

**WEDNESDAY, FEBRUARY 10, 2021**

**11:06 A.M.**

ACTING SPEAKER AUBRY: The House will come to order.

Pastor Tobias Hall will offer a prayer.

PASTOR TOBIAS HALL: Good morning, distinguished members of the Assembly. My name is Tobias Hall, the Lead Pastor for the Fellowship Center. I want to thank all of you for this honor this morning to be here with this wonderful body of legislators. Also, I want to give a special thank you to Assemblywoman Judy Griffin for extending this invitation.

Let us pray. Holy God and Father, we pray that all might be one, not the same but one. Not one party, not one race, not one single interest. Rather let us be of one heart, one mind and one desire to serve You and to place nothing above or before You. May

our desire to serve You needle us to see you in the faces of those we are called to serve. Help us to realize that in service to our people we are serving You. Help us to see You in every age and every state of life among those created in Your image and in Your likeness. Let us see You in the disabled and those who are most vulnerable and in need of our protection and concern. Help us to see You in the young searching for security and to follow after their dreams. And also help us to see You among the elderly who are searching for care and comfort. Let us see You among the homeless who are longing for shelter and among the confused who are longing for clarity. Let us see You among those who are marginalized or addicted and/or incarcerated who depend upon us for help and safety. Never let the opinions of others nor the social trends of this day allow us to abandoned Your law for our will or our popularity. Heavenly Father, You have allowed us and our people have chosen us to work for them and to God-guide and protect them. Therefore, give us the courage of our conviction, and our belief in You, guide our decisions and never let the political expedience of today replace our moral compass. Help us to lead and serve with honor and integrity. Give us the wisdom in tough moments and help us not be focused on what divides us but also to harness to the best of our humanity which will always unify us. We pray for the team members of our staff, our administrators, our interns, those that support us as we serve our constituency. In doing this, may we make the great State of New York a place where Your law be upheld and people are given the dignity of being Your children.

Heavenly Father, we also ask for Your protection as we service our constituency throughout our term. And we also say a special prayer of comfort for all the families who are grieving during these most difficult times. All this we pray to the God we love and who reigns forever and ever, Amen. God bless you. Thank you so much for this wonderful opportunity. Have a safe and blessed day.

ACTING SPEAKER AUBRY: Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, Acting Speaker Aubry led visitors and members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Tuesday, February 9th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Tuesday, February the 9th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I'd like to offer a quote for today. I'm not sure how many of you have had opportunities to receive e-mails from our distinguished colleague Member Gottfried, but at the very end of his e-mail is an amazing quote which I think is always appropriate. It comes from none other than Nelson Mandela and it says, "Free yourself, free

others and serve every day." With that, Mr. Speaker, members should be aware that you do have on your desk the main Calendar, and after we take up resolutions on page 3, our principal work for today will be to continue our consent off the main Calendar where we left off. So we're going to begin on page 10 starting with Calendar No. 78 and we will also take up on -- these bills on debate. After several Chapter Amendments that we left off from a few days ago that were laid aside, we're going to go back to those as well, Mr. Speaker. And immediately following Session today, there is going to be a need for a Majority Conference. And so, as always, members should -- if you log in now, you should just stay in, logged in, Majority members will have to participate in this upcoming conference. Of course, Mr. Speaker, we will contact our colleagues on the other side of the aisle to see what their needs will be, but that's the general outline of where we're going today and so if you have any housekeeping now would be a great time.

ACTING SPEAKER AUBRY: We do have an introduction by Assemblywoman Griffin.

Assemblywoman Griffin, you need to unmute yourself for the introduction.

