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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

MARCH 21, 2024

11:30 A.M.

REGULAR SESSION

SENATOR JEREMY A. COONEY, ACTING PRESIDENT

ALEJANDRA N. PAULINO, ESQ., SECRETARY

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

2 ACTING PRESIDENT COONEY: THE  
3 SENATE WILL COME TO ORDER.

4 I ASK EVERYONE TO PLEASE RISE AND  
5 RECITE THE PLEDGE OF ALLEGIANCE.

6 (WHEREUPON, THE ASSEMBLAGE RECITED  
7 THE PLEDGE OF ALLEGIANCE TO THE FLAG.)

8 ACTING PRESIDENT COONEY: 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 COONEY: READING  
14 OF THE JOURNAL.

15 THE SECRETARY: IN SENATE,  
16 WEDNESDAY, MARCH 20, 2024, THE SENATE MET  
17 PURSUANT TO ADJOURNMENT. THE JOURNAL OF TUESDAY,  
18 MARCH 19, 2024, WAS READ AND APPROVED. ON  
19 MOTION, THE SENATE ADJOURNED.

20 ACTING PRESIDENT COONEY: WITHOUT  
21 OBJECTION, THE JOURNAL STANDS APPROVED AS READ.

22 PRESENTATION OF PETITIONS.

23 MESSAGES FROM THE ASSEMBLY.

24 MESSAGES FROM THE GOVERNOR.

25 REPORTS OF STANDING COMMITTEES.

1                   REPORTS OF SELECT COMMITTEES.  
2                   COMMUNICATIONS AND REPORTS FROM  
3 STATE OFFICERS.

4                   MOTIONS AND RESOLUTIONS.

5                   SENATOR GIANARIS.

6                   SENATOR GIANARIS:     GOOD MORNING,  
7 MR. PRESIDENT.

8                   ON BEHALF OF SENATOR COMRIE, ON  
9 PAGE 9 I OFFER THE FOLLOWING AMENDMENTS TO  
10 CALENDAR 125, SENATE PRINT 5597A, AND ASK THAT  
11 SAID BILL RETAIN ITS PLACE ON THE THIRD READING  
12 CALENDAR.

13                   ACTING PRESIDENT COONEY:     THE  
14 AMENDMENTS ARE RECEIVED, AND THE BILL WILL RETAIN  
15 ITS PLACE ON THE THIRD READING CALENDAR.

16                   SENATOR GIANARIS.

17                   SENATOR GIANARIS:     PLEASE TAKE UP  
18 THE CALENDAR AT THIS TIME.

19                   ACTING PRESIDENT COONEY:     THE  
20 SECRETARY WILL READ.

21                   THE SECRETARY:     CALENDAR NUMBER 86,  
22 SENATE PRINT 2862, BY SENATOR MARTINEZ, AN ACT TO  
23 AMEND THE REAL PROPERTY TAX LAW.

24                   ACTING PRESIDENT COONEY:     READ THE  
25 LAST SECTION.

1 THE SECRETARY: SECTION 2. THIS  
2 ACT SHALL TAKE EFFECT IMMEDIATELY.

3 ACTING PRESIDENT COONEY: CALL THE  
4 ROLL.

5 (THE SECRETARY CALLED THE ROLL.)

6 ACTING PRESIDENT COONEY: ANNOUNCE  
7 THE RESULTS.

8 THE SECRETARY: AYES, 52.

9 ACTING PRESIDENT COONEY: THE BILL  
10 IS PASSED.

11 THE SECRETARY: CALENDAR NUMBER 93,  
12 SENATE PRINT 2796, BY SENATOR BRESLIN, AN ACT TO  
13 AMEND THE INSURANCE LAW.

14 ACTING PRESIDENT COONEY: READ THE  
15 LAST SECTION.

16 THE SECRETARY: SECTION 2. THIS  
17 ACT SHALL TAKE EFFECT IMMEDIATELY.

18 ACTING PRESIDENT COONEY: CALL THE  
19 ROLL.

20 (THE SECRETARY CALLED THE ROLL.)

21 ACTING PRESIDENT COONEY: ANNOUNCE  
22 THE RESULTS.

23 THE SECRETARY: AYES, 52.

24 ACTING PRESIDENT COONEY: THE BILL  
25 IS PASSED.

1 THE SECRETARY: CALENDAR NUMBER  
2 143, SENATE PRINT 6007A, BY SENATOR PARKER, AN  
3 ACT TO AMEND THE CIVIL PRACTICE LAW AND RULES.

4 ACTING PRESIDENT COONEY: READ THE  
5 LAST SECTION.

6 THE SECRETARY: SECTION 2. THIS  
7 ACT SHALL TAKE EFFECT IMMEDIATELY.

8 ACTING PRESIDENT COONEY: CALL THE  
9 ROLL.

10 (THE SECRETARY CALLED THE ROLL.)

11 ACTING PRESIDENT COONEY: ANNOUNCE  
12 THE RESULTS.

13 THE SECRETARY: IN RELATION TO  
14 CALENDAR 143, THOSE SENATORS VOTING IN THE  
15 NEGATIVE ARE SENATORS BORRELLO, GRIFFO, HELMING,  
16 OBERACKER, O'MARA, ORTT, STEC, TEDISCO AND WEIK.

17 AYES, 43. NAYS, 9.

18 ACTING PRESIDENT COONEY: THE BILL  
19 IS PASSED.

20 THE SECRETARY: CALENDAR NUMBER  
21 231, SENATE PRINT 1396, BY SENATOR LIU, AN ACT TO  
22 AMEND THE EDUCATION LAW.

23 ACTING PRESIDENT COONEY: READ THE  
24 LAST SECTION.

25 THE SECRETARY: SECTION 2. THIS

1 ACT SHALL TAKE EFFECT ON THE 90TH DAY AFTER IT  
2 SHALL HAVE BECOME A LAW.

3 ACTING PRESIDENT COONEY: CALL THE  
4 ROLL.

5 (THE SECRETARY CALLED THE ROLL.)

6 ACTING PRESIDENT COONEY: ANNOUNCE  
7 THE RESULTS.

8 THE SECRETARY: AYES, 52.

9 ACTING PRESIDENT COONEY: THE BILL  
10 IS PASSED.

11 THE SECRETARY: CALENDAR NUMBER  
12 340, SENATE PRINT 2510A, BY SENATOR RAMOS, AN ACT  
13 TO AMEND THE ENVIRONMENTAL CONSERVATION LAW.

14 SENATOR LANZA: LAY IT ASIDE.

15 ACTING PRESIDENT COONEY: THE BILL  
16 IS LAID ASIDE.

17 THE SECRETARY: CALENDAR NUMBER  
18 399, SENATE PRINT 6745, BY SENATOR SKOUFIS, AN  
19 ACT TO AMEND THE EXECUTIVE LAW.

20 ACTING PRESIDENT COONEY: READ THE  
21 LAST SECTION.

22 THE SECRETARY: SECTION 2. THIS  
23 ACT SHALL TAKE EFFECT IMMEDIATELY.

24 ACTING PRESIDENT COONEY: CALL THE  
25 ROLL.

1 (THE SECRETARY CALLED THE ROLL.)  
2 ACTING PRESIDENT COONEY: ANNOUNCE  
3 THE RESULTS.  
4 THE SECRETARY: AYES, 52.  
5 ACTING PRESIDENT COONEY: THE BILL  
6 IS PASSED.  
7 THE SECRETARY: CALENDAR NUMBER  
8 492, SENATE PRINT 1870A, BY SENATOR CLEARE, AN  
9 ACT TO AMEND THE PUBLIC HOUSING LAW.  
10 SENATOR LANZA: LAY IT ASIDE.  
11 ACTING PRESIDENT COONEY: THE BILL  
12 IS LAID ASIDE.  
13 THE SECRETARY: CALENDAR NUMBER  
14 604, SENATE PRINT 2472, BY SENATOR CLEARE, AN ACT  
15 TO AMEND THE PUBLIC HEALTH LAW.  
16 ACTING PRESIDENT COONEY: READ THE  
17 LAST SECTION.  
18 THE SECRETARY: SECTION 3. THIS  
19 ACT SHALL TAKE EFFECT ONE YEAR AFTER IT SHALL  
20 HAVE BECOME A LAW.  
21 ACTING PRESIDENT COONEY: CALL THE  
22 ROLL.  
23 (THE SECRETARY CALLED THE ROLL.)  
24 ACTING PRESIDENT COONEY: ANNOUNCE  
25 THE RESULTS.

