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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 1, 2026

11:35 a.m.

REGULAR SESSION

SENATOR JEREMY 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, Tuesday,  
16 March 31, 2026, the Senate met pursuant to  
17 adjournment. The Journal of Monday, March 30,  
18 2026, was read and approved. On motion, the  
19 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 The Secretary will read.

25 THE SECRETARY: Senator Harckham

1 moves to discharge, from the Committee on  
2 Investigations and Government Operations,  
3 Assembly Bill Number 10080B and substitute it for  
4 the identical Senate Bill 9020C, Third Reading  
5 Calendar 532.

6 Senator Fernandez moves to  
7 discharge, from the Committee on  
8 Cultural Affairs, Tourism, Parks and Recreation,  
9 Assembly Bill Number 7033D and substitute it for  
10 the identical Senate Bill 6487C, Third Reading  
11 Calendar 565.

12 Senator Hinchey moves to discharge,  
13 from the Committee on Codes, Assembly Bill  
14 Number 8492C and substitute it for the identical  
15 Senate Bill 8021C, Third Reading Calendar 618.

16 ACTING PRESIDENT COONEY: So  
17 ordered.

18 Messages from the Governor.

19 Reports of standing committees.

20 Reports of select committees.

21 Communications and reports from  
22 state officers.

23 Motions and resolutions.

24 Senator Gianaris.

25 SENATOR GIANARIS: Good morning,

1 Mr. President.

2 On behalf of Senator Baskin, on  
3 page 7 I offer the following amendments to  
4 Calendar 180, Senate 6009, and ask that said bill  
5 retain its place on the Third Reading Calendar.

6 ACTING PRESIDENT COONEY: The  
7 amendments are received, and the bill will retain  
8 its place on the Third Reading Calendar.

9 Senator Gianaris.

10 SENATOR GIANARIS: I also wish to  
11 call up the following bills, which were recalled  
12 from the Assembly and are now at the desk:  
13 Senate Bills 1847, 5340B, and 4408.

14 ACTING PRESIDENT COONEY: The  
15 Secretary will read.

16 THE SECRETARY: Calendar Number  
17 141, Senate Print 1847, by Senator Comrie, an act  
18 to amend the Public Service Law.

19 Calendar Number 261, Senate Print  
20 4408, by Senator May, an act to amend the  
21 Environmental Conservation Law.

22 Calendar Number 311, Senate Print  
23 5340B, by Senator Stavisky, an act to amend the  
24 Education Law.

25 SENATOR GIANARIS: Move to

1 reconsider the vote by which these bills were  
2 passed.

3 ACTING PRESIDENT COONEY: The  
4 Secretary will call the roll on reconsideration.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 59.

7 ACTING PRESIDENT COONEY: The bills  
8 are restored to their place on the Third Reading  
9 Calendar.

10 SENATOR GIANARIS: I offer the  
11 following amendments.

12 ACTING PRESIDENT COONEY: The  
13 amendments are received.

14 SENATOR GIANARIS: Please recognize  
15 Senator Hinchey for an introduction.

16 ACTING PRESIDENT COONEY: Senator  
17 Hinchey for an introduction.

18 SENATOR HINCHEY: Thank you,  
19 Mr. President.

20 When Benjamin Franklin walked out of  
21 the Constitutional Convention at Independence  
22 Hall, he was asked if our new government would be  
23 a republic or a monarchy. His reply was both a  
24 promise and a warning wrapped into one: A  
25 republic, if you can keep it.

1 Franklin understood that for our  
2 great experiment to succeed, government could not  
3 survive on its own. It would need people,  
4 ordinary people -- people willing to show up,  
5 speak up, and hold their representatives to  
6 account.

7 That was 1787. Nearly 250 years  
8 later, those principles still persist. And the  
9 students who are here with us today uphold them  
10 in a way that should inspire us all.

11 We are joined in the gallery by  
12 students from the Democracy Matters Club at  
13 Emma Willard School in Troy, including one of my  
14 constituents, Fiona Kelly, from Hudson.

15 Democracy Matters was founded in  
16 2001 by NBA player Adonal Foyle and his parents,  
17 Joan and Jay Mandle, who also happen to be  
18 constituents of mine from the Hudson Valley.

19 They built this incredible  
20 student-led organization on a simple idea:  
21 Civic engagement is for everyone, and especially  
22 for young people, who deserve a voice in shaping  
23 their futures right now.

24 This year alone, students have led  
25 discussions with their peers on the importance of

1 free and fair elections. They have written to  
2 their elected representatives. And they have  
3 raised their voices on so many issues that are  
4 important to them, from advocating for the right  
5 of 17-year-olds to pre-register to vote,  
6 demanding human rights and dignity in our  
7 immigration system.

8           They have sounded the alarm on the  
9 climate crisis and the urgent need to protect our  
10 environment, and they have wrestled with the  
11 hardest questions on foreign policy and  
12 international conflict.

13           They do not wait to be invited into  
14 these conversations. They have grasped something  
15 that takes most people years to understand, that  
16 democracy is as powerful as it is fragile, and it  
17 is not a spectator sport. It is imperfect, and  
18 it only works when people fight for it,  
19 generation after generation, relentlessly in  
20 pursuit of the greater good.

21           To the students here today, thank  
22 you for your courage and your conviction. We  
23 need more people like you fighting for a world  
24 that's better, more inclusive, and more  
25 accountable.

1                   And thank you to the club advisor,  
2                   who is here with them today.

3                   Mr. President, I ask you to extend  
4                   the privileges of the chamber, and please ask  
5                   them to be recognized.

6                   Thank you all so much for being  
7                   here.

8                   ACTING PRESIDENT COONEY:    Thank  
9                   you, Senator Hinchey.

10                  To our guests, I welcome you on  
11                  behalf of the Senate. We extend to you the  
12                  privileges and courtesies of this house. Please  
13                  rise and be recognized.

14                  (Standing ovation.)

15                  ACTING PRESIDENT COONEY:    Senator  
16                  Gianaris.

17                  SENATOR GIANARIS:    Now please  
18                  recognize Senator Rolison for another  
19                  introduction.

20                  ACTING PRESIDENT COONEY:    Senator  
21                  Rolison for an introduction.

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

24                  Today we are joined by an individual  
25                  who will be retiring very shortly, in about

1 30 days, from Dutchess County government after  
2 three decades of service to our community and to  
3 the state. And that is Assistant County  
4 Executive Ron Hicks, who is here with us in the  
5 gallery.

6 I have known Ron Hicks for decades  
7 myself, and Ron Hicks has always been the  
8 individual -- no matter where he was serving or  
9 whom he worked for, he was there for the  
10 community. And what Ron has been able to do in  
11 30 years it may take some of us 50 years to do.

12 And he has worked on both sides of  
13 the aisle. He is a good-government person and  
14 of course a dear friend.

15 And I wanted just to note some of  
16 Ron's accomplishments. Of course there are  
17 volumes of accomplishments, and there are  
18 accomplishments that we don't even know about  
19 because he's never sought recognition for any of  
20 them.

21 But he previously served,  
22 Mr. President, as the district director for the  
23 late Assemblywoman Eileen Hickey who served the  
24 Assembly from Dutchess County with unbelievable  
25 distinction. And he was also a deputy county

1 clerk in Dutchess County. He was the regional  
2 director for Governor Pataki. He was also the  
3 regional director for the Empire State  
4 Development Corporation. And of course he has  
5 done so much as the assistant county executive in  
6 Dutchess County for essentially economic  
7 development.

8           And I remember I was in the county  
9 legislature when Ron was hired for that position,  
10 and it was said to us at the time, you know, we  
11 needed a Ron Hicks to come into county government  
12 to be that point person to unclog things with the  
13 multiple county agencies.

14           And Ron would be the individual to  
15 call if you had a problem with the health  
16 department or any -- DPW. We can go on down the  
17 list. And he would try to make things happen of  
18 course in a good-government way.

19           And he did that, Mr. President, for  
20 so many years. And we were just talking off the  
21 floor, and he was telling me about a picture that  
22 he has of my dad, from 1995, at an event up in  
23 Staatsburg with the late James Earl Jones.

24           And so Ron has traveled with all  
25 kinds of people to do good things. And he's here

1 today; he was honored earlier in the  
2 State Assembly.

3 And I'm going to leave Ron and  
4 Mr. President and my colleagues and friends here  
5 in the chamber with this: You know, Ron in his  
6 official acts was governed by a keen sense of  
7 duty, and he always showed a unique grasp of  
8 human problems.

9 Mr. President, again, it is my honor  
10 to have Ron Hicks here today in the New York  
11 State Senate. And I would ask you to extend all  
12 the courtesies of this house for him today.

13 Thank you, Mr. President.

14 ACTING PRESIDENT COONEY: Thank  
15 you, Senator Rolison.

16 To Ron and his family, we welcome  
17 you on behalf of the Senate. We extend to you  
18 the privileges and courtesies of this house.

19 Please rise and be recognized.

20 (Standing ovation.)

21 ACTING PRESIDENT COONEY: We thank  
22 you for your service.

23 Senator Gianaris.

24 SENATOR GIANARIS: All right,  
25 Mr. President, let's move on to previously

1 adopted Resolution 1681, by Senator Stec, read  
2 its title, and call on Senator Stec, please.

3 ACTING PRESIDENT COONEY: The  
4 Secretary will read.

5 THE SECRETARY: Resolution 1681, by  
6 Senator Stec, congratulating the Potsdam Central  
7 High School Girls Hockey Team upon the occasion  
8 of capturing the New York State Public  
9 High School Athletic Association Girls  
10 Hockey Championship.

11 ACTING PRESIDENT COONEY: Senator  
12 Stec on the resolution.

13 SENATOR STEC: Thank you,  
14 Mr. President.

15 Good morning, all.

16 Absolutely delighted any time you  
17 get a chance to welcome constituents down here to  
18 our chamber, especially young people, people that  
19 have achieved something that they're going to  
20 remember the rest of their lives. They made  
21 their family and community proud, they worked  
22 hard, they had an outstanding season.

23 The Potsdam Lady Sandstoners are  
24 this year's Public High School Ice Hockey  
25 champions. They defeated Adirondack United --

1 another team down my way that I share with  
2 Senator Tedisco -- who was the two-time defending  
3 state champion, but they beat them for the state  
4 championship back on February 21st, my birthday,  
5 with a score of 3 to 2.