MS. GRIFFIN: Yes. Thank you, Mr. Speaker, for permitting me to introduce Pastor Tobias Hall. I was honored that Pastor Tobias Hall could offer that meaningful prayer today. Pastor Tobias is the Founder and Lead Pastor of the Fellowship Center in Baldwin, Long Island. With a love for people and a passion to see

lives enhanced, he and his beautiful wife Treena who is the co-founder, stepped out on God's word to plant the Fellowship Center in 2018. Their over 25 years of combined ministry experience and education has gifted them with a comprehensive ability to support and strengthen people in all aspects of their lives. The Fellowship Center is a multi-cultural, multi-ethnic and multi-generational emerging new church that is passionate about impacting culture with the love of Jesus Christ. I was honored to attend the grand opening of the Fellowship church [sic] a few years ago and I'm always proud to work with Tobias and Treena on community outreach. We have done school supply drives and holiday toy drives together. This couple and their family truly practice what they preach and it's always a blessing to be in their company. Thank you Pastor Tobias Hall for offering the prayer this morning. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Griffin. Pastor Tobias, on behalf of the Speaker and all the members and Ms. Griffin, we extend to you the privileges of the floor. It's the first time that I've had the chance to do that this year. Thank you again for your prayer and please continue to service your community. Thank you so very much.

(Applause)

We do have a bit of housekeeping.

On a motion by Mr. Gottfried, page 10, Calendar No. 81, Bill No. 839, amendments are received and adopted.

Resolutions on page 3. The Clerk will read.

THE CLERK: Assembly Resolution No. 51, Ms. Dickens.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim February 1-8, 2021 as Gun Violence Survivors Week in the State of New York.

ACTING SPEAKER AUBRY: Ms. Dickens on the resolution.

MS. DICKENS: Good morning and thank you, Mr. Speaker. Across our City, our State, our nation we have all been confronted with the issue of gun violence. Whether in urban, suburban or rural communities, families have been forced to face this epidemic that consumes all of us. Like any other pandemic, Gun Violence has its origins at least here in America and our fascination with the 2nd Amendment. This is not an attack on our right to bear arms or our right to protect ourselves from those who will do harm. This is an attack on the way we view weapons of death. Weapons have been romanticized and pop culture, movies, music has become part of that culture. Weapons today are used to settle arguments and disputes no matter how minor. In the absence of responsibility, we have given way to entire generations of violence as the only way out of situations. In the city that I call home, the community that I so love, Harlem, I have seen drugs which of course has led to violence. The level of violence associated with the lack of economic opportunities in all areas and bullying through social media that has led to violence in those areas has become almost commonplace. A

mother shot and killed last week by her son leaving four younger siblings to survive. A woman groped in the streets and she and her boyfriend shot, she dies for objecting. A woman refusing the advances of a group of so-called men is dragged, beaten and bitten with the threat of a gun. Today we acknowledge Gun Violence in our society and those who have been survivors of that violence.

Government has created curb violence programs: Iesha Sekou Street Corner Resources, Harlem Mothers SAVE, Erica Ford's LIFE Camp and curb violence programs throughout the City in attempts to stop the violence and to assist the survivors.

Today, we in this Assembly stand united demanding a stop to violence of all forms and to recognize and help survivors of such violence. Thank you to my colleagues and thank you, Mr. Speaker, for this opportunity.

ACTING SPEAKER AUBRY: Mr. Angelino on the resolution.

MR. ANGELINO: On the resolution. Everybody knows and there's hardly a family that has not been somehow touched by a suicide or an accidental, intentional shooting. I will vote in favor of this, but I only wish that in the third paragraph it had mentioned the police officers who have been shot in the line of duty. Thank you.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 52, Mr.

Tague.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim February 2021 as Careers and Technical Education Month in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. So if we could now go to page 10 on the main Calendar and take up Calendar No. 78.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00268, Calendar No. 78, Paulin, Buttenschon, Lavine, Englebright, Cymbrowitz, Griffin, Gottfried, Dinowitz, Stern, Cruz, Zebrowski, Colton, J. Rivera, Lupardo, Jean-Pierre, Thiele, Brabenec, Montesano, Schmitt, Byrne, Reilly, Smullen, McDonough, Cook, Galef, Sayegh, Reyes, Walczyk, Hyndman, Abinanti, Otis. An act to amend the General Business Law, in relation to telecommunication companies blocking certain numbers.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00355, Calendar No. 79, Braunstein, Eichenstein, Taylor, Carroll, Rodriguez, Reilly. An act to amend the Administrative Code of the City of New York and the Public Authorities Law, in relation to requiring notice to members