1 THE SECRETARY: AYES, 52.

2 ACTING PRESIDENT COONEY: THE BILL  
3 IS PASSED.

4 THE SECRETARY: CALENDAR NUMBER  
5 606, SENATE PRINT 1296, BY SENATOR SANDERS, AN  
6 ACT TO AMEND THE ELDER LAW.

7 ACTING PRESIDENT COONEY: READ THE  
8 LAST SECTION.

9 THE SECRETARY: SECTION 2. THIS  
10 ACT SHALL TAKE EFFECT IMMEDIATELY.

11 ACTING PRESIDENT COONEY: CALL THE  
12 ROLL.

13 (THE SECRETARY CALLED THE ROLL.)

14 ACTING PRESIDENT COONEY: ANNOUNCE  
15 THE RESULTS.

16 THE SECRETARY: AYES, 52.

17 ACTING PRESIDENT COONEY: THE BILL  
18 IS PASSED.

19 THE SECRETARY: CALENDAR NUMBER  
20 609, SENATE PRINT 6095, BY SENATOR CLEARE, AN ACT  
21 TO AMEND THE REAL PROPERTY TAX LAW.

22 ACTING PRESIDENT COONEY: READ THE  
23 LAST SECTION.

24 THE SECRETARY: SECTION 2. THIS  
25 ACT SHALL TAKE EFFECT IMMEDIATELY.

1                   ACTING PRESIDENT COONEY:    CALL THE  
2   ROLL.

3                   (THE SECRETARY CALLED THE ROLL.)

4                   ACTING PRESIDENT COONEY:    ANNOUNCE  
5   THE RESULTS.

6                   THE SECRETARY:    AYES, 52.

7                   ACTING PRESIDENT COONEY:    THE BILL  
8   IS PASSED.

9                   SENATOR GIANARIS, THIS COMPLETES  
10   READING OF TODAY'S CALENDAR.

11                  SENATOR GIANARIS:    LET'S MOVE ON TO  
12   THE CONTROVERSIAL CALENDAR, PLEASE.

13                  ACTING PRESIDENT COONEY:    THE  
14   SECRETARY WILL RING THE BELL.

15                  THE SECRETARY WILL READ.

16                  THE SECRETARY:    CALENDAR NUMBER  
17   340, SENATE PRINT 2510A, BY SENATOR RAMOS, AN ACT  
18   TO AMEND THE ENVIRONMENTAL CONSERVATION LAW.

19                  ACTING PRESIDENT COONEY:    SENATOR  
20   LANZA, WHY DO YOU RISE?

21                  SENATOR LANZA:    MR. PRESIDENT, I  
22   BELIEVE THERE'S AN AMENDMENT AT THE DESK.  I  
23   WAIVE THE READING OF THAT AMENDMENT AND ASK THAT  
24   YOU RECOGNIZE SENATOR RHOADS.

25                  ACTING PRESIDENT COONEY:    THANK

1 YOU, SENATOR LANZA.

2 UPON REVIEW OF THE AMENDMENT, IN  
3 ACCORDANCE WITH RULE 6, SECTION 4B, I RULE IT  
4 NONGERMANE AND OUT OF ORDER AT THIS TIME.

5 SENATOR LANZA: ACCORDINGLY,  
6 MR. PRESIDENT, I APPEAL THE RULING OF THE CHAIR  
7 AND ASK THAT SENATOR RHOADS BE HEARD ON THAT  
8 APPEAL.

9 ACTING PRESIDENT COONEY: THE  
10 APPEAL HAS BEEN MADE AND RECOGNIZED. SENATOR  
11 RHOADS MAY BE HEARD.

12 SENATOR RHOADS: MR. PRESIDENT,  
13 THANK YOU SO MUCH. I RISE TO APPEAL THE RULING  
14 OF THE CHAIR.

15 THE PROPOSED AMENDMENT IS GERMANE TO  
16 THE BILL AT HAND BECAUSE THE BILL AT HAND DEALS  
17 WITH ENVIRONMENTAL JUSTICE, AND THE TOPIC OF THE  
18 HOSTILE, THE TOPIC OF THE PROPOSED AMENDMENT  
19 DEALS WITH ENVIRONMENTAL JUSTICE AND A PROGRAM  
20 THAT IS -- THAT PURPORTS ITSELF TO BE ABOUT  
21 ENVIRONMENTAL JUSTICE.

22 THE CONGESTION PRICING PLAN IS BEING  
23 MESSAGED AS A WAY TO FIGHT FOR -- FIGHT  
24 ENVIRONMENTAL INJUSTICE ON LOW-INCOME RESIDENTS  
25 OF MANHATTAN BY REDUCING THE NUMBER OF CARS THAT

1 ARE COMING INTO THE CITY.

2                   HOWEVER, THEIR OFFICIAL BUDGET  
3 PREDICTIONS INDICATE THAT THE ACTUAL NUMBER OF  
4 VEHICLES WILL STAY THE SAME, IF NOT INCREASE, AS  
5 A RESULT OF THE CONGESTION PRICING PLAN. AS WE  
6 DISCUSSED ON THE CHAMBER FLOOR YESTERDAY, THIS  
7 PLAN IS NOTHING MORE THAN A MONEY GRAB WITH A  
8 FACADE OF ENVIRONMENTAL JUSTICE.

9                   THERE ARE SERIOUS RESERVATIONS BY  
10 THE PEOPLE OF THE STATE OF NEW YORK, ESPECIALLY  
11 THOSE IN THE MTA CONGESTION PRICING AREA. THIS  
12 IS IMPACTING ENTIRE COMMUNITIES, AND THERE WILL  
13 BE SIGNIFICANT REPERCUSSIONS DOWN THE LINE. AND  
14 ELECTED OFFICIALS SHOULD HAVE A SAY. THIS SHOULD  
15 NOT BE LEFT UP TO AN UNELECTED BOARD. THERE MUST  
16 BE ACCOUNTABILITY.

17                   AND THE AMENDMENT THAT I AM  
18 PROPOSING IS ACTUALLY THE SAME AS SENATE BILL  
19 5934/ASSEMBLY BILL 3063A, WHICH WOULD ACTUALLY  
20 FORCE THE ISSUE OF TOLLING TO COME BACK TO THE  
21 LEGISLATURE TO ACTUALLY APPROVE ANY RECOMMENDED  
22 TOLL AMOUNT THAT IS ESTABLISHED BY THE MTA.

23                   THE MTA BOARD HAS HISTORICALLY BEEN  
24 NOTHING MORE -- NOT A WATCHDOG FOR CONSUMERS, NOT  
25 A WATCHDOG FOR COMMUTERS, BUT HAS BEEN NOTHING

1 MORE THAN A LAPDOG FOR THE GOVERNOR AND A LAPDOG  
2 FOR THE RADICAL POLICIES THAT ARE OFTEN PASSED BY  
3 THIS CHAMBER. AND THIS IS A PERFECT EXAMPLE FOR  
4 THAT.

5 IF WE WANT TO ESTABLISH CONGESTION  
6 PRICING, THE PEOPLE WHO SEND US TO THIS CHAMBER  
7 HAVE THE RIGHT TO EXPECT THAT WE WILL OWN IT WHEN  
8 THESE TOLLS ARE ESTABLISHED. TURNING IT OVER TO  
9 AN UNELECTED BOARD, TURNING IT OVER TO RANDOM  
10 PEOPLE WHO MOST OF THE PUBLIC WILL NEVER HAVE THE  
11 OPPORTUNITY TO MEET -- INSTEAD OF TAKING  
12 RESPONSIBILITY FOR A POLICY THAT THIS CHAMBER  
13 CREATED TO ACTUALLY ESTABLISH THOSE TOLLS -- IS  
14 SHIRKING OUR RESPONSIBILITY. AND THIS AMENDMENT  
15 WILL PLACE THE RESPONSIBILITY BACK WHERE IT LIES:  
16 THE VERY PEOPLE IN THIS CHAMBER.

17 NOW, THE MTA IS \$48 BILLION IN DEBT.  
18 AND THIS PLAN IS EXPECTED TO GENERATE \$1 BILLION.  
19 THIS REVENUE IS ALREADY EARMARKED FOR THE MTA  
20 CAPITAL PROGRAM, WHICH CURRENTLY ALREADY HAS A  
21 FUNDING SHORTFALL OF 3 BILLION. SO IF THE IDEA  
22 BEHIND CONGESTION PRICING WAS ABOUT MONEY, WHICH  
23 IT WAS, THE AMOUNT OF MONEY IS JUST A DROP IN THE  
24 BUCKET IN COMPARISON TO WHAT THE NEEDS OF THE MTA  
25 ACTUALLY ARE. WHICH IS WHY I STOOD ON THE FLOOR

1 YESTERDAY REFERRING TO THE MTA AS "MONEY THROWN  
2 AWAY."

3 FORTY-EIGHT BILLION DOLLARS IN DEBT,  
4 A 3 BILLION CAPITAL FUNDING SHORTFALL, AND WE ARE  
5 JUST TRYING TO THROW MORE AND MORE MONEY INTO THE  
6 PIT IN THE HOPES THAT SOMEHOW WE WILL FILL THE  
7 GAPING HOLE. IT IS QUICKSAND. NO MATTER HOW  
8 MUCH MONEY YOU THROW IN, UNLESS WE FIGURE OUT  
9 WHERE THAT MONEY IS GOING, THROUGH A FORENSIC  
10 AUDIT, IT WILL NEVER HAPPEN.