6 And it was just wonderful to meet  
7 them outside earlier before session started. But  
8 again, you know, to pause and just recognize the  
9 achievement of these young ladies that come from  
10 a hockey town; Potsdam's known for having great  
11 hockey, both at the high school and collegiate  
12 level.

13 And, you know, certainly having them  
14 down here with a fantastic record, 18, 2 and 3, I  
15 think it was, or 3 and 2 -- 2 and 3. They  
16 avenged an earlier loss to Adirondack United in  
17 the state championship, so I know that that  
18 probably made that victory even sweeter.

19 But, you know, Mr. President,  
20 through you, if you would please congratulate  
21 them, give them the cordialities of the house as  
22 we commemorate the Lady Sandstoners' 2026 Girls  
23 Ice Hockey State Championship.

24 Thank you.

25 ACTING PRESIDENT COONEY: Thank

1 you, Senator Stec.

2 To our champions, I welcome you on  
3 behalf of the Senate. We extend to you the  
4 privileges and courtesies of this house.

5 Please rise and be recognized.

6 (Standing ovation.)

7 ACTING PRESIDENT COONEY: The  
8 resolution was adopted on March 5th.

9 Senator Gianaris.

10 SENATOR GIANARIS: Senator Stec  
11 would like to open that resolution for  
12 cosponsorship.

13 ACTING PRESIDENT COONEY: The  
14 resolution is open for cosponsorship. Should you  
15 choose not to be a cosponsor, please notify the  
16 desk.

17 Senator Gianaris.

18 SENATOR GIANARIS: Please take up  
19 the calendar.

20 ACTING PRESIDENT COONEY: The  
21 Secretary will read.

22 THE SECRETARY: Calendar Number  
23 252, Senate Print 8440A, by Senator Fahy, an act  
24 to amend the Highway Law.

25 ACTING PRESIDENT COONEY: Read the

1 last section.

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

4 ACTING PRESIDENT COONEY: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT COONEY: Senator  
8 Fahy to explain her vote.

9 SENATOR FAHY: Thank you,  
10 Mr. President.

11 I rise today with an aye vote on  
12 this bill. It's the renaming of a local bridge.  
13 And I just would bear repeating of a few comments  
14 I'd made earlier regarding Sergeant Henry  
15 Johnson, who has been such an extraordinary local  
16 if not regional hero.

17 He first enlisted in World War I in  
18 1917, into the segregated all-Black 15th New York  
19 National Guard Infantry Regiment, which was the  
20 369th U.S. Infantry Regiment, which ultimately  
21 was referred to as the Harlem Hellfighters.

22 While on duty in France in 1918, his  
23 party came under attack by a German raiding  
24 party. They were completely outnumbered. He  
25 alone fought off, with his rifle -- because all

1 of his party, his side, was injured. He fought  
2 using his rifle, then used it as a club, then  
3 used a bolo knife in hand-to-hand combat. He  
4 suffered 21 injuries, yet held off the entire  
5 raiding party.

6 Fast forward 80 -- it took 80 years  
7 for him to even get a Purple Heart, although he  
8 was given the highest distinction and honors in  
9 France at that time, 80 years before he got the  
10 Purple Heart.

11 In 2022 he finally received the  
12 Distinguished Service Cross and in 2015, almost a  
13 century later, with advocacy from so many,  
14 including Senator Schumer, he was finally awarded  
15 the Medal of Honor, our nation's highest military  
16 award.

17 In 2023 a bipartisan congressional  
18 delegation renamed a Confederate-named Louisiana  
19 fort from Fort Polk to Fort Johnson in his honor.

20 Very sadly, last year  
21 President Trump took that name off the fort,  
22 reverted it to its old name of Fort Polk with a  
23 different enlisted individual by the name of  
24 Polk.

25 After a century of advocacy to right

1 the wrongs of history, it's been a painful  
2 chapter. Our way of making amends on that, since  
3 we can't change those federal actions, is to  
4 elevate his legacy and his name here in the  
5 Capital Region by renaming the Patroon Island  
6 Bridge right here in Albany -- it connects to  
7 Rensselaer County -- after the Medal of Honor  
8 recipient, Sergeant Henry Johnson Memorial  
9 Bridge.

10 It is a way to try to preserve this  
11 extraordinary history and make sure that we honor  
12 this extraordinary hero despite the attempts to  
13 rewrite history at the national level. It just  
14 beared repeating.

15 Thank you for bearing with me again  
16 on this. It's just incredibly important, and I'm  
17 just so proud to have been a sponsor of this bill  
18 with so many.

19 And with that, I vote in the  
20 affirmative. Thank you, Mr. President.

21 ACTING PRESIDENT COONEY: Senator  
22 Fahy to be recorded in the affirmative.

23 Senator Ashby to explain his vote.

24 SENATOR ASHBY: Thank you,  
25 Mr. President.

1 I rise to explain my vote and thank  
2 the sponsor for this legislation.

3 Wounded 21 times, kept his comrades  
4 from being captured and kept the Germans from  
5 advancing, and then died at the age of 36, in  
6 1929. A remarkable life, a remarkable  
7 achievement that went unnoticed for too long.

8 And in this chamber today we  
9 solidify his memory here in New York State and in  
10 the Capital District with the renaming of the  
11 Patroon Island Bridge to the Sergeant Henry  
12 Johnson Bridge.

13 And it's something that I'm very  
14 proud to cosponsor. To think of the lives of our  
15 veterans and what they stand for, their  
16 sacrifices, and what their families have endured,  
17 and what Sergeant Henry Johnson did at that time.

18 To think that he was awarded the  
19 Purple Heart in 1996, so many decades after his  
20 sacrifice -- it's painful to think about. But  
21 what we're doing here today is a remarkable  
22 accomplishment, and I'm proud to vote aye.

23 Thank you.

24 ACTING PRESIDENT COONEY: Senator  
25 Ashby to be recorded in the affirmative.

1                   Announce the results.

2                   THE SECRETARY:    In relation to  
3   Calendar 252, voting in the negative:  
4   Senator Brisport.

5                   Ayes, 58.   Nays, 1.

6                   ACTING PRESIDENT COONEY:    The bill  
7   is passed.

8                   THE SECRETARY:    Calendar Number  
9   532, Assembly Bill Number 10080B, by  
10   Assemblymember Wieder, an act to amend the  
11   Public Officers Law.

12                   ACTING PRESIDENT COONEY:    Read the  
13   last section.

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

16                   ACTING PRESIDENT COONEY:    Call the  
17   roll.

18                   (The Secretary called the roll.)

19                   ACTING PRESIDENT COONEY:    Announce  
20   the results.

21                   THE SECRETARY:    In relation to  
22   Calendar 532, voting in the negative:  
23   Senator Brisport.

24                   Ayes, 58.   Nays, 1.

25                   ACTING PRESIDENT COONEY:    The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 565, Assembly Bill Number 7033D, by  
4 Assemblymember Zaccaro, an act to amend the  
5 Arts and Cultural Affairs Law.

6 ACTING PRESIDENT COONEY: Read the  
7 last section.

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

10 ACTING PRESIDENT COONEY: Call the  
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT COONEY: Senator  
14 Fernandez to explain her vote.

15 SENATOR FERNANDEZ: Thank you so  
16 much, Mr. President.

17 This is an exciting bill. As I've  
18 mentioned before, the greatness of the Bronx and  
19 the beautiful diversity that we are, we have the  
20 community of Little Yemen in the neighborhood of  
21 Van Nest.

22 And this community has grown  
23 exponentially. It is so vibrant, it is so  
24 beautiful in what it's been able to do,  
25 reflecting the American dream when immigrants

1       come to New York and this country to build a  
2       better life, to build community, to build  
3       identity.

4                       And Little Yemen has built itself to  
5       be a community that we cannot forget, we cannot  
6       oversee, we cannot overlook. They are a  
7       community that has stood up to violence, if you  
8       will. When the first Muslim ban was enacted to  
9       our country, they started the bodega strike to  
10      show that we will not take this hate to our  
11      communities.

12                      Little Yemen is a community that has  
13      opened its doors to many, that has created  
14      opportunity for many. The many businesses that  
15      have grown and developed and opened, thousands of  
16      jobs, the economic boost to the neighborhood.

17                      Not only do we have great  
18      restaurants, but we have clothing stores, we have  
19      community centers, cultural hubs. And soon the  
20      biggest mosque that will come to the state is to  
21      open in Little Yemen.

22                      So this cultural district is now  
23      going to recognize Little Yemen as a place that  
24      we welcome everyone to come see, we welcome  
25      business, we welcome tourism. But we thank the

1 Yemen community for their contributions to not  
2 only the Van Nest neighborhood, but to this  
3 state, showing that all things are possible and  
4 we can see prosperity grow in some of the darkest  
5 times.

6 So thank you. I proudly vote aye.

7 ACTING PRESIDENT COONEY: Senator  
8 Fernandez to be recorded in the affirmative.

9 Announce the results.

10 THE SECRETARY: In relation to  
11 Calendar 565, voting in the negative:  
12 Senator Walczyk.

13 Ayes, 58. Nays, 1.

14 ACTING PRESIDENT COONEY: The bill  
15 is passed.

16 THE SECRETARY: Calendar Number  
17 579, Senate Print 2648, by Senator Addabbo, an  
18 act to amend the Insurance Law.

19 ACTING PRESIDENT COONEY: Read the  
20 last section.

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

23 ACTING PRESIDENT COONEY: Call the  
24 roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT COONEY:    Announce  
2   the results.

3                   THE SECRETARY:    In relation to  
4   Calendar 579, voting in the negative are  
5   Senators Borrello, Gallivan, Ortt, O'Mara and  
6   Walczyk.

7                   Ayes, 54.   Nays, 5.

8                   ACTING PRESIDENT COONEY:    The bill  
9   is passed.

10                  THE SECRETARY:    Calendar Number  
11   581, Senate Print 5047, by Senator Bailey, an act  
12   to amend the Insurance Law.

13                  ACTING PRESIDENT COONEY:    Read the  
14   last section.

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

17                  ACTING PRESIDENT COONEY:    Call the  
18   roll.

19                  (The Secretary called the roll.)

20                  ACTING PRESIDENT COONEY:    Announce  
21   the results.

22                  THE SECRETARY:    Ayes, 59.

23                  ACTING PRESIDENT COONEY:    The bill  
24   is passed.

25                  THE SECRETARY:    Calendar Number

1 583, Senate Print 1462, by Senator Kavanagh, an  
2 act to amend the Public Authorities Law.