of the Legislature and certain local officials relating to certain construction and other projects affecting such members' and officials' districts.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print A00355. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00832, Calendar No. 80, Gottfried, Dinowitz, Englebright, Galef, Paulin, Cusick, L. Rosenthal, Sayegh, Barron. An act to amend the Public Health Law and the Insurance Law, in relation to certain contracts or agreements by health maintenance organizations.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00839, Calendar No. 81 was amended on Third Reading.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00960, Calendar No. 82, Stern. An act to amend the chapter of the Laws of 2020 relating to

authorizing the assessor of the Town of Huntington, County of Suffolk, to accept from the Joshua Baptist Church, an application for exemption from real property taxes, as proposed in legislative bills numbers S.6869-A and A.10221, in relation to making the exemption contingent upon the approval of the town board of Huntington.

ACTING SPEAKER AUBRY: On a motion by Mr. Stern, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print S.863. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00961, Calendar No. 83, Stern. An act to amend a chapter of the Laws of 2020 relating to authorizing the assessor of the Town of Huntington, County of Suffolk to accept from Chabad Lubavitch Chai Center, Inc., an application for exemption from real property taxes, as proposed in legislative bills numbers S.8136 and A.10206, in relation to making the exemption contingent upon the approval of the town board of Huntington.

ACTING SPEAKER AUBRY: On a motion by Mr.

Stern, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print S.862. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00990, Calendar No. 84, Jones. An act to amend the chapter of the Laws of 2020 establishing the Adirondack Road Salt Reduction Task Force, pilot plan and test program, as proposed in legislative bills numbers S.8663-A and A.8767-A, in relation to establishing the Adirondack Road Salt Reduction Task Force and pilot program.

ACTING SPEAKER AUBRY: On a motion by Mr. Jones, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print S.1306. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the number previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01052-B, Calendar No. 85 was previously amended on Third Reading.

Assembly No. A03022, Calendar No. 86, Fall. An act to amend the Administrative Code of the City of New York, in relation to requiring a process for notification of new homeless shelters and conducting a public information session in the community where the proposed shelter is to be located.

ACTING SPEAKER AUBRY: On a motion by Mr. Fall, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print S.2556. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Fall to explain his vote.

MR. FALL: Thank you, Mr. Speaker. A few years ago the City of New York started this process in my district where they rezoned a certain portion of the district and during that period there was no talk that they would propose a shelter in that area. And it

was a last minute thing, there was no community input and what we're doing here with this bill is we're trying to get the community an opportunity to, you know, voice, you know, how they feel about the project but also so the City can take those considerations -- those thoughts into consideration before moving forward on any project. I want to make it clear that this is not an anti-homeless shelter bill. This is more of making sure that the community is involved in the process before the City decides to move on a project and this will not delay any projects that the City does have planned. I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Fall in the affirmative.

Mr. Barron to explain his vote.

MR. BARRON: Thank you, Mr. Speaker. I thank you so much and I want to commend Assemblymember Fall on this one. In most of our Black and Brown communities we're oversaturated with shelters. And when we look at how shelters are being distributed around the City, you will see an oversaturation and it's a violation that we've been fighting against for the longest. And when you look at the fact that in New York City in particular where the mayor's committing to 300,000 units of housing for the next ten years, if 60 percent or 30 percent of that would be for the homeless, we can put a dent in homelessness like never before but we don't have that kind of Mayor, nor do we have that kind of Governor that's really serious about getting permanent homes for our people. As a matter of