11 AND ON TOP OF THE SPENDING  
12 DEFICIENCY, NONE OF THE MONEY GOES TOWARDS  
13 LOWERING PUBLIC TRANSPORTATION COSTS, THE VERY  
14 USAGE IT ALLEGEDLY SEEKS TO ENCOURAGE. IN FACT,  
15 WE RAISED FARES ON PUBLIC TRANSIT, MAKING IT LESS  
16 AFFORDABLE FOR PEOPLE TO USE THE ALTERNATIVE THAT  
17 WE'RE SUPPOSEDLY TRYING TO FORCE THEM INTO.

18 ADDITIONALLY, THE DIVERSION OF  
19 TRAFFIC WILL ONLY CREATE MORE SMOG FOR  
20 COMMUNITIES WHO HAVE BEEN SO IMPACTED BY  
21 POLLUTION CAUSED BY CONGESTION.

22 THERE IS NO PLAN TO ASSIST OR EXEMPT  
23 FIRST RESPONDERS OR OTHER ESSENTIAL WORKERS WITH  
24 CONGESTION PRICING, DESPITE THEIR IRREGULAR HOURS  
25 AND IMMINENT NEED IN THE CITY. SMALL TRUCKS

1 OPERATING IN THE CONGESTION PRICING ZONE ARE  
2 CHARGED \$24, AND LARGE TRUCKS WILL BE CHARGED  
3 \$36, AND THE LEGISLATURE HAS HAD NO ROLE IN  
4 ESTABLISHING THE AMOUNT OF THOSE TOLLS -- AGAIN,  
5 DONE BY UNELECTED BUREAUCRATS.

6 AND AS NEW YORK CITY RESIDENTS ARE  
7 ALREADY DEALING WITH INFLATED FOOD COSTS, THIS  
8 NEW PLAN WILL ONLY INCREASE THE BURDEN ON  
9 WORKING-CLASS CITIZENS BOTH INSIDE THE CITY AS  
10 WELL AS THOSE WHO ARE COMMUTING INTO THE CITY FOR  
11 WORK, FOR ENTERTAINMENT, AS WELL AS FOR DOCTOR'S  
12 APPOINTMENTS AND A HOST OF OTHER REASONS.

13 FURTHERMORE, THIS UNELECTED BOARD  
14 HAS DONE NOTHING TO SAFEGUARD THE PRIVATE  
15 PERSONAL DATA OF NEW YORKERS WHO ARE BEING FORCED  
16 TO ENGAGE IN THIS THEFT BY TAXATION THAT THE MTA  
17 HAS PROPOSED.

18 THIS BILL -- THIS AMENDMENT WOULD  
19 REQUIRE THAT THE MTA COME BACK TO US WITH A PLAN  
20 TO PROTECT THEIR PRIVACY.

21 THE MTA HASN'T ADDRESSED THEIR  
22 LOSSES OR THEIR INABILITY TO STOP FARE EVASION,  
23 AND THIS CHAMBER HAS DONE NOTHING TO HOLD  
24 FARE-BEATERS ACCOUNTABLE, RESULTING IN A  
25 \$700 MILLION LOSS FOR THE MTA. INSTEAD OF TAXING

1 WORKING PEOPLE, THE MTA SHOULD BE FOCUSED ON  
2 RECOUPING THE MONEY THAT IS ALREADY BEING STOLEN  
3 FROM TAXPAYERS. AND YET IN OUR SENATE ONE-HOUSE,  
4 WE ACTUALLY REMOVED ONE OF THE PROPOSALS THAT  
5 WOULD HAVE DONE JUST THAT.

6 THE AMENDMENT THAT I HAVE BROUGHT  
7 TODAY WILL ENSURE THAT NO DECISIONS ARE MADE  
8 ABOUT CONGESTION PRICING WITHOUT THE APPROVAL OF  
9 THIS BODY, AND THE CITIZENS THAT THIS BILL HAS  
10 AFFECTED WILL HAVE NO CONCERNS ABOUT THEIR  
11 PRIVATE DATA BEING STOLEN. IT IS OUR  
12 RESPONSIBILITY, AND WE SHOULD OWN UP TO IT.

13 MR. PRESIDENT, FOR THESE REASONS, I  
14 STRONGLY URGE YOU TO RECONSIDER YOUR RULING. AND  
15 IF NOT, I ENCOURAGE MY COLLEAGUES TO OVERTURN  
16 THAT RULING.

17 THANK YOU, MR. PRESIDENT.

18 ACTING PRESIDENT COONEY: THANK  
19 YOU, SENATOR RHOADS.

20 I WANT TO REMIND THE HOUSE THAT THE  
21 VOTE IS ON THE PROCEDURES OF THE HOUSE AND THE  
22 RULING OF THE CHAIR.

23 THOSE IN FAVOR OF OVERRULING THE  
24 CHAIR, SIGNIFY BY SAYING AYE.

25 (RESPONSE OF "AYE.")

1 SENATOR LANZA: SHOW OF HANDS.

2 ACTING PRESIDENT COONEY: A SHOW OF  
3 HANDS HAS BEEN REQUESTED AND SO ORDERED.

4 ANNOUNCE THE RESULTS.

5 THE SECRETARY: AYES, 19.

6 ACTING PRESIDENT COONEY: THE  
7 RULING OF THE CHAIR STANDS, AND THE BILL-IN-CHIEF  
8 IS NOW BEFORE THE HOUSE.

9 SENATOR CANZONERI-FITZPATRICK.

10 SENATOR CANZONERI-FITZPATRICK:  
11 THANK YOU, MR. PRESIDENT. I WAS WONDERING IF THE  
12 SPONSOR WOULD YIELD FOR A FEW QUESTIONS.

13 ACTING PRESIDENT COONEY: DOES THE  
14 SPONSOR YIELD?

15 SENATOR RAMOS: I DO.

16 ACTING PRESIDENT COONEY: THE  
17 SPONSOR YIELDS.

18 SENATOR CANZONERI-FITZPATRICK:  
19 THANK YOU, SENATOR RAMOS.

20 MY UNDERSTANDING OF THIS BILL IS  
21 THAT COMMUNITIES THAT ARE LABELED AS  
22 DISADVANTAGED PURSUANT TO SECTION 75-011 WOULD  
23 HAVE TO SUBMIT -- WOULD BE ABLE TO SUBMIT AN  
24 ENHANCED PUBLIC PARTICIPATION PLAN. AND I AM  
25 FULLY IN FAVOR OF LOCAL INPUT WHEN WE HAVE

1 PROJECTS THAT AFFECT OUR COMMUNITIES.

2 AND SPECIFICALLY ON THIS LIST OF  
3 DISADVANTAGED COMMUNITIES, VALLEY STREAM, INWOOD,  
4 OCEANSIDE AND LONG BEACH ARE ALL IN MY 9TH SENATE  
5 DISTRICT.

6 SO MY QUESTION FOR YOU IS, IS THIS  
7 LIST SET? DOES THIS LIST CHANGE? AND HOW DO WE  
8 DETERMINE WHO'S A DISADVANTAGED COMMUNITY?

9 SENATOR RAMOS: THROUGH YOU,  
10 MR. PRESIDENT, I ACTUALLY WANT TO START BY  
11 THANKING THE SENATOR FOR VOTING FOR THIS BILL  
12 LAST YEAR. IN FACT, THIS BILL HAS PASSED  
13 UNANIMOUSLY FOR THE PAST THREE YEARS.

14 BUT I WELCOME THE QUESTION. AND  
15 IT'S CLEAR THAT THE -- THROUGH THE CLCPA, THE  
16 CLIMATE WORKING GROUP, THE CLIMATE JUSTICE  
17 WORKING GROUP WOULD BE ABLE TO DETERMINE WHAT  
18 TOWNS, VILLAGES, MUNICIPALITIES ARE ADDED TO THIS  
19 LIST OVER TIME.