3 SENATOR LANZA: Lay it aside.

4 ACTING PRESIDENT COONEY: Lay it  
5 aside.

6 THE SECRETARY: Calendar Number  
7 601, Senate Print 5535, by Senator Baskin, an act  
8 to amend the Executive Law.

9 ACTING PRESIDENT COONEY: Read the  
10 last section.

11 THE SECRETARY: Section 6. This  
12 act shall take effect one year after it shall  
13 have become a law.

14 ACTING PRESIDENT COONEY: Call the  
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT COONEY: Senator  
18 Baskin to explain her vote.

19 SENATOR BASKIN: Thank you,  
20 Mr. President.

21 Years ago when I served as the chair  
22 of the county legislature, I gaveled out of a  
23 session and proceeded across the street from  
24 county hall to our county services building,  
25 where I encountered a woman and her young son.

1                   The woman did not speak English.  
2           She spoke her language to her young son, and then  
3           he in turn asked me: "Miss, what door do we go  
4           through so that we can sign up to get food?"

5                   I instructed them on what was the  
6           proper door to go through and what floor that  
7           they needed to go through. Of course the little  
8           boy then explained to his mother in his language.

9                   And at that time I realized the hour  
10          of the day and how young that little boy was, and  
11          that he was likely supposed to be in school,  
12          learning, getting educated, socializing with his  
13          friends, learning how to be a contributing member  
14          of society. But he was there at the county  
15          social services building, trying to help his  
16          mother navigate a way to get food.

17                   Mr. President, this bill before us  
18          today expands on a previous action that this  
19          honorable body has taken to provide language  
20          access services across the State of New York.

21                   This bill will ensure that all  
22          agencies of the state are included, not just  
23          those under the Governor's purview. It provides  
24          services in the top 12 languages statewide and  
25          the top three languages in each region, ensuring

1 access reflects local communities.

2 In Western New York, where I  
3 represent, some of the most prominent languages  
4 include Arabic, Chinese, Bengali, Hindi, Swahili,  
5 and Somali. Eleven percent of Erie County  
6 residents speak a language other than English at  
7 home. And in the City of Buffalo, that number is  
8 20 percent.

9 This bill recognizes the diversity  
10 of New Yorkers, but also it recognizes that  
11 legislation is not one-size-fits-all. And that  
12 cannot be done in a successful state.  
13 Legislation must fit the realities of each  
14 region. And I am happy that this bill does that.

15 This bill is not only good for  
16 public service for our residents, but it is also  
17 an investment into our residents who are seeking  
18 to be a part of New York's economy. We want  
19 people seeking jobs to be able to navigate the  
20 New York State Department of Labor's job list.  
21 We want people to be able to understand their  
22 legal rights.

23 And we want our children, many of  
24 whom unfortunately act as informal interpreters  
25 for their families, we want them to be able to be

1 focused on their education, to establish  
2 themselves as first-generation New Yorkers,  
3 instead of having to be pulled out of the  
4 classroom to help their families fill out an  
5 application or speak with a caseworker during an  
6 appointment.

7                   Mr. President, I want to acknowledge  
8 all of the advocates who have pushed for this  
9 bill time and time again. Many people who speak  
10 limited English or who need an interpreter to  
11 feel heard, they feel unheard, they feel that  
12 government is not here for them. They feel that  
13 government is not here to support them -- or even  
14 worse, they feel that government is here to  
15 punish them.

16                   But I hope that this bill instills  
17 some hope and some confidence that we here in  
18 this honorable body, and in New York, will  
19 represent and represent all people who call  
20 New York home with dignity, in their preferred  
21 language.

22                   This body passed this critical  
23 legislation last year. And I rise today to urge  
24 my colleagues in the Assembly to do the same this  
25 session, to show all New Yorkers that they

1       deserve a government that is accessible, a  
2       government that is respectful and responsive to  
3       everyone in their native language.

4                       I vote in the affirmative,  
5       Mr. President, and I encourage all of my  
6       colleagues to do the same.

7                       Thank you.

8                       ACTING PRESIDENT COONEY:    Senator  
9       Baskin to be recorded in the affirmative.

10                      Announce the results.

11                      THE SECRETARY:    In relation to  
12       Calendar 601, voting in the negative are  
13       Senators Borrello, Canzoneri-Fitzpatrick,  
14       Helming, Martins, Mattera, O'Mara, Rhoads, Stec,  
15       Walczyk and Weik.

16                      Ayes, 50.   Nays, 10.

17                      ACTING PRESIDENT COONEY:    The bill  
18       is passed.

19                      THE SECRETARY:    Calendar Number  
20       605, Senate Print 8046A, by Senator Bynoe, an act  
21       to amend the Emergency Tenant Protection Act.

22                      ACTING PRESIDENT COONEY:    Read the  
23       last section.

24                      SENATOR LANZA:    Lay it aside.

25                      ACTING PRESIDENT COONEY:    The bill

1 will be laid aside.

2 THE SECRETARY: Calendar Number  
3 612, Senate Print Number 3519, by  
4 Senator Scarcella-Spanton, an act to amend the  
5 Penal Law.

6 ACTING PRESIDENT COONEY: Read the  
7 last section.

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

10 ACTING PRESIDENT COONEY: Call the  
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT COONEY: Senator  
14 Scarcella-Spanton to explain her vote.

15 SENATOR SCARCELLA-SPANTON: Thank  
16 you, Mr. President.

17 With technology developing rapidly,  
18 our current laws do not account for the various  
19 new ways that predators can now stalk, intimidate  
20 and control individuals. From Apple Tags to  
21 "Find my iPhone," there are countless ways that a  
22 person can find your location, and predators are  
23 exploiting legal loopholes to get away with  
24 tracking someone's movements.

25 For far too long, people who have

1 dealt with this have lived in a state of fear of  
2 someone accessing their location through  
3 technology, and with no avenue for recourse.  
4 Those who have done this have been able to avoid  
5 proper accountability.

6 My bill redefines the term  
7 "following" for a crime of stalking in the  
8 fourth degree to include the use of certain  
9 devices or computers to gain access to record,  
10 track, report the movement or location of a  
11 person and their property without the person's  
12 permission or knowledge to do so.

13 By broadening this definition, we  
14 send a clear message that technology-assisted  
15 stalking is just as damaging to a victim's  
16 mental, physical and emotional well-being as  
17 traditional forms of stalking are.

18 By passing this legislation, we are  
19 taking a crucial step forward in keeping our  
20 constituents safe and taking the things that  
21 they've gone through seriously.

22 Thank you again to my colleagues,  
23 and I proudly vote aye.

24 ACTING PRESIDENT COONEY: Senator  
25 Scarcella-Spanton to be recorded in the

1 affirmative.

2 Announce the results.

3 THE SECRETARY: Ayes, 60.

4 ACTING PRESIDENT COONEY: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 615, Senate Print 4776, by Senator Ryan, an act  
8 to amend the Penal Law.

9 ACTING PRESIDENT COONEY: Read the  
10 last section.

11 THE SECRETARY: Section 4. This  
12 act shall take effect on the 60th day after it  
13 shall have become a law.

14 ACTING PRESIDENT COONEY: Call the  
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT COONEY: Senator  
18 Ryan to explain his vote.

19 SENATOR RYAN: Thank you,  
20 Mr. President.

21 So this legislation addresses a very  
22 serious, growing public safety concern, which is  
23 the rise in false reports involving weapons,  
24 particularly incidents that mimic active shooter  
25 or violent threats.

1                   Instances of falsely reporting a  
2                   critical emergency, otherwise known as swatting,  
3                   have increased exponentially across the state.  
4                   These situations don't just strain emergency  
5                   systems, they send a very, very frightful ripple  
6                   through our entire communities.

7                   Parents get the call that their  
8                   child's school is in lockdown, students are left  
9                   frightened and confused in classrooms while  
10                  families sit in fear waiting for answers. That  
11                  kind of trauma just doesn't disappear when the  
12                  all-clear is given. You know, this sort of  
13                  trauma stays with students, parents and educators  
14                  long after this fake incident has occurred.

15                  Under current law, falsely reporting  
16                  fires, explosions, or hazardous materials  
17                  releasing around schools is a crime. However,  
18                  this statute has not kept pace with the reality  
19                  that we face today.

20                  This bill provides law enforcement  
21                  and prosecutors with the tools they need to  
22                  respond appropriately and, more importantly,  
23                  deter this dangerous behavior in the future.

24                  It also strengthens protections for  
25                  schools by making clear that false threats

1 involving weapons, on school grounds, will be  
2 treated with the seriousness that they deserve.

3 At a time when students, parents and  
4 educators are already on edge, we must ensure as  
5 lawmakers that those who intentionally cause fear  
6 and disruption are held accountable. We need to  
7 hold people accountable for doing this.

8 I thank my colleagues for their  
9 consideration, and I vote aye.

10 Thank you.

11 ACTING PRESIDENT COONEY: Senator  
12 Ryan to be recorded in the affirmative.

13 Announce the results.

14 THE SECRETARY: Ayes, 60.

15 ACTING PRESIDENT COONEY: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 618, Assembly Bill Number 8492C, by  
19 Assemblymember Weprin, an act to amend the  
20 Executive Law.

21 ACTING PRESIDENT COONEY: Read the  
22 last section.

23 THE SECRETARY: Section 2. This  
24 act shall take effect on the 60th day after it  
25 shall have become a law.

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:    In relation to  
7    Calendar 618, voting in the negative:  
8    Senator Brisport.

9                   Ayes, 59.   Nays, 1.

10                  ACTING PRESIDENT COONEY:    The bill  
11    is passed.

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

14                  SENATOR GIANARIS:    Let's take up  
15    the controversial calendar, please.

16                  ACTING PRESIDENT COONEY:    The  
17    Secretary will ring the bell.

18                  The Secretary will read.

19                  THE SECRETARY:    Calendar Number  
20    583, Senate Print 1462, by Senator Kavanagh, an  
21    act to amend the Public Authorities Law.

22                  ACTING PRESIDENT COONEY:    Senator  
23    Lanza, why do you rise?

24                  SENATOR LANZA:    Mr. President, I  
25    believe there's an amendment at the desk.   I

1 waive the reading of that amendment and ask that  
2 you recognize Senator Rhoads.

3 ACTING PRESIDENT COONEY: Thank  
4 you, Senator Lanza.

5 Upon review of the amendment, and in  
6 accordance with Rule 6, Section 4B, I rule it  
7 nongermane and out of order.