fact, the Governor even scrapped the Advantage program that was a housing subsidy, rent subsidies for the homeless. So the commitment to the homeless in this State and City is embarrassingly dismal and it's a contradiction to any kind of a so-called progressive liberalism that people proclaim. And I think this bill, while it doesn't have the teeth to bring more permanent housing to people who are homeless, at least it does make the process a little more involved with the community. And we've had -- in East New York we've had projects that my wife and I - Council member Inez Barron - refused to sign onto unless they had a percentage of homeless people being included in it. And we even had a project that was from the Governor's family - Health Homes, Inc. and from -- the Mayor wanted it and they wanted to build a new shelter along with 300 units of housing. When we stood strong and said "no" because of the usurp process in the City where we actually had the power to turn down a project that didn't respect the homeless, we got 500 units and 200 units were for homeless for permanent homes. I commend you and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

Mr. Rodriguez.

MR. RODRIGUEZ: Thank you, Mr. Speaker, for the opportunity to explain my vote and I also would like to commend the sponsor of the legislation for this important initiative. And what we have seen and what has been mentioned earlier by the members of the Assembly and my colleagues is that there has been abuse of the

emergency shelter laws. The City of New York has taken upon itself to put shelters in places that already have tremendous amounts of shelter -- shelter beds. In East Harlem, the area that I represent, we have some of the biggest homeless shelters in the City. We have Randalls and Wards Islands so we are essentially housing, you know, much of -- of the homeless population of Manhattan and other parts of the City. And even through that the City has found a way to continue to site smaller homeless facilities, you know, in the district despite clear community opposition regarding additional, you know, shelter facilities where we are already clearly doing a tremendous amount. And that's a disservice as well to, you know, the folks, you know, who are seeking homeless -- who are seeking homes. You know, there -- there isn't an equitable distribution. There isn't an opportunity to live anywhere. There isn't -- you have to go where you're sent and -- and -- and there's been poor planning in this process in the past which is why we have these over concentrations in places like East Harlem and Central Brooklyn and that needs to change. And a part -- a part of this legislation looks to do that and frankly we should be doing more to make sure there's a more equitable distribution and that the people who are in shelters are provided with the -- the kinds of homes that -- that we all would want for -- for our neighbors. So with that, I thank the sponsor and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Rodriguez in the affirmative.

Ms. Simon.

MS. SIMON: Thank you. Thank you, Mr. Speaker. To explain my vote. I also want to commend the sponsor of this bill. This issue with regard to the siting of shelters under the emergency powers of the City has been affront with problems all over and people are rightfully concerned that they have no voice in these determinations. They have no ability to give input and so many of these locations are problematic in their own right and better locations could be found. And of course the real issue is finding permanent housing for people and that's one of the reasons why I supported housing, for example, so strongly. So I want to commend the sponsor and I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Mr. Sayegh.

MR. SAYEGH: I just wanted to take the opportunity to also commend the sponsor and really stress the importance of -- of more dialog and more participation when planning for shelter sites. In many communities, including mine in the City of Yonkers, you know, efforts were -- were made to -- to change the locations of sites for homeless shelters and with that consultation with the local community, the business community and very often without being able to plan necessary supplemental services that are often necessary when -- when considering a location. So I think it's crucial, it's important. That -- that effectuates dialog and better planning that I believe would best serve the needs of the homeless population. Thank



you very much and I would be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Sayegh in the affirmative.

Mr. Anderson.

MR. ANDERSON: Thank you, Mr. Speaker. To explain my vote.

ACTING SPEAKER AUBRY: Proceed.

MR. ANDERSON: I am, Mr. Speaker, hesitant with this piece of legislation given the NIMBYism that I've seen in and around my district. I've been -- I've attended some of these public notification meetings where the community has been genuinely and rightfully frustrated with the placement of a shelter in and around the neighborhood without sufficient amount of notification. And I understand the need and the importance for folks to be notified when anything is coming to their community, but I just don't want this piece of legislation to be an open door to NIMBYism, an open door to some of the things that I've seen. I've seen entire protests and demonstrations as if they were animals, the people from the shelter, as if they were animals coming into the community but they're just simply families and individuals that need a home, that need a place to live and we should welcome them with open arms and be compassionate. But I also understand the other part of the argument, Mr. Speaker, that our communities deserve and require notification on this bill and so I do vote in the affirmative with strong reservations about the implications that this bill will have in expanding

NIMBYism, which is Not In My Backyard ideas around homeless shelters being placed in and around parts of the City. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Anderson in the affirmative.