20 SENATOR CANZONERI-FITZPATRICK:  
21 THROUGH YOU, MR. PRESIDENT, WILL THE SPONSOR  
22 CONTINUE TO YIELD.

23 ACTING PRESIDENT COONEY: WILL THE  
24 SPONSOR YIELD?

25 SENATOR RAMOS: YES.

1                   ACTING PRESIDENT COONEY:     THE  
2     SPONSOR YIELDS.

3                   SENATOR CANZONERI-FITZPATRICK:  
4     YES, SENATOR RAMOS, AS YOU'VE STATED I AM FULLY  
5     IN SUPPORT OF THIS LEGISLATION.  THESE QUESTIONS  
6     ARE JUST TRYING TO ALLOW ME TO UNDERSTAND IT  
7     BETTER.  BECAUSE ONE OF MY COMMUNITIES --  
8     ELMONT -- I BELIEVE SHOULD BE CONSIDERED A  
9     DISADVANTAGED COMMUNITY IS NOT ON THIS LIST.

10                  AND THAT'S WHY I'M WONDERING HOW THE  
11     LIST IS DETERMINED, AND DOES IT CHANGE?

12                  SENATOR RAMOS:     THROUGH YOU,  
13     MR. PRESIDENT, AS I STATED IN THE PREVIOUS  
14     ANSWER, THE LIST DOES CHANGE.  THE CLIMATE  
15     JUSTICE WORKING GROUP ACTUALLY DETERMINES, BASED  
16     ON EXISTING CRITERIA, WHAT AREAS WILL BE ADDED  
17     ON TO THE LIST.

18                  SENATOR CANZONERI-FITZPATRICK:  
19     THROUGH YOU, MR. PRESIDENT, WILL THE SPONSOR  
20     CONTINUE TO YIELD.

21                  ACTING PRESIDENT COONEY:     WILL THE  
22     SPONSOR YIELD?

23                  SENATOR RAMOS:     YES.

24                  ACTING PRESIDENT COONEY:     THE  
25     SPONSOR YIELDS .

1                   SENATOR CANZONERI-FITZPATRICK:     SO  
2     THE OTHER THING THAT I'M TRYING TO GET CLARITY ON  
3     IS WHAT WOULD BE CONSIDERED A MAJOR PROJECT FOR  
4     WHICH THIS LEGISLATION WOULD APPLY.   BECAUSE MY  
5     UNDERSTANDING IS THAT A MAJOR PROJECT IS DEFINED  
6     AS NOT BEING A MINOR PROJECT.

7                   AND THEREFORE I WOULD JUST LIKE TO  
8     HAVE A LITTLE CLARITY OR MAYBE SOME EXAMPLES OF  
9     WHAT WOULD BE CONSIDERED A MINOR PROJECT AND  
10    WHAT'S CONSIDERED A MAJOR PROJECT.

11                  SENATOR RAMOS:     (PAUSE.)   SO  
12    BASICALLY I'M LEARNING THAT THE DIFFERENCE  
13    BETWEEN MINOR AND MAJOR PROJECTS REALLY IS ABOUT  
14    THE OVERALL IMPACT ON THE ENVIRONMENT OF THAT  
15    COMMUNITY, WHETHER THERE'S THE POTENTIAL FOR  
16    INCREASED AIR OR WATER POLLUTION AND THE LIKE.

17                  SENATOR CANZONERI-FITZPATRICK:  
18    THROUGH YOU, MR. PRESIDENT, WILL THE SPONSOR  
19    CONTINUE TO YIELD?

20                  ACTING PRESIDENT COONEY:     WILL THE  
21    SPONSOR YIELD?

22                  SENATOR RAMOS:     YES.

23                  ACTING PRESIDENT COONEY:     THE  
24    SPONSOR YIELDS.

25                  SENATOR CANZONERI-FITZPATRICK:     SO

1 WHO WOULD MAKE THE DETERMINATION THAT A PROJECT  
2 IS MAJOR AND THEREFORE THIS LEGISLATION APPLIES?

3 SENATOR RAMOS: IT WOULD BE THE  
4 DEC.

5 SENATOR CANZONERI-FITZPATRICK:  
6 THROUGH YOU, MR. PRESIDENT, WILL THE SPONSOR  
7 CONTINUE TO YIELD.

8 ACTING PRESIDENT COONEY: WILL THE  
9 SPONSOR YIELD?

10 SENATOR RAMOS: YES.

11 ACTING PRESIDENT COONEY: THE  
12 SPONSOR YIELDS.

13 SENATOR CANZONERI-FITZPATRICK: SO  
14 ONE OF MY OTHER QUESTIONS STATES -- IS RELATED TO  
15 ADJACENT PROPERTIES. SO MY UNDERSTANDING IS THAT  
16 PROPERTIES THAT ARE DISADVANTAGED ARE CERTAINLY  
17 ABLE TO PUT IN THIS PLAN, BUT THEN ALSO  
18 COMMUNITIES THAT ARE WITHIN A MILE WOULD ALSO  
19 POTENTIALLY BE ABLE TO WEIGH IN. IS THAT  
20 CORRECT?

21 SENATOR RAMOS: THROUGH YOU,  
22 MR. PRESIDENT. ON TWO INSTANCES I'VE HEARD THE  
23 SENATOR DESCRIBE THE COMMUNITY PUTTING TOGETHER  
24 THE PLAN. THE COMMUNITY DOES NOT PUT TOGETHER  
25 THE PLAN. IT'S THE BIDDER WHO PUTS TOGETHER WHAT

1       THEY EXPECT THE COMMUNITY ENGAGEMENT PLAN TO BE  
2       THAT THEY WOULD HAVE TO SUBMIT WITH THEIR  
3       APPLICATION TO THE DEC.

4                    SENATOR CANZONERI-FITZPATRICK:  
5       THROUGH YOU, MR. PRESIDENT, WILL THE SPONSOR  
6       CONTINUE TO YIELD.

7                    ACTING PRESIDENT COONEY:     WILL THE  
8       SPONSOR YIELD?

9                    SENATOR RAMOS:     YES.

10                   ACTING PRESIDENT COONEY:     THE  
11       SPONSOR YIELDS.

12                   SENATOR CANZONERI-FITZPATRICK:  
13       THANK YOU FOR THAT CLARIFICATION.    YES, I  
14       MISSPOKE.

15                    BUT I WONDER WHAT OTHER COMMUNITIES  
16       WOULD BE ENGAGED BY A DEVELOPER FOR BEING IN THE  
17       LOCAL COMMUNITY WITHIN A MILE.

18                    SENATOR RAMOS:     THROUGH YOU,  
19       MR. PRESIDENT.   ACCORDING TO THE BILL THAT WE'RE  
20       DEBATING, IT'S REALLY ABOUT A ONE-MILE RADIUS  
21       FROM THE AREA IMPACTED BY THE BID FOR THE  
22       PROJECT.

23                    BUT PERHAPS I CAN GET A LITTLE MORE  
24       CLARITY ON THE SENATOR'S QUESTION.   IT'S ALL LAID  
25       OUT IN THE BILL IN TERMS OF WHAT THAT PROCESS

1       WOULD LOOK LIKE.

2                   SENATOR CANZONERI-FITZPATRICK:  
3       THROUGH YOU, MR. PRESIDENT, WILL THE SPONSOR  
4       CONTINUE TO YIELD.

5                   ACTING PRESIDENT COONEY:     WILL THE  
6       SPONSOR YIELD?

7                   SENATOR RAMOS:     YEAH.

8                   ACTING PRESIDENT COONEY:     THE  
9       SPONSOR YIELDS.

10                  SENATOR CANZONERI-FITZPATRICK:     SO  
11       ONE OF THE PROJECTS THAT IS POTENTIALLY WITHIN  
12       THIS STATUTE, WHICH I'D LIKE A LITTLE CLARITY ON,  
13       IS WOULD OFFSHORE WIND DEVELOPMENT THAT HAS  
14       TRANSMISSION LINES BE CONSIDERED A MAJOR PROJECT  
15       WITHIN THE SCOPE OF THIS LEGISLATION?

16                  SENATOR RAMOS:     YES.

17                  SENATOR CANZONERI-FITZPATRICK:  
18       THROUGH YOU, MR. PRESIDENT, WILL THE SPONSOR  
19       CONTINUE TO YIELD.

20                  ACTING PRESIDENT COONEY:     WILL THE  
21       SPONSOR YIELD?

22                  SENATOR RAMOS:     YES.

23                  ACTING PRESIDENT COONEY:     THE  
24       SPONSOR YIELDS.

25                  SENATOR CANZONERI-FITZPATRICK:     SO

1 DETERMINING WHICH COMMUNITIES WILL BE ENGAGED,  
2 THE POTENTIAL WOULD BE THAT THE OFFSHORE TURBINES  
3 WOULD BE 12 TO 14 MILES OFFSHORE, WE MIGHT HAVE  
4 TRANSMISSION LINES THAT RUN THROUGH LAND, AND  
5 THEN WE MIGHT ALSO HAVE SUBSTATIONS.