8 SENATOR LANZA: Accordingly,  
9 Mr. President, I appeal the ruling of the chair  
10 and ask that Senator Rhoads be heard on that  
11 appeal.

12 ACTING PRESIDENT COONEY: The  
13 appeal has been made and recognized, and  
14 Senator Rhoads may be heard.

15 SENATOR RHOADS: Thank you,  
16 Mr. President. I rise, obviously, to appeal the  
17 ruling of the chair.

18 This amendment is certainly germane  
19 to the bill-in-chief, as the bill-in-chief  
20 intends to promote housing affordability -- (to  
21 Senator Kavanagh) not yet -- promote housing  
22 affordability, and the amendment deals with the  
23 very issue of affordability that is critical here  
24 in the State of New York.

25 Now, during the resolutions we heard

1 about Benjamin Franklin. And I want to take you  
2 back. Obviously this year we are celebrating the  
3 250th anniversary of the Declaration of  
4 Independence and the founding of the  
5 United States of America.

6 But the American Revolution really  
7 started in earnest -- some would say at the  
8 Battle of Lexington and Concord in 1775. Some  
9 would say that the seeds of it may have started  
10 as far back as 1765 and the Stamp Act -- but  
11 really 1773, when a group of patriots dumped tea  
12 into Boston Harbor a couple of hundred miles to  
13 our east, over a 6 percent tax that was imposed  
14 on the colonists for every pound of tea that was  
15 sold. Six percent.

16 This chamber, this government, under  
17 one-party rule in the State of New York over the  
18 course of the last eight years has done far worse  
19 than 6 percent.

20 When you look at what we are  
21 spending, we are spending \$100 million more --  
22 not a 6 percent increase, but an over 60 percent  
23 increase in just the last eight years, in the  
24 amount of money that we are taking from our  
25 New York State taxpayers, the amount of money

1 that we are taking from our economy.

2 That equates to \$5,000 for every  
3 man, woman and child in the State of New York.  
4 Think about that.

5 The difference between then and now  
6 is that King George recognized way too late. The  
7 patriots rose up, and they defeated Great  
8 Britain, because they had nowhere else to go, and  
9 they fought for their homeland.

10 The difference today, under the  
11 monarchy of one-party rule here in the State of  
12 New York over the course of the last eight years,  
13 is that New Yorkers do have other places to go,  
14 and they are going.

15 We are fighting a revolution here in  
16 the State of New York, but that revolution is not  
17 being fought with rifles and with bayonets. That  
18 revolution in the State of New York is being  
19 fought with cardboard boxes and moving vans, as  
20 New York State has lost more than a  
21 million people just since 2020 alone, according  
22 to the Empire Center.

23 We are anticipated to lose, over the  
24 course of the next 15 years, another 2 million of  
25 our citizens, losing two congressional seats,

1 potentially, in the next census.

2           People are voting with their feet,  
3 and they are leaving New York State for lower-tax  
4 states like Texas and Florida, who have seen  
5 increases in population contrary to our decreases  
6 of 2.9 million and 1.6 million respectively.

7           It is time for us to recognize that  
8 the problem with affordability in the State of  
9 New York is us. We are the highest-taxed state  
10 in the nation. In tax affordability, this state  
11 has been ranked dead last. And you are seeing  
12 the results every day.

13           This amendment, sponsored by the  
14 Republican Conference, which I have the honor of  
15 introducing, is Bill S9110. That is the  
16 Taxpayer Rescue Act. While over the course of  
17 the last eight years we have been taking \$5,000  
18 from every man, woman and child in the State of  
19 New York, this Taxpayer Rescue Act would be the  
20 single largest personal income tax cut in the  
21 history or the State of New York.

22           Phased in over 10 years, it would  
23 actually eliminate state income tax from the  
24 first \$50,000 of income for single filers,  
25 \$75,000 for single head of household, and the

1 first \$100,000 of income from state income tax  
2 for every single family in the State of New York.

3 And we do that not by drastic cuts,  
4 but by reversing the trend of the last  
5 eight years and limiting the rate of growth in  
6 the New York State budget.

7 Every other municipality in the  
8 State of New York has to live by a spending cap.  
9 In fact, by the way, before one-party rule took  
10 hold in 2019, our budgets were limited by the  
11 spending cap. That has gone by the boards, and  
12 you have seen the \$100 million increase -- a  
13 60 percent increase -- in the amount of money  
14 that this state spends.

15 Phased in over 10 years, this would  
16 actually save the average family in the State of  
17 New York \$5,000. And if you think that that  
18 doesn't matter -- this isn't a one-time gimmick.  
19 We're not talking about an inflation rebate check  
20 for 200, 300, 400 dollars that happens one time.  
21 We are talking about real, sustainable tax relief  
22 for every single New York family. And this  
23 matters in each and every one of our home  
24 districts.

25 Do you realize that the average

1 median income, family median income, in the State  
2 of New York is \$85,000? And by this amendment  
3 today, what you have the opportunity to do is at  
4 the end of this phase-in, the average family in  
5 the State of New York will pay no New York State  
6 income tax.

7 It is affordable, it is responsible,  
8 it is reliable, and it is exactly the relief that  
9 taxpayers across the State of New York are  
10 calling for, and is something that could actually  
11 help save this state.

12 This approach ensures affordability  
13 without shifting the tax burden elsewhere. It is  
14 time for the members of this chamber to recognize  
15 that it is the right move at the right time to  
16 help save our state.

17 And so in 56 out of the 62 counties  
18 in this state, that means that the average  
19 resident, the average family, will pay no  
20 New York State income tax.

21 Mr. President, and to the members  
22 here, as soon as I sit down you're going to be  
23 told that this is a vote on the procedures of the  
24 house. And I know that that's the standard line.

25 But understand that when you're

1 voting today and you are voting for or against  
2 this particular amendment, you are voting for  
3 whether or not the residents in Orange, Putnam,  
4 Albany, Ulster, Onondaga, Schenectady County --  
5 you are voting on whether or not you are going to  
6 put \$5,000 back into the pockets of those  
7 families not just one year, but every single  
8 year.

9 Mr. President, I can think of  
10 nothing more germane when we're talking about  
11 affordability. And germaneness means relevancy.  
12 For the future of the State of New York, I can  
13 think of nothing more relevant than this bill,  
14 S9110, the Taxpayer Rescue Plan, which we need to  
15 pass in order to rescue hardworking New Yorkers  
16 from Albany's tax chaos.

17 Thank you, Mr. President.

18 ACTING PRESIDENT COONEY: Thank  
19 you, Senator.

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, 22.

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

9 Senator Martins, why do you rise?

10 SENATOR MARTINS: Mr. President, I  
11 was wondering if the sponsor would yield for a  
12 few questions.

13 ACTING PRESIDENT COONEY: Would the  
14 sponsor yield?

15 SENATOR KAVANAGH: Happily,  
16 Mr. President.

17 ACTING PRESIDENT COONEY: The  
18 sponsor yields.

19 SENATOR MARTINS: Thank you,  
20 Mr. President. Mr. President, through you.

21 Would you tell us what the median  
22 income is for a household in Battery Park City?

23 SENATOR KAVANAGH: Through you,  
24 Mr. President. I don't have the current latest  
25 data from the most recent census available to me,

1 but I think it is roughly about \$200,000 per year  
2 for the 16,000 residents of Battery Park City.

3 SENATOR MARTINS: Mr. President,  
4 through you, if the sponsor would continue to  
5 yield.

6 ACTING PRESIDENT COONEY: Will the  
7 sponsor yield?

8 SENATOR KAVANAGH: Yes,  
9 Mr. President.

10 ACTING PRESIDENT COONEY: The  
11 sponsor yields.

12 SENATOR MARTINS: So the median  
13 income, household income for Battery Park City is  
14 \$228,000. And the average household income for  
15 Battery Park City, the average income per  
16 household is \$355,000.

17 So through you, Mr. President, if  
18 the sponsor would yield.

19 ACTING PRESIDENT COONEY: Does the  
20 sponsor yield?

21 SENATOR KAVANAGH: Through you,  
22 Mr. President, I didn't hear a question there.

23 But I'll yield to respond to those  
24 comments, just to be clear that this bill does  
25 not -- this bill only affects people by its own

1 terms at a lower income than the average or the  
2 median income in Battery Park City.

3 ACTING PRESIDENT COONEY: The  
4 sponsor has yielded.

5 SENATOR MARTINS: Thank you,  
6 Mr. President.

7 And so I do understand that it does  
8 affect a certain bandwidth. But I wanted the  
9 chamber to understand the income that we're  
10 talking about for households within this  
11 particular area of your district.

12 Through you, Mr. President. Does  
13 the sponsor know what the median income is for  
14 the average household in Manhattan?

15 SENATOR KAVANAGH: Through you,  
16 Mr. President, I've seen those numbers. I don't  
17 tend to look at that as a Manhattan -- as a  
18 Manhattan figure.

19 The median income that this bill is  
20 premised on is the AMI for the New York  
21 metropolitan area, and that number for a  
22 single-person household is about \$120,000 and --  
23 a little less than \$120,000. And it is typically  
24 adjusted for household size upwards for  
25 households with more people in them.

1                   SENATOR MARTINS:    Through you,  
2   Mr. President, if the sponsor would continue to  
3   yield.

4                   ACTING PRESIDENT COONEY:   Will the  
5   sponsor yield?

6                   SENATOR KAVANAGH:    Yes,  
7   Mr. President.

8                   ACTING PRESIDENT COONEY:   The  
9   sponsor yields.

10                  SENATOR MARTINS:    Are you aware of  
11   any state assistance that has been provided to  
12   Battery Park City, either for capital or  
13   otherwise, that has been approved by this chamber  
14   or by the state for Battery Park City  
15   specifically?

16                  SENATOR KAVANAGH:    Through you,  
17   Mr. President.  The Battery Park City is an  
18   unusual entity.  It is a state authority that  
19   controls the property in Battery Park City.  In  
20   addition to those 16,000 or so residents, it also  
21   has very large corporate properties, commercial  
22   properties.  And it generally covers its own  
23   expenses.

24                  We have in this chamber approved --  
25   we have to.  As an authority, we have to approve

1 their borrowing authority. So we've approved  
2 very substantial amounts of borrowing for the  
3 authority in recent years.

4 There's not a lot of state direct  
5 taxpayer subsidy going to Battery Park City. And  
6 I would also note that this bill has no --  
7 effectively will have no cost whatsoever for  
8 state taxpayers.