Ms. Hyndman.

MS. HYNDMAN: Thank you, Mr. Speaker, for allowing me to explain my vote. In southeast Queens in Community Board 12 we have a high number of shelters that have been placed more than other parts of the City. What this bill does is encourage the conversation of communities to be notified. It doesn't stop a shelter. It doesn't stop communities from -- from expanding with these -- with these facilities, but what it does is encourage the conversation. When you have a -- a disproportionate amount of shelters in your district and you see shelters not going in other communities or other communities passing legislation or suing the City of New York, it's only fair that every community be treated the same. I thank the sponsor for this legislation and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Hyndman in the affirmative.

Mr. Colton.

MR. COLTON: I also would like to say that there has been a very large number of various centers such as this being opened without any community input. That is a recipe for failure for such centers. There has to be communication with the community and

there has to be important information given to the community. We have to act responsibly on that information and the public, I believe, can be led to make the right decision in -- if in fact the center is helping the people they claim to help. But I think that the examples have been much the opposite way and part of the problems with some of the opposition is the lack of information. So, therefore, I think this legislation is needed and I support it and I withdraw my request and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Colton in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Before I announce our exceptions, I would like to speak on the bill to explain my vote. I actually do want to commend the sponsor of this piece of legislation because here's what happens all too often, not just on this issue, but on many other issues. People decide which communities are revelant [sic] to have a conversation with and which communities just should accept what they're given. I submit and I'm sure the sponsor submits that every community deserves a conversation about what's getting ready to happen in their neighborhood. In fact, in many cases the issue that's being pushed could be more accepted than people even thought if they were just given an opportunity to have a conservation about it.

I represent a district where this has happened more than once, not specifically on this issue but on other issues where

people they just come, they decided that they want to come back to the community and this is what they want to do. This is not the way it works, Mr. Speaker. If people are already living there, their voice, their home, their community is critically important to them and to suggest that they don't have an opportunity to speak into what happens next in their community is apparently unfair -- purely unfair. So I want to thank the sponsor for his leadership on this issue and I hope that it will make a difference in his community and every other community throughout the State of New York.

With that, Mr. Speaker, we do have some exceptions which I'd like to acknowledge: Ms. Gallagher, Mr. Mamdani, Mr. Hevesi and Ms. Mitaynes.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we have some previous exceptions on Assembly Bill No. 990 that were not properly recorded so if you could do so now. Mr. Mamdani, Ms. Souffrant Forrest, Ms. Mitaynes and Ms. Gallagher.

ACTING SPEAKER AUBRY: So noted. Thank you.

MRS. PEOPLES-STOKES: Thank you. Now, Mr. Speaker, if we could go back to page 4, begin with Calendar No. 10

on debate by Ms. De La Rosa.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00974, Calendar No. 10, De La Rosa, Colton. An act to amend the Labor Law, in relation to establishing a registry of workplace fatalities in the construction industry to record information pertaining to all incidents under which a worker performing construction work suffers a work-related fatal injury; and to amend a chapter of the Laws of 2020 amending the Labor Law relating to establishing a registry of workplace fatalities in the construction industry to record information pertaining to all incidents under which an employee performing construction work suffers a work-related fatal injury, as proposed in legislative bills numbers S.8828 and A.5965-A, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Ms. De La Rosa, the Senate bill is before the House. The Senate bill is advanced.

Ms. Walsh.

MS. WALSH: An explanation is requested, please.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. De La Rosa.