6 SO MY QUESTION IS, ARE THE  
7 TRANSMISSION LINES, ARE THE SUBSTATIONS, ARE THEY  
8 ALSO CONSIDERED A MAJOR PROJECT WITHIN THE  
9 DEFINITION? OR IS JUST THE WIND TURBINE THAT'S  
10 OFFSHORE THE MAJOR PROJECT?

11 SENATOR RAMOS: (PAUSE.) OKAY,  
12 THROUGH YOU, MR. PRESIDENT. ALL OF THE  
13 COMMUNITIES THAT WOULD BE IMPACTED BY THE PROJECT  
14 THAT'S BEING PROPOSED WOULD HAVE TO BE CONSULTED,  
15 WITHOUT EXCEPTION.

16 SENATOR CANZONERI-FITZPATRICK:  
17 THROUGH YOU, MR. PRESIDENT, WILL THE SPONSOR  
18 CONTINUE TO YIELD.

19 ACTING PRESIDENT COONEY: WILL THE  
20 SPONSOR YIELD?

21 SENATOR RAMOS: YES.

22 ACTING PRESIDENT COONEY: THE  
23 SPONSOR YIELDS.

24 SENATOR CANZONERI-FITZPATRICK:  
25 THANK YOU FOR THAT CLARIFICATION, SENATOR.

1                   ONE OF THE THINGS THAT I WOULD -- AM  
2 TRYING TO RATIONALIZE -- OR RECONCILE, I SHOULD  
3 SAY, IS THERE HAS BEEN PROPOSALS IN THE ONE-HOUSE  
4 BUDGET RELATED TO THE RAPID ACT. AND THE  
5 RAPID ACT, TO MY UNDERSTANDING, HAS THE ABILITY  
6 TO OVERRULE LOCAL RULES AND REGULATIONS.

7                   SO MY QUESTION IS, HOW DO WE  
8 RECONCILE THIS LEGISLATION WITH THE RAPID ACT,  
9 BECAUSE THIS LEGISLATION IS AIMED AT GETTING  
10 MEANINGFUL PUBLIC INPUT -- WHICH I'M FULLY  
11 SUPPORTIVE OF -- BUT THE RAPID ACT SEEMS TO BE  
12 GEARED TOWARD OVERRULING LOCAL RULES, ZONING,  
13 REGULATIONS. AND I'M NOT SURE HOW WE CAN  
14 RECONCILE THESE TWO STATUTES.

15                   SENATOR RAMOS: (PAUSE.) SO  
16 THROUGH YOU, MR. PRESIDENT, THE RAPID ACT ALSO  
17 ALLOWS FOR COMMUNITY INPUT.

18                   AND THE SENATOR IS RIGHT IN THAT IT  
19 WOULD OVERRIDE THIS PROCESS THAT WE'RE OUTLINING  
20 IN THE BILL.

21                   SENATOR CANZONERI-FITZPATRICK: ON  
22 THE BILL, MR. PRESIDENT.

23                   ACTING PRESIDENT COONEY: SENATOR  
24 CANZONERI-FITZPATRICK ON THE BILL.

25                   SENATOR CANZONERI-FITZPATRICK: I

1 WANT TO THANK THE SPONSOR. THANK YOU,  
2 SENATOR RAMOS, FOR ANSWERING MY QUESTIONS AND  
3 BRINGING THIS BILL BEFORE US.

4 AS I STATED BEFORE, I'M FULLY IN  
5 SUPPORT OF THE LEGISLATION BECAUSE IT IS FOCUSED  
6 ON GETTING MEANINGFUL LOCAL INPUT TO THE THINGS  
7 THAT WILL AFFECT THOSE COMMUNITIES. IT'S  
8 CRITICAL THAT WE CONTINUE TO GET MEANINGFUL  
9 PARTICIPATION SO THAT WE CONSIDER LOCAL CONCERNS  
10 AND THE RESIDENTS FEEL HEARD.

11 PAST POLICY DECISIONS FROM LONG AGO  
12 CREATED A SLATE OF DISADVANTAGED COMMUNITIES.  
13 IT'S IMPERATIVE THAT IF WE ARE TRYING TO MEET THE  
14 GOALS OF THE CLCPA THAT WE DO NOT CREATE A NEW  
15 SLATE OF DISADVANTAGED COMMUNITIES THAT WOULD  
16 UNDULY BEAR THE BURDEN OF THE STATE'S GOALS.

17 AS I'M SURE YOU'RE AWARE, THERE HAVE  
18 BEEN EFFORTS IN NASSAU COUNTY TO DEVELOP OFFSHORE  
19 WIND, WHICH WOULD CERTAINLY IMPACT THE  
20 DISADVANTAGED COMMUNITY OF THE CITY OF  
21 LONG BEACH, WHICH IS IN MY DISTRICT. MANY OF MY  
22 CONSTITUENTS HAVE EXPRESSED FRUSTRATION THAT  
23 THEIR COMMENTS AND CONCERNS REGARDING THESE  
24 PROPOSALS WERE LARGELY BEING IGNORED.

25 I COMMEND THE SPONSOR FOR BRINGING

1 THIS LEGISLATION TO ENHANCE PUBLIC PARTICIPATION  
2 FOR DISADVANTAGED COMMUNITIES, AND IT'S MY  
3 SINCERE HOPE THAT IT WILL HELP ENSURE COMMUNITIES  
4 SUCH AS LONG BEACH WILL HAVE A MORE MEANINGFUL  
5 AND ACTIVE ROLE IN DECISIONS THAT IMPACT THEIR  
6 COMMUNITIES.

7 FOR THESE REASONS, MR. PRESIDENT, I  
8 VOTE AYE.

9 ACTING PRESIDENT COONEY: THANK  
10 YOU, SENATOR CANZONERI-FITZPATRICK.

11 ARE THERE ANY OTHER SENATORS WISHING  
12 TO BE HEARD?

13 SEEING AND HEARING NONE, DEBATE IS  
14 CLOSED.

15 SENATOR LIU.

16 SENATOR LIU: MR. PRESIDENT, UPON  
17 CONSENT WE'VE AGREED TO RESTORE THIS BILL TO THE  
18 NONCONTROVERSIAL CALENDAR.

19 LET'S TAKE IT UP THAT WAY.

20 ACTING PRESIDENT COONEY: THE BILL  
21 IS RESTORED TO THE NONCONTROVERSIAL CALENDAR.

22 CALL THE ROLL.

23 (THE SECRETARY CALLED THE ROLL.)

24 ACTING PRESIDENT COONEY: SENATOR  
25 RAMOS TO EXPLAIN HER VOTE.

1                   SENATOR RAMOS:     THANK YOU,  
2     MR. PRESIDENT.

3                   YOU KNOW, I'M A FORMER MEMBER OF  
4     COMMUNITY BOARD 3 IN QUEENS, JUST LIKE MY FATHER  
5     BEFORE ME.   AND I THINK ONE OF THE BIGGEST  
6     EYE-OPENING EXPERIENCES IN THE SIX YEARS THAT  
7     I'VE BEEN HERE IN THE STATE SENATE NOW HAS BEEN  
8     THE LACK OF COMMUNITY INPUT WHEN IT COMES TO SO  
9     MUCH DECISION-MAKING OVER REALLY LIFE-CHANGING  
10    PROJECTS OVERALL, EVEN SOME DUBBED ECONOMIC  
11    DEVELOPMENT.

12                  FOR ME, THE INSPIRATION BEHIND THIS  
13    BILL, WHEN I USED TO HAVE A PORTION OF THE  
14    NEIGHBORHOOD OF ASTORIA IN MY DISTRICT, WAS A  
15    COMPANY CALLED NRG TRYING TO BUILD A PEAKER PLANT  
16    IN MY DISTRICT THAT WOULD HAVE ONLY EXACERBATED  
17    THE HIGH INCIDENCES AND CASES OF ASTHMA.   IN  
18    FACT, THAT PARTICULAR CORNER OF QUEENS IS DUBBED  
19    ASTHMA ALLEY PRECISELY BECAUSE WE HAVE SO MANY  
20    POLLUTANTS AND SO MANY COMPANIES TRYING TO DO  
21    WRONG BY OUR CONSTITUENTS IN THAT AREA.

22                  I'M VERY HAPPY TO SAY THAT BECAUSE  
23    NRG WAS UNWILLING TO COMPLY WITH A COMMUNITY  
24    INPUT PROCESS, THERE HAD TO BE A VERY LOUD PUBLIC  
25    OUTCRY AGAINST THEIR PROPOSED PEAKER PLANT.   AND

1 DESPITE NOT HAVING THIS BILL BECOME LAW AT THAT  
2 GIVEN POINT IN TIME, WE WERE LOUD ENOUGH TO STOP  
3 THEM. AND NOW WE HAVE A COMPANY CALLED BEACON  
4 WIND TRYING TO BUILD A RENEWABLE ENERGY PROJECT  
5 THERE.