9 SENATOR MARTINS: Thank you.

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

12 ACTING PRESIDENT COONEY: Does the  
13 sponsor yield?

14 SENATOR KAVANAGH: Yes,  
15 Mr. President.

16 ACTING PRESIDENT COONEY: The  
17 Senator yields.

18 SENATOR MARTINS: Are you aware  
19 that according to Freddie Mac the 150 percent of  
20 AMI in Battery Park City is \$187,050?

21 SENATOR KAVANAGH: Through you,  
22 Mr. President, the median -- I'm not going to  
23 dispute that figure. I don't have that figure  
24 before me because it's not relevant to this bill.  
25 I mean, it's not relevant to the way this bill

1 would operate.

2 This bill operates on the area  
3 median income, which is calculated on a  
4 metropolitan-area basis, and the bill  
5 specifically refers to that median income as the  
6 median income that this bill -- that the  
7 eligibility for households are calculated in this  
8 bill. And that number is, again, 150 percent of  
9 AMI.

10 Currently in New York City the  
11 metropolitan area is \$170,000. That's the  
12 150 percent number for -- that would be relevant  
13 to this bill for a single-person household. And  
14 again, as I said, the bill adjusts that for  
15 household size upward if there are more residents  
16 in a particular household.

17 SENATOR MARTINS: Mr. President,  
18 through you, if the sponsor would continue to  
19 yield.

20 ACTING PRESIDENT COONEY: Will the  
21 sponsor yield?

22 SENATOR KAVANAGH: Yes,  
23 Mr. President.

24 ACTING PRESIDENT COONEY: The  
25 sponsor yields.

1                   SENATOR MARTINS:    Are you aware  
2                   that the typical band of AMI for affordability --  
3                   as, frankly, confirmed by DHCR even during our  
4                   hearings, budget hearings -- is somewhere between  
5                   60 and 80 percent of AMI for affordability in  
6                   terms of identifying a group for which we  
7                   normally provide either assistance or support?  
8                   Are you familiar with that?

9                   SENATOR KAVANAGH:    Through you,  
10                  Mr. President, that's false.

11                  SENATOR MARTINS:    Okay.  
12                  Mr. President --

13                  SENATOR KAVANAGH:    Through you, if  
14                  I may elaborate, we have many programs that  
15                  subsidize affordability at all kinds of income  
16                  levels.  In this chamber we have approved tax  
17                  breaks for developers to build housing that --  
18                  where the affordable units that they must provide  
19                  are sometimes up to 165 percent of AMI or  
20                  130 percent of AMI.

21                  In this case we're providing -- what  
22                  this bill does, which we haven't gotten to, is  
23                  basically freeze the portion of somebody's  
24                  housing costs that are a result of the ground  
25                  rent that their building is paying to the state

1 authority that the Battery Park City Authority  
2 is, and that money, the surplus of the  
3 Battery Park City Authority, all of it goes to  
4 the City of New York.

5 So as I think my colleague is quite  
6 aware, the City of New York has a wide range of  
7 programs to subsidize affordability for  
8 middle-class families to continue to live in  
9 various parts of the city, and this is one such  
10 program.

11 SENATOR MARTINS: Thank you.

12 Mr. President, thank you. I want to  
13 thank the sponsor as well.

14 On the bill.

15 ACTING PRESIDENT COONEY: Senator  
16 Martins on the bill.

17 SENATOR MARTINS: So,  
18 Mr. President, here we are again. We have an  
19 area of Lower Manhattan, widely considered to be  
20 one of the most affluent areas of the entire  
21 city, if not the entire state. Average income  
22 for the households is \$345,000. Median income,  
23 \$228,000.

24 And we're not talking about helping  
25 people who are trying to make ends meet, trying

1 to support a family on limited income, we're just  
2 trying to figure out how do we keep affluent  
3 people living in their homes and in their  
4 communities in the sponsor's district.

5 For context, in the Bronx the median  
6 household income is \$50,000 -- actually, less  
7 than \$50,000. In Brooklyn, it's less than  
8 \$85,000. In Queens, less than \$85,000. In  
9 Staten Island, \$95,000. Manhattan, about  
10 \$106,000.

11 But we're going to make a decision  
12 in this body that we're going to actually  
13 subsidize or allow for a redistribution in an  
14 authority that is run by New York State for the  
15 benefit of people who are making less than  
16 \$187,000. Mr. President, I think that's bad  
17 public policy.

18 Now, if we were sitting here talking  
19 about providing relief to people on limited  
20 incomes in some of these other areas that I just  
21 mentioned, yeah, let's have that discussion.  
22 Let's help people who actually need and are  
23 struggling to provide housing for themselves and  
24 their families, struggling to make ends meet.  
25 This isn't it.

1                   So let's substitute Battery Park  
2 City for Scarsdale or Rye, where the median  
3 income is \$224,000, and this place would probably  
4 be up in arms. This is no different. Why are we  
5 making an exception? And why would this body sit  
6 here and consider making an exception for a very  
7 specific, very affluent area of New York City?

8                   For context, area median income or  
9 average household income in Binghamton, \$46,000.  
10 Rochester, \$47,000. Buffalo, \$50,000. Syracuse,  
11 \$47,000. Albany, \$60,000. Yonkers, \$85,000.  
12 That's where people need help.

13                   Sixty percent, 80 percent of AMI,  
14 you want to talk about helping people stay in  
15 their homes, support their families, provide  
16 state resources for it? Sure, let's have that  
17 discussion.

18                   You've often heard me talk about, on  
19 this floor, the need for us to means-test  
20 housing. This is an example. Why is this the  
21 priority? At a time when we don't have a budget  
22 yet -- it's April 1st -- at a time when we're  
23 raising spending across the board by nearly  
24 \$17 billion year over year, why are we sitting in  
25 this chamber considering a bill that's just going

1 to help some of the most affluent people in  
2 New York City continue to stay in those very  
3 homes?

4                   If they can't afford it, you know  
5 what we do? Many people in my community, we  
6 downsize. Many people who lose -- you know, they  
7 have their families move on, their kids go on,  
8 they move to an apartment, they downsize to a  
9 smaller house.

10                   But with the Battery Park City  
11 Authority, you know what we're going to do?  
12 We're going to provide them with state subsidies  
13 for capital because they need help, because it's  
14 a special place and it's an authority.

15                   But think about what we're doing  
16 here. You want to talk about developers and  
17 incentivizing developers to build more housing?  
18 Sure. We've got to give them a set-aside of up  
19 to 120 percent, 125 percent.

20                   But when we talk about affordable  
21 housing, certainly in my district, and we go and  
22 seek help, whether it's a PILOT or something  
23 else, it's 80 percent. Sometimes it's  
24 60 percent. But I guess when we go into areas of  
25 New York City, it's 150 percent.

1                   And yet we come back in here time  
2 and time again and talk about the affordability  
3 crisis and the need we have to get together and  
4 make a difference for those people who are  
5 struggling to make ends meet -- this isn't them.

6                   So, Mr. President, I'll be voting  
7 no. I've got to tell you, I know that we're  
8 going to hear about how this is all  
9 self-enclosed, that they're actually going to be  
10 redistributing it themselves. That this is  
11 actually a subsidy that doesn't involve any  
12 expense for the taxpayers.

13                   It's a state authority. The state  
14 set it up. The state structured it. Just a  
15 couple of years ago we were here talking about  
16 the need for capital. We were all asked to  
17 support a bill to put money into the Battery  
18 Park Authority in order to pay for capital  
19 improvements.

20                   But here we are. They must be  
21 flush, because they have the ability and the  
22 extra money to actually provide for this.

23                   So come from a community where the  
24 average income is \$50,000 or \$60,000? Ask  
25 yourself why this is necessary and why you would

1 possibly vote for something like this. You're  
2 probably all going to vote for it anyway, but  
3 think about it.

4 I vote nay.

5 ACTING PRESIDENT COONEY: Are there  
6 any other Senators wishing to be heard?

7 Seeing and hearing none, debate is  
8 now closed.

9 The Secretary will ring the bell.

10 SENATOR GIANARIS: Mr. President,  
11 we've agreed to restore this bill to the  
12 noncontroversial calendar.

13 ACTING PRESIDENT COONEY: The bill  
14 will be restored to the noncontroversial  
15 calendar.

16 Read the last section.

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

19 ACTING PRESIDENT COONEY: Call the  
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT COONEY: Senator  
23 Helming to explain her vote.

24 SENATOR HELMING: Thank you,  
25 Mr. President.

1           The bill before us creates a housing  
2 rebate that's limited to certain homeowners and  
3 renters in one small area of New York City. But  
4 the reality, as we all know, is housing  
5 affordability isn't just a Battery Park issue,  
6 it's a statewide issue.

7           Like so many people in this chamber,  
8 I've heard the concerns from our young people who  
9 are struggling to afford to buy or to rent their  
10 first home. And I've heard from so many seniors  
11 who are worried about being forced out of their  
12 lifelong homes because of the state mandates that  
13 are driving up property taxes and utility costs.

14           But the good news, Mr. President, is  
15 I have a housing affordability package that  
16 includes real solutions to make housing more  
17 affordable and more attainable for people across  
18 the entire state.

19           Legislation that includes help for  
20 first-time homebuyers, incentivizes new  
21 construction, offsets the infrastructure costs  
22 needed to build new homes -- you know,  
23 Mr. President, you and I in our districts are  
24 struggling with the lack of electric capacity.

25           Legislation that encourages the

1 renovation of existing properties by providing  
2 relief from increasing property assessments.

3           These are real, practical, statewide  
4 solutions to reduce costs and expand housing  
5 opportunities, and I am frustrated that they've  
6 been sitting in committees for years. These are  
7 good solutions that should be considered.

8           The bill before us does not consider  
9 statewide impact, so for that reason I vote no.

10           ACTING PRESIDENT COONEY: Senator  
11 Helming to be recorded in the negative.

12           Senator Gianaris to explain his  
13 vote.

14           SENATOR GIANARIS: Thank you,  
15 Mr. President.

16           I was quite heartened to hear  
17 Senator Martins' assault on those who are doing  
18 too well in this state and in fact have no need  
19 for government assistance. In fact, if I'm not  
20 mistaken, his district is one of the wealthiest  
21 in the state.

22           And so I would encourage him to be  
23 consistent with what he just said and support  
24 what we are trying to do and actually ask for  
25 more from those people.