MS. DE LA ROSA: Thank you, Mr. Speaker. This bill would make technical changes to Chapter 375 of the Laws of 2020 in order to effectuate the intent of the law. Construction work is inherently one of the most dangerous job industries for workers. New

Yorkers working on construction sites are routinely exposed to unsafe working conditions that put them at risk for fatal injuries related to falls, machinery, failing objects and structural collapse, but with 58 county coroners and medical examiners throughout New York State, any number of variations concerning what constitutes a workplace fatality may exist. Further, each municipality, plus the New York County of Occupational Safety and Health, OSHA and the Federal Bureau of Labor Statistics may all, at times, have different statistics on the number of deaths on the job. For these reasons it is imperative for accurate data to be collected regarding all incidents under which individuals performing construction work suffer work-related fatalities or injuries on the workplace. This bill would make technical changes to ensure that there is a centralized registry in New York State that contains the circumstances of workplace deaths in the construction industry accompanied by demographic data on the victims so that we may continue to work towards improving the safety and the health of those on construction jobs across the State.

ACTING SPEAKER AUBRY: Thank you.

Mr. Tague.

(Pause)

Mr. Tague.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. My colleague Mr. Tague is having a few technical difficulties so in the meantime I'd like to start by asking if the sponsor will yield for just a

few questions.

ACTING SPEAKER AUBRY: Ms. De La Rosa, will you yield?

MS. DE LA ROSA: Yes.

ACTING SPEAKER AUBRY: The sponsor yields, Ms. Walsh.

MS. WALSH: Good morning, Ms. De La Rosa. I miss not seeing you in the -- in the Chamber here. It's nice to get a chance to talk to you a little bit. I have just a couple of questions about what this Chapter Amendment does. You gave a pretty detailed explanation, but the way that I saw it was one of the changes is that the terms "employee and employer" are going to be replaced in this law with the terms "worker and contractor." Why was that decision made to replace those terms in that way?

MS. DE LA ROSA: Thank you for the question, Ms. Walsh. This is because the registry would not only capture information about employees who suffer fatal injuries while performing work, but also it captures independent contractors, apprentice, interns, volunteers and other workers in an attempt to have a more full picture of what is happening in construction sites across our State.

MS. WALSH: So would it be fair to say that by changing those terms you are expanding the scope of the types of individuals whose accidents or injuries are going to be reflected in this database?

MS. DE LA ROSA: Correct.

MS. WALSH: Okay. Another thing that the Chapter Amendment does is it gives the Department of Labor an additional year, is that correct, to get this registry up and going?

MS. DE LA ROSA: Yes. We are giving them 12-months time frame to allow for them to get an electronic online registry up. So we're giving a little bit more time to the Department in order to get the registry ready to go.

MS. WALSH: Okay, thank you. And the last question I really have for you is on page 3 of the bill at around line 29 it looks as though some language was taken out which was a method that the employers were supposed to use to note the injuries or accidents to Department of Labor; is that -- is that correct?

(Pause)

The reporting system, Ms. De La Rosa, was going to be on line. Is that still the case? I know that the registry is going to be on line but what about the electronic information reporting system?

MS. DE LA ROSA: The -- the reporting system will not be contained specifically on line. The Department will collect the information and then report out the data in a way that does not give off the personal identifying information of people who have been victims of death or have died on site. So the Department will collect all the identifying information but they will not post all of that information on line. It will be -- it would hide identifying information.

MS. WALSH: Very good. So the employers have an



affirmative obligation to notify Department of Labor of these -- these events, these accidents. If they can't use an on line reporting system, how are they supposed to let Department of Labor know about them? Does the bill speak to that?

MS. DE LA ROSA: Well, the bill speaks to them having about 90 days after a coroner has determined the cause of death of an accident for the reporting to happen to the Department of Labor. It does not speak to how the -- the reports are made. Simply the -- the employer would notify the Department of Labor when these incidents occur, how they occurred and -- and the information requested within the legislation.

MS. WALSH: Very good. Thank you so much, Ms. De La Rosa.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, Ms. Walsh.