6 SO I JUST WANTED TO OFFER AN EXAMPLE  
7 OF HOW A COMMUNITY BEING OUTSPOKEN AND ENGAGED IN  
8 WHAT THE FUTURE HOLDS FOR OUR COMMUNITIES  
9 ACTUALLY MAKES A REAL BIG DIFFERENCE. AND I LOOK  
10 FORWARD TO CONTINUING THIS CONVERSATION ABOUT  
11 COMMUNITY INPUT IN OTHER AREAS IN THE FOLLOWING  
12 WEEKS AND SESSIONS TO COME.

13 THANK YOU.

14 ACTING PRESIDENT COONEY: SENATOR  
15 RAMOS TO BE RECORDED IN THE AFFIRMATIVE.

16 SENATOR HELMING TO EXPLAIN HER VOTE.

17 SENATOR HELMING: THANK YOU,  
18 MR. PRESIDENT.

19 I WILL BE SUPPORTING THIS  
20 LEGISLATION AGAIN THIS YEAR BECAUSE I THINK IT IS  
21 VERY IMPORTANT THAT WE HAVE ENHANCED NOTICE AND  
22 PUBLIC PARTICIPATION REQUIREMENTS.

23 BUT WHAT IS TROUBLING TO ME IS THAT  
24 THIS BILL STATES THAT THE LEGISLATURE HEREBY  
25 FINDS IT IS IN THE INTEREST OF PUBLIC HEALTH AND

1 SAFETY TO REQUIRE MAJOR PROJECTS TO COMPLY WITH  
2 ENHANCED NOTICE AND PUBLIC PARTICIPATION  
3 REQUIREMENTS. I'M NOT SURE WHY, AND I DISAGREE  
4 WITH LIMITING THAT INPUT TO JUST DISADVANTAGED  
5 COMMUNITIES. IF THERE ARE PUBLIC HEALTH AND  
6 SAFETY ISSUES, WE SHOULD OPEN UP FOR MORE  
7 COMMENT.

8 THE SPONSOR MENTIONED THAT CLCPA  
9 WORKING GROUP. THIS WORKING GROUP ACTUALLY CALLS  
10 FOR EXPEDITING RENEWABLE ENERGY PROJECTS, TAKING  
11 AWAY THE LOCAL GOVERNMENT DECISION-MAKING  
12 PROCESS, TAKING AWAY PUBLIC COMMENT.

13 THE RAPID ACT THAT WAS MENTIONED BY  
14 THE SPONSOR ACTUALLY GOES AS FAR AS EMPLOYING  
15 EMINENT DOMAIN, TAKING AWAY, STRIPPING AWAY  
16 PRIVATE PROPERTY RIGHTS AND ALLOWING FOR BUILDING  
17 AND DEVELOPMENT OF PROJECTS WHICH THE SPONSOR  
18 HERSELF SAID COULD INCLUDE THINGS LIKE  
19 TRANSMISSION LINES ON CONSERVED PROPERTIES.

20 SO WHILE I SUPPORT THIS LEGISLATION  
21 BECAUSE, AGAIN, IT GOES FURTHER IN CALL FOR  
22 ENHANCED NOTICE AND PUBLIC PARTICIPATION, I JUST  
23 AM BOGGLED BY THE FACT THAT THE SAME SPONSOR OF  
24 THIS BILL VOTED YES TO OTHER BILLS THAT TAKE AWAY  
25 PUBLIC INPUT.

1                   THANK YOU, MR. PRESIDENT.

2                   ACTING PRESIDENT COONEY:     SENATOR

3 HELMING TO BE RECORDED IN THE AFFIRMATIVE.

4                   ANNOUNCE THE RESULTS.

5                   THE SECRETARY:     AYES, 60.

6                   ACTING PRESIDENT COONEY:     THE BILL

7 IS PASSED.

8                   SENATOR LIU.

9                   SENATOR LIU:     MR. PRESIDENT, CAN WE

10 PLEASE RETURN TO THE CONTROVERSIAL CALENDAR.

11                   ACTING PRESIDENT COONEY:     THE

12 SECRETARY WILL RING THE BELL.

13                   THE SECRETARY WILL READ.

14                   THE SECRETARY:     CALENDAR NUMBER

15 492, SENATE PRINT 1870A, BY SENATOR CLEARE, AN

16 ACT TO AMEND THE PUBLIC HOUSING LAW.

17                   ACTING PRESIDENT COONEY:     SENATOR

18 MARTINS, WHY DO YOU RISE?

19                   SENATOR MARTINS:     MR. PRESIDENT, IF

20 THE SPONSOR WOULD YIELD FOR A FEW QUESTIONS.

21                   ACTING PRESIDENT COONEY:     WILL THE

22 SPONSOR YIELD?

23                   SENATOR CLEARE:     THROUGH YOU,

24 MR. PRESIDENT, YES.

25                   ACTING PRESIDENT COONEY:     THE

1 SPONSOR YIELDS, SENATOR CLEARE.

2 SENATOR MARTINS: THANK YOU,  
3 MR. PRESIDENT. THIS BILL WOULD REQUIRE SOMEONE  
4 TO PROVIDE A HISTORY WITH REGARD TO  
5 RENT-STABILIZED AND RENT-CONTROLLED APARTMENTS  
6 DATING BACK TO 1974. BUT IT'S UNCLEAR IN THE  
7 BILL WHO WOULD BE REQUIRED TO PROVIDE THAT  
8 INFORMATION OR THAT HISTORY. AND I WAS HOPING,  
9 SENATOR, THAT YOU'D BE ABLE TO CLARIFY THAT FOR  
10 US.

11 SENATOR CLEARE: CURRENTLY YOU  
12 WOULD MAKE THAT REQUEST FROM HCR.

13 SENATOR MARTINS: SO IF --  
14 MR. PRESIDENT, THROUGH YOU, IF THE SPONSOR WOULD  
15 CONTINUE TO YIELD.

16 ACTING PRESIDENT COONEY: WILL THE  
17 SPONSOR YIELD?

18 SENATOR CLEARE: YES.

19 ACTING PRESIDENT COONEY: THE  
20 SPONSOR YIELDS.

21 SENATOR MARTINS: SO I UNDERSTAND  
22 THAT THE REQUEST WOULD GO THROUGH HCR. BUT WHO  
23 WOULD BE RESPONSIBLE? WOULD IT BE THE GOVERNMENT  
24 AGENCY THAT WOULD BE OVERSEEING THE  
25 RENT-STABILIZED OR RENT-CONTROLLED UNIT? OR

1        WOULD IT BE THE PROPERTY OWNER THEMSELVES THAT  
2        WOULD BE RESPONSIBLE FOR PROVIDING THAT  
3        INFORMATION?

4                    THE BILL ITSELF DOESN'T CLARIFY  
5        THAT.    WHO WOULD BE RESPONSIBLE FOR PROVIDING  
6        50 YEARS' WORTH OF RENTAL RECORDS TO A PERSON WHO  
7        IS DEEMED TO BE A BONA FIDE RENTER BY HAVING  
8        PROVIDED A DEPOSIT TO RENT THE UNIT?

9                    SENATOR CLEARE:    A TENANT WHO HAS  
10       MADE A GOOD-FAITH DEPOSIT WITH THE INTENT TO  
11       ENTER INTO A LEASE WOULD BE ABLE TO REQUEST THOSE  
12       RECORDS FROM HCR, AND THOSE WOULD BE MADE  
13       AVAILABLE TO THEM.

14                    SENATOR MARTINS:    MR. PRESIDENT,  
15       THROUGH YOU, IF THE SPONSOR WOULD CONTINUE TO  
16       YIELD.

17                    ACTING PRESIDENT COONEY:    WILL THE  
18       SPONSOR CONTINUE TO YIELD?

19                    SENATOR CLEARE:    THROUGH YOU,  
20       MR. PRESIDENT, YES.

21                    ACTING PRESIDENT COONEY:    THE  
22       SPONSOR YIELDS.

23                    SENATOR MARTINS:    AND PER THIS  
24       LEGISLATION, SOMEONE WOULD HAVE TO PROVIDE THOSE  
25       RECORDS.    WHO WOULD HAVE TO PROVIDE THOSE

1 RECORDS?

2 SENATOR CLEARE: HCR IS THE AGENCY  
3 THAT REPORTS THAT INFORMATION RIGHT NOW. YOU CAN  
4 REQUEST IT FROM HCR. CURRENTLY THEY RECEIVE THAT  
5 INFORMATION FROM LANDLORDS. THAT IS THE WAY IT  
6 IS DONE CURRENTLY.

7 THIS BILL SIMPLY ALLOWS A TENANT OR  
8 A PROSPECTIVE TENANT TO BE ABLE TO GET THAT  
9 INFORMATION BEFORE THEY ENTER INTO A LEASE.