1                   If he's so concerned that there are  
2 people who are doing so well that we shouldn't  
3 think about what they might need -- they're  
4 flush, I think was the word that he used -- he  
5 represents many, many flush New Yorkers. And  
6 perhaps the best way to deal with the problem  
7 that he identified is to ask them to give a  
8 little more so we can truly help those who are  
9 genuinely in need in this state.

10                   I vote yes, Mr. President. Thank  
11 you.

12                   ACTING PRESIDENT COONEY:    Senator  
13 Gianaris to be recorded in the affirmative.

14                   Senator Kavanagh to explain his  
15 vote.

16                   SENATOR KAVANAGH:    Thank you,  
17 Mr. President.

18                   I just wanted to clarify a few of  
19 the things that have been said here on the floor  
20 today.

21                   First of all, on the notion that the  
22 state is subsidizing the Battery Park City  
23 Authority and the capital subsidies were proposed  
24 for improvements to Battery Park City, the  
25 capital subsidies that we have authorized but not

1 paid for, through state law, are to do the very  
2 expensive resiliency projects that are intended  
3 to protect all of Lower Manhattan from the kind  
4 of catastrophic damage that we saw during Sandy.

5 This -- in order to protect  
6 Lower Manhattan, we need to basically address the  
7 waterfront all the way around, basically for all  
8 of my district, but down the Hudson River, around  
9 the Battery, and up the East Side.

10 And the City of New York, mostly  
11 through city capital dollars, are spending many  
12 billions of dollars to do that. And what we  
13 authorized is the Battery Park City to borrow  
14 money against its own revenue -- not the  
15 state's -- which is mostly generated by rents  
16 paid for by the people who live in that space,  
17 who then are going to pay back the bonds for  
18 capital subsidies that will do the resilience  
19 projects necessary to prevent catastrophic  
20 flooding throughout Lower Manhattan, as we saw in  
21 Sandy.

22 There is not a substantial amount of  
23 state subsidy going into Battery Park City in  
24 general. In fact, very nearly -- like I can't  
25 think of a state taxpayer subsidy that goes

1 directly to Battery Park City.

2           The second thing is just -- and I  
3 referenced this before, but all of the surplus  
4 revenue of the Battery Park City Authority goes  
5 to the City of New York. So if you're worried  
6 your taxpayers will be paying for any portion of  
7 this, this is entirely going to be a financial  
8 transaction that will address -- will have a very  
9 minor increase in the city's revenue and no  
10 increase in the tax burden of any New Yorker who  
11 doesn't live in New York City.

12           The total estimated cost of a bill  
13 like this, it varies, because it's hard to know  
14 how many people will take it up and how many  
15 people will be eligible. But roughly we're  
16 talking about the Battery Park City Authority  
17 waiving about half a million dollars in rent  
18 payments.

19           These are ground rent payments.  
20 They still will pay rent on their apartments.  
21 They'll pay payments in lieu of taxes, they'll  
22 pay other things. They will not pay an increase  
23 in the ground rent that their building pays --  
24 which are going up very rapidly because, as my  
25 colleague noted, Manhattan has become a very

1 desirable place to live in recent years.

2 Most of the people who are  
3 recipients of this are people who went to  
4 Battery Park City when it was not such a  
5 desirable place. The people who are  
6 recipients -- when you make \$140,000 in my  
7 district, you are not a wealthy person. Sorry,  
8 but the figure is slightly larger than that.

9 But the kinds of people that are  
10 paying this are teachers, they are firefighters,  
11 they are people making what we consider  
12 middle-class incomes.

13 The idea that somehow it would be  
14 beneficial to people in the Bronx to price those  
15 people out so that the millionaires my colleagues  
16 are talking about can move into their apartments,  
17 is an odd one, to say the least.

18 For perspective, the Battery Park  
19 City Authority's operating revenue is  
20 \$445 million a year. Again, a great percentage  
21 of that goes directly to the City of New York.  
22 And again, the total cost of this bill would vary  
23 somewhere in the range of half a million to a  
24 million dollars a year, or about \$1 or \$2 per  
25 thousand dollars of revenue of the Battery Park

1 City Authority.

2 So this is not going to break the  
3 bank. It is subsidizing middle-class people. I,  
4 for one, think it's important that we continue to  
5 make sure middle-class people can live in all of  
6 our neighborhoods, not just on the outskirts of  
7 our cities.

8 And I vote aye. Thank you.

9 ACTING PRESIDENT COONEY: Senator  
10 Kavanagh to be recorded in the affirmative.

11 Senator Martins to explain his vote.

12 SENATOR MARTINS: Thank you,  
13 Mr. President.

14 I do represent what I consider to be  
15 the best district in New York State, the  
16 Northern Shore of Nassau County. And yes,  
17 Senator Gianaris, it is an affluent district and  
18 it has wealth there.

19 But this bill doesn't involve the  
20 North Shore of Nassau County, Mr. President. It  
21 involves Battery Park City.

22 And if we're going to talk about  
23 paying their share, I can tell you that the  
24 hundred billion dollars in additional state  
25 spending that has been imposed on all

1 New Yorkers, including the people in my district,  
2 by the Majority in this house over the last  
3 eight years is significant. That's \$100 billion  
4 that was pulled out of the New York State  
5 economy, including the residents of my district.

6 So yes, they have contributed --  
7 probably more than they should, but so has each  
8 and every one of your community members. Every  
9 person, when you do the math, is paying. Every  
10 person is paying \$5,000-plus more per year today  
11 because of the additional spending that this  
12 state has incurred over the last eight years. A  
13 family of four, between \$20,000 and \$25,000.

14 So yes, Senator Gianaris, they are  
15 paying. My district, your district, every other  
16 district. And that's why I'm opposing it, and I  
17 continue to oppose the incredible increases that  
18 are being suggested by this body, irresponsible  
19 increases that are being supported by this  
20 Majority.

21 And I continue to vote no on this  
22 bill.

23 Thank you, Mr. President.

24 ACTING PRESIDENT COONEY: Senator  
25 Martins to be recorded in the negative.

1                   Senator Salazar to explain her vote.

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

4                   I wanted to speak a little bit to  
5                   this idea that there should be more means-testing  
6                   in affordable housing.  We already of course use  
7                   means-testing quite a lot in affordable housing  
8                   policy.  We use it for Section 8 vouchers.  We  
9                   use means-testing in determining eligibility to  
10                  live in public housing, to live in other projects  
11                  that have an affordability component.

12                  Means-testing in even broader  
13                  strokes, such as when a renter applies for a  
14                  rent-stabilized apartment or seeks to live in  
15                  rent-regulated housing, is bad public policy.

16                  Practically speaking, it would be a  
17                  nightmare to actually implement.  But it would  
18                  also serve to exclude more people from housing in  
19                  a time when we should absolutely not be  
20                  interested in doing that.  But also, it does  
21                  nothing to increase housing supply.

22                  And to this idea that we have  
23                  rent-stabilized or rent-regulated renters who are  
24                  wealthy Manhattanites exploiting the system,  
25                  we -- based on 2023 data from the Furman Center,

1 we know that the median rent-stabilized household  
2 income in New York City is about \$50,000 to  
3 \$55,000 annually. That is not a wealthy person,  
4 certainly not in New York City. And they are  
5 demonstrably typically very rent-burdened.

6 So I really appreciate  
7 Senator Kavanagh's commitment to Battery Park  
8 City residents and also to ensuring that we have  
9 permanently affordable housing in New York City  
10 and in our state.

11 Thanks.

12 ACTING PRESIDENT COONEY: Senator  
13 Salazar to be recorded in the affirmative.

14 Announce the results.

15 THE SECRETARY: In relation to  
16 Calendar 583, voting in the negative are  
17 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,  
18 Chan, Gallivan, Griffo, Helming, Lanza, Martins,  
19 Mattera, Murray, Oberacker, O'Mara, Ortt,  
20 Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk,  
21 Weber and Weik.

22 Ayes, 38. Nays, 22.

23 ACTING PRESIDENT COONEY: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1 605, Senate Print 8046A, by Senator Bynoe, an act  
2 to amend the Emergency Tenant Protection Act.

3 ACTING PRESIDENT COONEY: Senator  
4 Martins, why do you rise?

5 SENATOR MARTINS: Mr. President, if  
6 the sponsor would yield for a few questions.

7 ACTING PRESIDENT COONEY: Will the  
8 sponsor yield?

9 SENATOR BYNOE: Yes, Mr. President.

10 ACTING PRESIDENT COONEY: The  
11 sponsor yields.

12 SENATOR MARTINS: Thank you. Thank  
13 you, Senator Bynoe.

14 Can you tell us -- how many units  
15 are we talking about that would be covered by  
16 this bill outside of New York City?

17 SENATOR BYNOE: Through you,  
18 Mr. President, I don't have the number of units.

19 SENATOR MARTINS: Through you,  
20 Mr. President, if the sponsor would continue to  
21 yield.

22 ACTING PRESIDENT COONEY: Will the  
23 sponsor yield?

24 SENATOR BYNOE: Yes.

25 ACTING PRESIDENT COONEY: The

1 sponsor yields.

2 SENATOR MARTINS: So has this bill  
3 been introduced at the request of DHCR?

4 SENATOR BYNOE: Through you,  
5 Mr. President, no.

6 SENATOR MARTINS: Through you,  
7 Mr. President, if the sponsor would continue to  
8 yield.

9 ACTING PRESIDENT COONEY: Will the  
10 sponsor yield? Does the sponsor yield?

11 SENATOR BYNOE: Yes.

12 ACTING PRESIDENT COONEY: The  
13 sponsor yields.

14 SENATOR MARTINS: So does DHCR  
15 support the bill? Have they indicated or have  
16 you asked them whether or not they support  
17 committing resources from DHCR in this way?

18 SENATOR BYNOE: No, I did not --  
19 sorry. Through you, Mr. President, I did not  
20 confer with DHCR.

21 SENATOR MARTINS: Through you,  
22 Mr. President, if the sponsor will continue to  
23 yield.

24 ACTING PRESIDENT COONEY: Will the  
25 sponsor yield?

1                   SENATOR BYNOE:     Yes.

2                   ACTING PRESIDENT COONEY:     The  
3     sponsor yields.

4                   SENATOR MARTINS:     So do you have or  
5     have you calculated how much additional funding  
6     would be necessary through DHCR for them to be  
7     able to do this level of enforcement on units  
8     outside of New York City?

