-19 pandemic. And I've said before, in  
17 front of all of our colleagues, I represent  
18 13 miles of Manhattan. And you may think that  
19 Manhattan has all of the wealth in the State of  
20 New York. I have tens of thousands of residents,  
21 tenants, that are struggling to survive.

22 And in fact, Madam President, they  
23 had planned a rally because of the deadline that  
24 was scheduled. And so that's why I'm here, in  
25 order to support an extension of this particular

1 bill.

2           So as New Yorkers begin to reopen  
3 once again, and slowly, it is fitting that small  
4 commercial tenants have the opportunity to keep  
5 their doors open and that many of our  
6 constituents have a place to live as they get  
7 back on their feet.

8           The federal government passed relief  
9 in March, and we did so as a state in April. But  
10 it will take another couple of months for that  
11 relief to reach these tenants as government  
12 agencies work to create the programs to deliver  
13 it.

14           That's why we need to extend this  
15 eviction moratorium. We already rose to the  
16 moment once as legislators of conscience to pass  
17 an eviction moratorium this year. Let's do it  
18 again. Let's help our small businesses open,  
19 continue to support all working families in our  
20 districts.

21           And I thank our colleague  
22 Senator Kavanagh for introducing this bill and  
23 defending it on the floor. And I vote aye,  
24 Madam President, and I ask you and my colleagues  
25 to do the same.

1                   Thank you.

2                   ACTING PRESIDENT MAYER:    Senator  
3 Jackson to be recorded in the affirmative.

4                   Senator Jordan to explain her vote.

5                   SENATOR JORDAN:    Madam President, I  
6 rise to explain my vote.

7                   This measure before us extends both  
8 the tenant and commercial eviction moratoriums  
9 until August 31st. This bill accepts the fact  
10 that New York State was not able to help tenants  
11 or small businesses by May 1st, when the current  
12 moratoria were set to expire. In fact, today is  
13 May 3rd, and they've expired. That's just  
14 unacceptable.

15                  New York State has been given just  
16 about \$2.4 billion in federal assistance to be  
17 specifically distributed to tenants and  
18 landlords. I've asked, along with my conference,  
19 since last December that this relief be  
20 distributed. Today we heard the budget director  
21 state that the application for financial relief  
22 won't even be ready until the end of May. Our  
23 neighboring states are already distributing this  
24 money. New York must do the same.

25                  If we keep kicking the can down the

1 road and excusing rent from being paid, it's  
2 highly likely that the federal monies that are  
3 given to us will not be enough to provide relief  
4 to all landlords. In fact, Moody's Analytics has  
5 already concluded that.

6 Amounts owed by tenants will have  
7 amounted to an unaffordable amount for them to  
8 pay back, and landlords will be left without any  
9 relief.

10 It's critical that we remember that  
11 landlords are business owners, and many are small  
12 businesses, mom-and-pop, not Fortune 500, many of  
13 whom are struggling, desperately trying to keep  
14 their heads and finances above water.

15 These small businesses annually  
16 incur significant operating, maintenance and  
17 repair costs. They have large loans that must be  
18 paid back. They daily have obligations to their  
19 families just like all New Yorkers. I've heard  
20 from countless landlords from across the  
21 43rd Senate District; so many of them have taken  
22 a massive financial hit due to COVID.

23 New York should focus on getting  
24 immediate assistance into the hands of the small  
25 businesses that are landlords, that can't afford

1 to wait, rather than focusing on extending the  
2 eviction moratorium for four months, which in the  
3 long run does further damage to our landlords,  
4 who may never recover the rent due to them.

5 Just remember, time is money. It's  
6 for that very reason that I vote no.

7 ACTING PRESIDENT MAYER: Senator  
8 Jordan to be recorded in the negative.

9 Senator Kavanagh to explain his  
10 vote.

11 SENATOR KAVANAGH: Thank you,  
12 Madam President.

13 My colleagues and anyone who's  
14 watching this afternoon have heard a lot from me,  
15 so I'll be brief. I just want to make a few  
16 points.

17 First of all, once again, this  
18 really is one of a series of difficult emergency  
19 measures we've had to take during the COVID-19  
20 pandemic in order to ensure that we keep  
21 New Yorkers safe -- not only the people who are  
22 directly protected by this, but the broader  
23 public that is still struggling with the question  
24 of when we are going to get past this pandemic  
25 and get back to normal.

1                   So I want to thank the leader of  
2     this house, Andrea Stewart-Cousins, Carl Heastie  
3     in the Assembly, and the Assembly sponsor of this  
4     bill, Jeffrey Dinowitz, and all of the members  
5     who have supported it today.

6                   I also want to just note that in the  
7     hard choices that we've had to make, there has  
8     been an evolution. The Minority of this house  
9     voted unanimously not to put a moratorium in  
10    place after the last week of December. So here  
11    we are four months later, and I am glad that we  
12    now have a consensus that we need this tool and  
13    that we need it to be in place at least through  
14    June 30th.

15                  The difference between June 30th and  
16    August 31st is hard to know as of this moment.  
17    But as I said, the current data that we're  
18    looking at suggests that we have a substantially  
19    worse situation than we had on the day that the  
20    federal government decided a three-month national  
21    moratorium was appropriate.

22                  So I just hope that whatever our  
23    political differences are here, and whatever the  
24    differences are we have about the necessity of  
25    this measure, that everybody understands that we



1 are not ready to go back to business as usual,  
2 that we are going to need to have continuing  
3 emergency measures -- both immediate, personal  
4 measures like wearing masks and keeping our  
5 distance and getting vaccinated, but also steps  
6 that curtail certain activities, and certainly  
7 including evictions and foreclosures on  
8 homeowners and small businesses.

9 So with that, Madam President, I  
10 vote aye.

11 ACTING PRESIDENT MAYER: Senator  
12 Kavanagh to be recorded in the affirmative.

13 Announce the results.

14 THE SECRETARY: In relation to  
15 Calendar 796, those Senators voting in the  
16 negative are Senators Akshar, Borrello, Boyle,  
17 Felder, Gallivan, Griffio, Helming, Jordan, Lanza,  
18 Martucci, Mattera, Oberacker, O'Mara, Ortt,  
19 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and  
20 Weik.

21 Ayes, 42. Nays, 21.

22 ACTING PRESIDENT MAYER: The bill  
23 is passed.

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

1                   SENATOR GIANARIS:    Thank you,  
2   Madam President.  Is there any further business  
3   at the desk?

4                   ACTING PRESIDENT MAYER:   There is  
5   no further business at the desk.

6                   SENATOR GIANARIS:    I move to  
7   adjourn until tomorrow, Tuesday, May 4th, at  
8   3:00 p.m.

9                   ACTING PRESIDENT MAYER:   On motion,  
10   the Senate stands adjourned until Tuesday,  
11   May 4th, at 3:00 p.m.

12                   (Whereupon, at 5:02 p.m., the Senate  
13   adjourned.)

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