10 SENATOR MARTINS: VERY WELL.

11 MR. PRESIDENT, THROUGH YOU, IF THE  
12 SPONSOR WOULD CONTINUE TO YIELD.

13 ACTING PRESIDENT COONEY: DOES THE  
14 SPONSOR YIELD?

15 SENATOR CLEARE: THROUGH YOU,  
16 MR. PRESIDENT, YES.

17 ACTING PRESIDENT COONEY: THE  
18 SPONSOR YIELDS.

19 SENATOR MARTINS: SO IF -- DO YOU  
20 KNOW HOW LONG HCR CURRENTLY HAS THESE RECORDS?  
21 DO THEY HAVE RECORDS CURRENTLY DATING BACK TO  
22 1974?

23 SENATOR CLEARE: (PAUSE.) YES, IT  
24 IS OUR UNDERSTANDING THAT HCR CURRENTLY HAS  
25 RECORDS UP TO 1974.

1                   SENATOR MARTINS:    THANK YOU,  
2   MR. PRESIDENT.   THROUGH YOU, IF THE SPONSOR WOULD  
3   CONTINUE TO YIELD.

4                   ACTING PRESIDENT COONEY:    THE  
5   SPONSOR YIELDS?

6                   SENATOR CLEARE:    YES,  
7   MR. PRESIDENT.

8                   ACTING PRESIDENT COONEY:    THE  
9   SPONSOR YIELDS.

10                  SENATOR MARTINS:    THANK YOU FOR  
11   THAT, SENATOR CLEARE.

12                  IF THE RECORDS ARE NOT AVAILABLE OR  
13   IF THE RECORDS ARE NOT COMPLETE BACK TO 1974, IS  
14   THERE ANY CONSEQUENCE TO THE FACT THAT THOSE  
15   RECORDS DON'T EXIST?

16                  SENATOR CLEARE:    JUST WHATEVER THEY  
17   HAVE AVAILABLE IS WHAT WOULD BE REQUIRED.

18                  SENATOR MARTINS:    THANK YOU.

19                  MR. PRESIDENT, THROUGH YOU, IF THE  
20   SPONSOR WILL CONTINUE TO YIELD.

21                  ACTING PRESIDENT COONEY:    WILL THE  
22   SPONSOR YIELD?

23                  SENATOR CLEARE:    YES, THROUGH YOU.

24                  ACTING PRESIDENT COONEY:    THE  
25   SPONSOR YIELDS.

1                   SENATOR MARTINS:     SO THROUGH THIS  
2     BILL, IS THERE ANY OBLIGATION ON ANY PROPERTY  
3     OWNER TO PROVIDE THOSE RECORDS INDEPENDENTLY OF A  
4     REQUEST THAT GOES TO HCR?

5                   SENATOR CLEARE:     (PAUSE.)    RIGHT.  
6     THE INFORMATION IS ALREADY PROVIDED TO HCR FROM  
7     THE LANDLORD.  IT SHOULD BE REGISTERED, AND THE  
8     PROSPECTIVE TENANT CAN REQUEST THAT OF THE  
9     AGENCY.

10                  SENATOR MARTINS:     THANK YOU.

11                  MR. PRESIDENT, THROUGH YOU, IF THE  
12     SPONSOR WOULD CONTINUE TO YIELD.

13                  ACTING PRESIDENT COONEY:    WILL THE  
14     SPONSOR YIELD?

15                  SENATOR CLEARE:     YES.

16                  ACTING PRESIDENT COONEY:    THE  
17     SPONSOR YIELDS.

18                  SENATOR MARTINS:     BUT IS THERE  
19     ANY -- BECAUSE IT DOES SPEAK TO REGULATIONS BEING  
20     ADVANCED.  DO YOU SEE THESE REGULATIONS REQUIRING  
21     THE LANDLORD TO GO BACK INTO THEIR OWN -- OR  
22     PUTTING AN OBLIGATION ON THE LANDLORD TO GO BACK  
23     INTO THEIR OWN RECORDS AND PUTTING AN OBLIGATION  
24     ON THOSE LANDLORDS TO FIND RECORDS SOMETIMES  
25     DATING BEFORE THEY ACTUALLY ACQUIRED OR OWNED THE

1 BUILDING, AND BEING RESPONSIBLE FOR COMPLYING  
2 WITH THIS REQUIREMENT?

3 SENATOR CLEARE: NO, I DON'T SEE  
4 THAT IN THE BILL.

5 THIS INFORMATION SHOULD BE DEPOSITED  
6 WITH HCR NO MATTER WHO THE LANDLORD IS, NO MATTER  
7 WHEN THE RENTAL HISTORY IS SUPPOSED TO BE THERE.  
8 EVERY LANDLORD IS SUPPOSED TO REGISTER  
9 WHENEVER -- AT WHATEVER POINT THEY BECOME THE  
10 LANDLORD.

11 SENATOR MARTINS: THANK YOU,  
12 SENATOR. THANK YOU, MR. PRESIDENT.

13 ON THE BILL.

14 ACTING PRESIDENT COONEY: SENATOR  
15 MARTINS ON THE BILL.

16 SENATOR MARTINS: SO,  
17 SENATOR CLEARE, THANK YOU VERY MUCH FOR THOSE --  
18 THAT CLARITY.

19 YOU KNOW, MY CONCERN IS ALWAYS, ANY  
20 TIME WE HAVE AN OPPORTUNITY HERE TO GO BACK AND  
21 LOOK AT RECORDS -- SPECIFICALLY WHEN WE'RE GOING  
22 BACK 50 YEARS -- IF WE'RE GOING TO RELY ON A  
23 GOVERNMENT AGENCY THAT'S SUPPOSED TO HAVE THOSE  
24 RECORDS IN FULL TRANSPARENCY, SURE, IT MAKES  
25 SENSE. LET'S MAKE THOSE RECORDS AVAILABLE AND

1 LET'S PROVIDE AS MUCH INFORMATION TO A  
2 PROSPECTIVE TENANT AS WE CAN.

3 BUT UNDERSTANDING THE MARKET AND  
4 UNDERSTANDING THAT SOMETIMES THESE BUILDINGS  
5 CHANGE HANDS, IF THIS WERE TO ADD AN ADDITIONAL  
6 OBLIGATION ON A PROPERTY OWNER TO HAVE TO COME UP  
7 WITH DOCUMENTS THAT THEY MAY NOT HAVE AND PRODUCE  
8 THOSE DOCUMENTS AT RISK OF SOMETHING, I'D BE VERY  
9 CONCERNED ABOUT THAT.

10 SO I'M GRATIFIED, FRANKLY, THAT THIS  
11 IS NOT WHAT THIS BILL DOES, THAT THIS BILL WILL  
12 ACTUALLY PROVIDE FOR TRANSPARENCY FOR TENANTS  
13 WITHOUT PUTTING ADDITIONAL OBLIGATIONS ON  
14 PROPERTY OWNERS.

15 AND, YOU KNOW, FRANKLY I'M HOPING  
16 THAT AS WE GO FORWARD WITH DISCUSSIONS WITH  
17 REGARD TO AFFORDABLE HOUSING AND WE LOOK FORWARD  
18 TO PROVIDING AFFORDABLE HOUSING TO MORE AND MORE  
19 NEW YORKERS WHERE IT'S NECESSARY, MR. PRESIDENT,  
20 I AM LOOKING FORWARD TO FINDING SOLUTIONS TO  
21 PROVIDING THOSE AFFORDABLE HOUSING UNITS THAT  
22 WE'RE ALL SO FOND OF TALKING ABOUT.

23 THERE ARE 1.1 MILLION  
24 RENT-STABILIZED AND RENT-CONTROLLED APARTMENTS IN  
25 NEW YORK CITY CURRENTLY -- 1.1 MILLION UNITS.

1 MR. PRESIDENT, MORE THAN 30 PERCENT OF THOSE,  
2 MORE THAN 300,000 UNITS IN NEW YORK CITY RIGHT  
3 NOW ARE OCCUPIED BY PEOPLE EARNING MORE THAN  
4 100 PERCENT OF THE AREA MEDIAN INCOME BECAUSE  
5 RENT-STABILIZED APARTMENTS ARE NOT MEANS-TESTED.

6 WE HAVE LITERALLY PEOPLE EARNING  
7 OVER A MILLION DOLLARS LIVING IN A  
8 RENT-STABILIZED APARTMENT WHEN WE HAVE PEOPLE WHO  
9 CAN'T FIND APARTMENTS AND HOUSING IN NEW YORK  
10 CITY. AND THIS CHAMBER HAS DONE NOTHING TO DEAL  
11 WITH THAT ISSUE.