9                   SENATOR BYNOE:     Through you,  
10    Mr. President, we have requested that DHCR review  
11    up to 5 percent of those units outside of  
12    New York City, and we have estimated around  
13    \$5 million for that activity.

14                  SENATOR MARTINS:     Through you,  
15    Mr. President, if the sponsor would continue to  
16    yield.

17                  ACTING PRESIDENT COONEY:     Will the  
18    sponsor yield?

19                  SENATOR BYNOE:     Yes.

20                  ACTING PRESIDENT COONEY:     The  
21    sponsor yields.

22                  SENATOR MARTINS:     So would that be  
23    \$5 million in addition to what they spend right  
24    now currently on doing IAI enforcement? Or would  
25    that be \$5 million total for DHCR to do that,

1 including the units that they have in New York  
2 City?

3 SENATOR BYNOE: It would be  
4 \$5 million additional.

5 Through you, Mr. President, I'm  
6 sorry. Through you, Mr. President.

7 SENATOR MARTINS: Through you,  
8 Mr. President, if the sponsor will continue to  
9 yield.

10 ACTING PRESIDENT COONEY: Will the  
11 sponsor yield?

12 SENATOR BYNOE: Yes.

13 ACTING PRESIDENT COONEY: The  
14 sponsor yields.

15 SENATOR MARTINS: Are you aware  
16 that the current budget for DHCR for this is  
17 about \$5.6 million in last year's budget and  
18 continues to be about \$5.6 million in this year's  
19 budget -- that is, not only in the Governor's  
20 proposed budget but in the Senate one-house, for  
21 all of their IAI inspections in the city, outside  
22 of the city, all in, \$5.6 million for this work?

23 SENATOR BYNOE: Through you,  
24 Mr. President. What I am aware of is that in the  
25 Village of Hempstead, the landlords in that space

1 have been alleged to have provided improvements  
2 that did not materialize. So much so that the  
3 Rent Guidelines Board in Nassau County did not  
4 allow for increases in the Village of Hempstead.

5 And the conditions that were  
6 illustrated and exemplified by residents in the  
7 Village of Hempstead were in poor conditions,  
8 they were in squalor, there was evidence of  
9 rodent infestation, hazards in terms of  
10 electrical appliances and the like.

11 So this is in the interest of safety  
12 for the residents that are residing in those  
13 rent-regulated apartments. It's a matter of  
14 ensuring that we detect incidences of willful  
15 overcharging, and it's in the interest of making  
16 sure that we deter bad actors from preying on  
17 people who are reliant on them for the assurance  
18 of decent and affordable housing.

19 SENATOR MARTINS: Through you,  
20 Mr. President, if the sponsor will continue to  
21 yield.

22 ACTING PRESIDENT COONEY: Will the  
23 sponsor yield?

24 SENATOR BYNOE: Yes.

25 ACTING PRESIDENT COONEY: The

1 sponsor yields.

2 SENATOR MARTINS: Aside from the  
3 community or the Village of Hempstead, I  
4 understand there are other communities not only  
5 in Nassau County but also in Westchester County  
6 and others, and villages and cities that have  
7 rent-stabilized units.

8 And so this 5 percent figure that  
9 you have for units outside of New York City,  
10 without a sense of how many units those are, do  
11 you have a calculation of how many people you  
12 would need or DHCR would need to have in order to  
13 conduct an audit of those units sufficient to be  
14 able to meet the need of this bill?

15 SENATOR BYNOE: Through you,  
16 Mr. President. It would be the requirement of  
17 the division to create the programmatic  
18 guidelines and to be able to fulfill the  
19 obligations of this bill.

20 SENATOR MARTINS: Through you,  
21 Mr. President, if the sponsor would continue to  
22 yield.

23 ACTING PRESIDENT COONEY: Will the  
24 sponsor yield?

25 SENATOR BYNOE: Yes.

1                   ACTING PRESIDENT COONEY:    The  
2                   sponsor yields.

3                   SENATOR MARTINS:    Has there been a  
4                   commitment made to fund the budget to provide the  
5                   resources necessary in order to be able to -- for  
6                   DHCR to be able to hire people sufficient to be  
7                   able to do the task?

8                   Or -- or is DHCR going to be  
9                   expected to take those people who are currently  
10                  doing this work from the work perhaps within  
11                  New York City and dedicate those resources  
12                  outside of New York City in order to meet the  
13                  needs of this bill?

14                  SENATOR BYNOE:    Through you,  
15                  Mr. President.  In response to the question  
16                  regarding whether they would have to shift their  
17                  resources within the division to be able to  
18                  achieve this, again, we will leave -- they're a  
19                  capable agency that we will rely on to carry out  
20                  the programmatic and procedural requirements of  
21                  this bill.

22                  SENATOR MARTINS:    Thank you.  
23                  Through you, Mr. President, if the  
24                  sponsor will continue to yield.

25                  ACTING PRESIDENT COONEY:    Will the

1 sponsor yield?

2 SENATOR BYNOE: Yes.

3 ACTING PRESIDENT COONEY: The  
4 sponsor yields.

5 SENATOR MARTINS: So as I  
6 understand it, the purpose of the bill is that  
7 there's audits every time a unit is --  
8 improvements are made to an individual unit.

9 Are you familiar with the audit  
10 process, how these audits are conducted and  
11 whether or not currently those audits include  
12 visits to the unit itself or whether it's a  
13 review of paperwork that is submitted to DHCR?

14 SENATOR BYNOE: Through you,  
15 Mr. President. Currently there isn't a  
16 requirement for physical inspection. This bill  
17 would require the physical inspection of those  
18 units.

19 SENATOR MARTINS: Thank you.

20 Through you, Mr. President, if the  
21 sponsor would continue to yield.

22 ACTING PRESIDENT COONEY: Will the  
23 sponsor yield?

24 SENATOR BYNOE: Yes.

25 ACTING PRESIDENT COONEY: The

1 sponsor yields.

2 SENATOR MARTINS: Through the bill  
3 there's a determination of willfulness in terms  
4 of an unsubstantiated claim being interpreted as  
5 being willful.

6 Before there's a determination, is  
7 there an opportunity for the property owner to  
8 supplement, provide further information or, if  
9 there's a discrepancy in the document itself,  
10 that that will actually trigger the additional  
11 inspections that -- to all of the other units  
12 that they have?

13 So what -- where is that trigger  
14 specifically, if you could.

15 SENATOR BYNOE: Through you,  
16 Mr. President. Again, it will be the requirement  
17 of the division to determine whether there is a  
18 willful act or there is in some, you know, other  
19 means a discrepancy that was inadvertent, they  
20 will determine what threshold would determine  
21 whether someone was willfully overcharging.

22 SENATOR MARTINS: Through you,  
23 Mr. President, if the sponsor would continue to  
24 yield.

25 ACTING PRESIDENT COONEY: Does the

1 sponsor yield?

2 SENATOR BYNOE: Yes.

3 ACTING PRESIDENT COONEY: The  
4 sponsor yields.

5 SENATOR MARTINS: So just to be  
6 clear, the language of the bill says if the audit  
7 finds that the recoverable costs claimed by the  
8 landlord cannot be substantiated, the resulting  
9 overcharge shall be considered to be willful.

10 And so to be clear, and just so we  
11 can create the record, there is then the  
12 opportunity for the landlord to supplement,  
13 provide resources or provide additional  
14 information before there is a determination of  
15 willfulness.

16 SENATOR BYNOE: Through you,  
17 Mr. President, yes. The division would need to  
18 create a process to which a landlord would be  
19 able to ask for an appeal or provide supplemental  
20 information.

21 SENATOR MARTINS: Through you,  
22 Mr. President, if the sponsor will continue to  
23 yield.

24 ACTING PRESIDENT COONEY: Does the  
25 sponsor yield?

1                   SENATOR BYNOE:     Yes.

2                   ACTING PRESIDENT COONEY:    The  
3 sponsor yields.

4                   SENATOR MARTINS:    So I'm glad you  
5 brought up the appeal aspect of it, because  
6 naturally it's going to be my next question.

7                   What is the appeal process?  So if  
8 there's a disagreement between the person  
9 conducting the audit and the landlord such that  
10 they believe that they have provided the  
11 information but the interpretation of DHCR is  
12 that they haven't, to whom do they appeal?

13                  SENATOR BYNOE:    Through you,  
14 Mr. President.  The division would create the  
15 policies and procedures that would be required  
16 based on this law.

17                  So they would actually be able to  
18 detail that specifically so that each landlord  
19 would understand their opportunity for  
20 due process.

21                  SENATOR MARTINS:   Through you,  
22 Mr. President, if the sponsor would continue to  
23 yield.

24                  ACTING PRESIDENT COONEY:  Will the  
25 sponsor yield?

1                   SENATOR BYNOE:    Yes.

2                   ACTING PRESIDENT COONEY:    The  
3 sponsor yields.

4                   SENATOR MARTINS:    So just so we  
5 understand this, the -- DHCR would itself decide  
6 the appeal?

7                   So the appeal would effectively be  
8 to DHCR or someone in DHCR, perhaps a supervisor  
9 or someone else, but effectively would remain  
10 within the agency to make that determination and  
11 not someone outside of the agency to take an  
12 appeal.

13                   SENATOR BYNOE:    Through you,  
14 Mr. President, correct.

15                   SENATOR MARTINS:    Through you,  
16 Mr. President, if the sponsor would continue to  
17 yield.

18                   ACTING PRESIDENT COONEY:    Will the  
19 sponsor yield?

20                   SENATOR BYNOE:    Yes.

21                   ACTING PRESIDENT COONEY:    The  
22 sponsor yields.

23                   SENATOR MARTINS:    And so if there  
24 is a determination that it was willful, and they  
25 took an appeal and it was confirmed that it was

1 willful, this bill would require, then, DHCR to  
2 do a search of all of the properties that that  
3 particular owner had outside of New York City,  
4 right?

5 SENATOR BYNOE: Correct. Or  
6 through you -- sorry, Mr. President. Through  
7 you, correct.

8 SENATOR MARTINS: Through you,  
9 Mr. President, if the sponsor would continue to  
10 yield.

11 ACTING PRESIDENT COONEY: Will the  
12 sponsor yield?

13 SENATOR BYNOE: Yes.

14 ACTING PRESIDENT COONEY: The  
15 sponsor yields.

16 SENATOR MARTINS: So I know that  
17 there are 1.2 million rent-stabilized units  
18 within New York City. And I know that DHCR has  
19 this responsibility to audit those units within  
20 New York City with a budget line of  
21 \$5.67 million, and of that, the personnel line is  
22 only \$2.7 million.