12 AND SO WE HAVE AN OPPORTUNITY TO  
13 MOVE FORWARD -- IF WE'RE GOING TO TALK ABOUT  
14 HOUSING JUSTICE, WE'RE GOING TO TALK ABOUT  
15 AFFORDABLE HOUSING AND PUTTING AFFORDABLE HOUSING  
16 IN THE HANDS OF PEOPLE WHO CAN ACTUALLY NEED THAT  
17 AFFORDABILITY, LET'S TALK ABOUT HOW WE CAN  
18 ACTUALLY MAKE THOSE UNITS AVAILABLE TO PEOPLE.  
19 AND LET'S MEANS-TEST THOSE UNITS. BECAUSE EVEN  
20 IF WE START BUILDING HOUSING TODAY, EVEN IF WE  
21 START BUILDING HOUSING TODAY, IT'S GOING TO BE  
22 LITERALLY YEARS BEFORE THOSE HOUSING UNITS ARE  
23 AVAILABLE FOR OCCUPANCY.

24 BUT I'LL TELL YOU WHAT. IF WE  
25 DECIDE AS A CHAMBER, WITH THE PEOPLE ON THE OTHER

1 SIDE OF THIS BUILDING, IF WE DECIDE TO BE SERIOUS  
2 ABOUT AFFORDABLE HOUSING AND WE TURN AROUND AND  
3 MEANS-TEST THESE UNITS, THESE UNITS CAN BE  
4 AVAILABLE TO THOSE WHO NEED THEM AND MEET THOSE  
5 MEANS-TESTS THAT ARE SET BY US, THEY CAN BE  
6 AVAILABLE AS SOON AS 12 MONTHS FROM NOW,  
7 MR. PRESIDENT.

8 AND SO TO PUT IT INTO CONTEXT, I  
9 SAID 30 PERCENT ARE EARNING MORE THAN THE AREA  
10 MEDIAN INCOME, 30 PERCENT. MR. PRESIDENT,  
11 12 PERCENT -- THAT'S OVER 120,000 UNITS -- ARE  
12 EARNING MORE THAN 200 PERCENT OF THE AREA MEDIAN  
13 INCOME. THAT'S NEARLY \$200,000 A YEAR IN RENT.  
14 AND YET THEY'RE ABLE TO OCCUPY RENT-STABILIZED  
15 UNITS AT THE EXPENSE OF THOSE PEOPLE EARNING FAR  
16 LESS WHO CAN'T FIND APARTMENTS TODAY.

17 SO ALTHOUGH I'LL BE VOTING YES ON  
18 THIS BILL, MR. PRESIDENT, I URGE MY COLLEAGUES  
19 WHO ARE IN A POSITION TO ACTUALLY DO SOMETHING  
20 ABOUT AFFORDABILITY, AND NOT JUST TALK ABOUT IT,  
21 THAT WE TACKLE THIS ISSUE HEAD ON AND THAT WE  
22 WORK THROUGH THIS PROCESS AS WE HEAD INTO A  
23 BUDGET THAT SHOULD ALLOW ALL OF US TO BE PART OF  
24 A SOLUTION. I OFFER THAT AS A GREAT SOLUTION AS  
25 WE MOVE FORWARD.

1 MR. PRESIDENT, I VOTE AYE.

2 ACTING PRESIDENT COONEY: THANK

3 YOU, SENATOR MARTINS.

4 ARE THERE ANY OTHER SENATORS WISHING

5 TO BE HEARD?

6 SEEING AND HEARING NONE, DEBATE IS

7 CLOSED.

8 SENATOR LIU.

9 SENATOR LIU: MR. PRESIDENT, UPON  
10 CONSENT, WE'VE AGREED TO RESTORE THIS BILL TO THE  
11 NONCONTROVERSIAL CALENDAR.

12 LET'S TAKE IT UP THAT WAY.

13 ACTING PRESIDENT COONEY: THE BILL  
14 IS RESTORED TO THE NONCONTROVERSIAL CALENDAR.

15 READ THE LAST SECTION.

16 THE SECRETARY: SECTION 2. THIS  
17 ACT SHALL TAKE EFFECT IMMEDIATELY.

18 ACTING PRESIDENT COONEY: CALL THE  
19 ROLL.

20 (THE SECRETARY CALLED THE ROLL.)

21 ACTING PRESIDENT COONEY: SENATOR  
22 CLEARE TO EXPLAIN HER VOTE.

23 SENATOR CLEARE: THANK YOU,  
24 MR. PRESIDENT.

25 I JUST WANT TO MENTION THE FACT THAT

1 ACCORDING TO THE RENT GUIDELINES BOARD, THE  
2 AVERAGE MEDIAN INCOME OF RENT-STABILIZED TENANTS  
3 IS \$47,000 A YEAR. THE AVERAGE RENT, MEDIAN  
4 RENT, IS \$1400 A MONTH. PEOPLE ARE PAYING  
5 36 PERCENT OF THEIR INCOME IN RENT EVEN IN  
6 RENT-STABILIZED UNITS.

7 BUT, YOU KNOW, WE GENERALLY HOLD  
8 THAT TRANSPARENCY IS A GOOD THING WHEN ENTERING  
9 INTO RETAIL AND COMMERCIAL TRANSACTIONS AND  
10 CONTRACTS. HOWEVER, RIGHT NOW A PROSPECTIVE  
11 TENANT OF A RENT-REGULATED OR RENT-STABILIZED  
12 APARTMENT HAS NO WAY OF KNOWING THE RENT HISTORY  
13 OF AN APARTMENT BEFORE THEY MAKE A CHOICE WHETHER  
14 OR NOT TO ENTER INTO A LEASE.

15 GIVEN THE MAJOR CHANGES IN THE LAWS  
16 OVER THE PAST 25 YEARS, MANY OF WHICH  
17 DISPROPORTIONATELY ADVANTAGED LANDLORDS, COMBINED  
18 WITH THE FACT THAT THERE HAS REPEATEDLY BEEN  
19 FRAUD AND EXTRALEGAL COLLUSION IN THE PRICING OF  
20 RENTS AND EFFORTS TO DEREGULATE APARTMENTS,  
21 UNDERSTANDING THE COMPLETE RENT HISTORY OF YOUR  
22 POSSIBLE HOME IS THE BASELINE OF INFORMATION WE  
23 SHOULD BE PROVIDING.

24 HOUSING IS A HUMAN RIGHT, AND IT  
25 SHOULD NOT GO TO THE HIGHEST BIDDER OR BE HELD

1 HOSTAGE BY THE UNSCRUPULOUS. THE MORE WE JUST  
2 DEMYSTIFY THE PRICING OF RENTS, THE BETTER FOR  
3 TENANTS. AND THE MORE WE ASK FOR THE TRUTH TO BE  
4 TOLD BY LANDLORDS, THE MORE THEY CAN BE HELD  
5 ACCOUNTABLE.

6 I PROUDLY VOTE AYE AND ASK THAT MY  
7 COLLEAGUES DO THE SAME.

8 ACTING PRESIDENT COONEY: SENATOR  
9 CLEARE TO BE RECORDED IN THE AFFIRMATIVE.

10 ANNOUNCE THE RESULTS.

11 THE SECRETARY: IN RELATION TO  
12 CALENDAR 492, THOSE SENATORS VOTING IN THE  
13 NEGATIVE ARE SENATORS BORRELLO,  
14 CANZONERI-FITZPATRICK, GRIFFO, HELMING, LANZA,  
15 MATTERA, MURRAY, OBERACKER, O'MARA, ORTT,  
16 PALUMBO, RHOADS, SCARCELLA-SPANTON, STEC,  
17 TEDISCO, WEBER AND WEIK.

18 AYES, 43. NAYS, 17.

19 ACTING PRESIDENT COONEY: THE BILL  
20 IS PASSED.

21 SENATOR LIU, THAT COMPLETES THE  
22 READING OF READING OF TODAY'S CALENDAR.

23 SENATOR LIU: MR. PRESIDENT, IS  
24 THERE ANY FURTHER BUSINESS AT THE DESK?

25 ACTING PRESIDENT COONEY: THERE IS

1 NO FURTHER BUSINESS AT THE DESK.

2 SENATOR LIU: I MOVE TO ADJOURN  
3 UNTIL MONDAY, MARCH 25TH, AT 3:00 P.M., WITH THE  
4 INTERVENING DAYS BEING LEGISLATIVE DAYS.

5 ACTING PRESIDENT COONEY: ON  
6 MOTION, THE SENATE STANDS ADJOURNED UNTIL MONDAY,  
7 MARCH 25TH, AT 3:00 P.M., WITH THE INTERVENING  
8 DAYS BEING LEGISLATIVE DAYS.

9 (WHEREUPON, AT 12:09 P.M., THE  
10 SENATE ADJOURNED.)

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