23 So with those many units inside of  
24 New York City and the limited number of units  
25 outside of New York City -- I believe that in the

1 Village of Hempstead it's probably about  
2 6500 units, and I believe that in places like  
3 Garden City Plaza in the Village of Mineola and  
4 some other villages within our respective  
5 districts, you know, there may be other  
6 rent-stabilized housing units.

7 Do you have concerns whether DHCR is  
8 going to have the means, resources, personnel and  
9 the mechanisms to be able to effectively  
10 implement this bill, if it's passed, and whether  
11 or not that would come at the expense of being  
12 able to do it in other parts of the state where  
13 it currently provides those services?

14 SENATOR BYNOE: Through you,  
15 Mr. President, we are currently in a budget  
16 process, and this is an opportunity for us to  
17 have those discussions and vet out the ability  
18 for the division to be able to carry out these  
19 activities, and what funds would be required.

20 SENATOR MARTINS: Mr. President,  
21 thank you. Senator Bynoe, thank you.

22 On the bill.

23 ACTING PRESIDENT COONEY: Senator  
24 Martins on the bill.

25 SENATOR MARTINS: I want to

1       thank -- I want to thank the sponsor for the  
2       bill. I want to thank the sponsor for this  
3       attempt. But Mr. President, I'm concerned that  
4       the bill, frankly, misses the mark.

5                     If we're going to go down this road  
6       and we're going to hold bad actors responsible, I  
7       think absolutely, I'm with you a hundred percent,  
8       let's go after those landlords who are not  
9       providing proper housing and resources and let's  
10      make sure we hold them accountable. But let's  
11      make sure that DHCR has the wherewithal and the  
12      ability to do just that.

13                    You know, when we talk about  
14      5 percent of the units, we talk about then  
15      willfulness and then triggering even more  
16      inspections -- you know, by my estimation, if you  
17      have a personnel line in a budget of a little  
18      over \$2 million, I think that accounts for about  
19      20 people.

20                    If we have those 20 people doing  
21      inspections right now, the bulk of  
22      rent-stabilized housing in the state is in  
23      New York City, and they're expected to do it  
24      statewide, not just in New York City. And now  
25      we're going to dedicate resources outside of the

1 city to other places and require actual on-site  
2 inspections and then require, in the event of  
3 willfulness, that they have to do further  
4 inspections of all those other units -- it's not  
5 going to happen for the \$5.7 million that's in  
6 the budget.

7                   And I haven't seen the one-house  
8 from this Majority adjust it to account for the  
9 additional resources and funds that are going to  
10 be necessary to actually make this work.

11                   So I would urge my colleagues who  
12 are concerned, hopefully as much as I am, that  
13 there may be resources out there that need to be  
14 targeted somewhere, put it here. And don't just  
15 vote on a bill in order to require DHCR to go do  
16 something without putting the resources behind it  
17 that's necessary for that to happen.

18                   I would ask that you consider also,  
19 target those bad actors that are out there.  
20 Understand that if there is a discrepancy in  
21 documentation that's provided, make sure that  
22 that documentation is substantiated and warrants  
23 it. Because there is no criteria here. It could  
24 be an inconsequential amount, or it could be a  
25 significant amount.

1                   But the reality I think we all  
2 should arrive at, all of us, is that we want to  
3 incentivize property owners and landlords to  
4 actually maintain their buildings. We want to  
5 give them the opportunity, through policy, to be  
6 able to invest back in their buildings.

7                   And to have that discussion we have  
8 to kind of look at policies that have been passed  
9 in this chamber that have made it difficult, if  
10 not sometimes impossible, for landlords to make  
11 ends meet.

12                   Hold them accountable. But let's  
13 reevaluate some of the policies that have been  
14 passed in this chamber. The difficult process  
15 that we put before our landlords for removing  
16 tenants, and how long it takes for them to do so  
17 not receiving rents at all, and the cost that  
18 that has to a landlord in their ability to  
19 reinvest in those buildings as well.

20                   Now, we all think -- or at least  
21 some people in this chamber think that anyone who  
22 owns a building has got to be rich. They've got  
23 to be filthy rich, Mr. President. And so they've  
24 got money, they can absorb the hit from not being  
25 able to collect rent from tenants.

1                   But the reality is they collect  
2 those rents and the good ones, or even the  
3 average ones, invest back in those buildings. No  
4 one has an interest in owning a building and  
5 watching it fall apart.

6                   But we create policies in this  
7 chamber that prevent people and landlords from  
8 being able to actually collect those rents and  
9 reinvest them.

10                  So let's analyze that. Let's take a  
11 look at the things we're doing from a policy  
12 standpoint that are preventing our landlords from  
13 doing it.

14                  I had a landlord recently ask me a  
15 question. And maybe, Mr. President,  
16 rhetorically, everyone can maybe consider this  
17 and think about it. But, you know, they asked:  
18 What if I have a tenant, and I do -- this person  
19 did -- had a tenant in a building that was up all  
20 night making noise, bringing people in and out,  
21 disrupting the other tenants, and the landlord  
22 couldn't get them out of the building because of  
23 laws that have been passed in this chamber.

24                  Now, the landlord in this case  
25 didn't live in the building, Mr. President, but

1 he couldn't get that person out, which affected  
2 all the other tenants in the building, who then  
3 decided not to pay rent because their enjoyment  
4 and use of their building and their units had  
5 been compromised.

6           And so now this landlord had a  
7 problem. Because of policies and laws that were  
8 passed in this chamber, they no longer had the  
9 ability to collect rents. And if they did, and  
10 if they wanted to enforce those rights, we've  
11 made it so difficult that it takes months if not  
12 years to actually go through landlord-tenant  
13 court to have somebody removed.

14           So if we're going to talk about  
15 reinvesting in buildings and maintaining  
16 buildings and making sure that buildings are  
17 adequately maintained, let's consider those  
18 things that have been done to make it difficult  
19 on our landlords and our property owners in order  
20 to maintain those buildings as well.

21           So, Mr. President, I'll be voting no  
22 on this bill.

23           I am willing and looking forward to  
24 working with the sponsor to figure out ways we  
25 can actually hold bad actors accountable. But

1 I'd also like to work with the sponsor and my  
2 colleagues in this chamber to come up with ways  
3 that we can change the bad policies that have  
4 been passed in this chamber that have impacted  
5 our own property owners and prevented them from  
6 actually being able to make ends meet and make  
7 the resources available.

8           And sure, if there are people out  
9 there who are taking advantage of the system,  
10 target them. But unfortunately, the policies in  
11 this chamber, Mr. President, have consistently  
12 been written with a broad brush. Which means  
13 we've impacted every property owner, the good and  
14 the bad. And that's a shame.

15           Because we're now seeing the results  
16 of those policies. Each and every day we see  
17 another bill or another effort where people come  
18 up here and protest the fact that they have a  
19 conflict with their landlords.

20           Let's make good policy.

21           I'll vote nay.

22           ACTING PRESIDENT COONEY: Are there  
23 any other Senators wishing to be heard?

24           Seeing and hearing none, debate is  
25 now closed.

1                   The Secretary will ring the bell.

2                   Senator Gianaris.

3                   SENATOR GIANARIS:    Mr. President,  
4   let's restore this to the noncontroversial  
5   calendar as well, please.

6                   ACTING PRESIDENT COONEY:   The bill  
7   will be restored to the noncontroversial  
8   calendar.

9                   Read the last section.

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

12                  ACTING PRESIDENT COONEY:   Call the  
13   roll.

14                  (The Secretary called the roll.)

15                  ACTING PRESIDENT COONEY:   Senator  
16   Kavanaugh to explain his vote.

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

19                  I just wanted to rise, I'd  
20   especially like to thank and compliment the  
21   sponsor on a very important piece of legislation  
22   today.

23                  You know, individual apartment  
24   improvements have historically been a real source  
25   of risk of improper rent increases and in some

1 cases, well-documented cases, fraud.

2 This bill is a very, very reasonable  
3 and modest response to that. Roughly speaking,  
4 outside of New York City there are something on  
5 the order of 120, maybe 130 or 140 IAI  
6 applications per year. There may be roughly per  
7 year, in all of Nassau County, about 20 such  
8 applications.

9 This bill would require 5 percent of  
10 those applications to be audited by HCR. And in  
11 the event they find the landlord to be  
12 overstating the cost of their own improvements,  
13 and using that to increase people's rent, there  
14 would then be a penalty of -- the normal penalty  
15 that applies when people overcharge their tenants  
16 willfully.

17 So again, this is a modest -- we've  
18 done a lot to address concerns about IAIs in  
19 recent years. This bill is another very positive  
20 step forward. And from, you know, working for  
21 many years with HCR, I believe this is a bill  
22 that they would have ample resources to  
23 implement.

24 And this is also a bill that went  
25 through the Housing Committee. I know most

1 members of both houses, both sides of the aisle,  
2 have voted for this bill in the past, and I urge  
3 them to continue to support this just to make  
4 sure that the system continues to have the  
5 efficacy that we all need to make it work  
6 effectively.

7 And on that, I vote aye.

8 ACTING PRESIDENT COONEY: Senator  
9 Kavanagh to be recorded in the affirmative.

10 Announce the results.

11 THE SECRETARY: In relation to  
12 Calendar 605, voting in the negative are  
13 Senators Borrello, Canzoneri-Fitzpatrick, Chan,  
14 Griffo, Helming, Lanza, Martins, Mattera, Murray,  
15 O'Mara, Ortt, Palumbo, Rhoads, Stec, Tedisco,  
16 Walczyk, Weber and Weik.

17 Ayes, 42. Nays, 18.

18 ACTING PRESIDENT COONEY: The bill  
19 is passed.

20 Senator Gianaris, that completes the  
21 reading of today's controversial calendar.

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

24 ACTING PRESIDENT COONEY: There is  
25 no further business at the desk.

1                   SENATOR GIANARIS:    I move to  
2 adjourn until Tuesday, April 7th, at  
3 11:00 a.m. -- early start time next week,  
4 colleagues -- intervening days being legislative  
5 days.

6                   ACTING PRESIDENT COONEY:    On  
7 motion, the Senate stands adjourned until  
8 Tuesday, April 7th, at 11:00 a.m., with the  
9 intervening days being legislative days.

10                   (Whereupon, at 1:05 p.m., the Senate  
11 adjourned.)

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