MS. WALSH: So this Chapter Amendment, as I noted during debate, does -- does several different things. It gives Department of Labor an extra year to get their online registry up and going. I have no real issue with that. The -- the issue really - and it was brought out when we debated the bill-in-chief last year - is really that this registry is in many respects going to be duplicative of other requirements that employers already have to report workplace accidents. We have the employee mind safety health administration. We have the New York Fatality Assessment and Control Evaluation

program which reports to Department of Health. We have the Department of Labor itself which conducts an annual survey of occupational injuries and illnesses. We also have -- at the Federal level we have Federal OSHA, the Occupational Safety and Health Administration. So I would only note that this bill is placing an additional burden on employers to report these workplace accidents and any time we do that we're adding to the regulatory burden on our employers and we're also adding to their cost for compliance. So I think that that probably was the reason why we had a number of no-votes last year on the bill-in-chief and some may feel that the -- the very existence of the registry, even though it's being amended somewhat through this Chapter Amendment, is still problematical. So very good. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms.

Walsh.

Mr. Tague, are you available now?

(Pause)

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield for one question, please?

ACTING SPEAKER AUBRY: Ms. De La Rosa, will you yield?

MS. DE LA ROSA: Yes.

ACTING SPEAKER AUBRY: Ms. De La Rosa yields.

MR. MANKTELOW: Thank you, sir. Thank you, Assemblywoman. Once we get the database and get all the information in, what happens with that information? What's the -- what's the end product of the information?

MS. DE LA ROSA: The information will be posted on an online registry in order for that data to be examined by people who advocate for worker's safety for other folks who may want to register and see what's happened in workplaces around their community. So it will be available for people to kind of get a sense for the incidents that have occurred on construction sites. And this is important because as you know construction deaths and accidents are so common and the lives of so many people have been taken from unsafe worker conditions at some sites.

MR. MANKTELOW: Would other construction companies be able to see what another construction company did as far as fatalities or would that be outlined in this report?

MS. DE LA ROSA: Well, what would be outlined in the report would basically be the demographic information of the person who has lost their lives. The cause of death, the location of the death, the name and address of the employer are informations that we're collecting in this -- in this bill and so that information will be available to the public who will search the database -- who will be able to search.

MR. MANKTELOW: When I was reading the text as well, you talked about demographics. What will be in the

demographics?

MS. DE LA ROSA: As I said, the age of the individual, the name of the -- of the individual. That will be the information that will be given to the Department, right. So we're trying to collect information about their ethnicity, nationality, occupation, trade and sort of what their ethnic -- the ethnic breakdown of -- of -- of the person who has lost their lives, so demographic information.

MR. MANKTELOW: So it will definitely break down, you know, if I'm a Russian or a Czechoslovakian or a Black American or Indian American --

MS. DE LA ROSA: Yes.

MR. MANKTELOW: -- so (unintelligible) that information.

MS. DE LA ROSA: Yes.

MR. MANKTELOW: So we have that information. I know we have a lot of undocumented individuals in our State. How do we track that part of it?

MS. DE LA ROSA: That information will be given to the Department of Labor. That information that identifies an individual who may be undocumented will not be posted on the -- on the website for the public report, but that information will be given to Department of Labor.

MR. MANKTELOW: So if we're undocumented, that information will not be posted?

MS. DE LA ROSA: Correct.

MR. MANKTELOW: How come? If -- if we're really looking at what's going on, why would they not be part -- you know, we're constantly hearing they're part of the makeup of New York and I agree with that. So why would that not be posted? Why would that not be important to look at?

MS. DE LA ROSA: That information will be given to the Department of Labor so that we have that data there. There will be identifying information so if there is -- for example, if Carmen De La Rosa is undocumented, my name and last name will not be associated with my immigration status on the -- on the website in order to protect, obviously, the family members of this person who may, too, be undocumented. So we want to make sure that there are -- there is protections in place for people to not be put at risk.

MR. MANKTELOW: So just tell me, I just want to clarify. So we're going to protect them and their families. What are we protecting them from?

MS. DE LA ROSA: Enforcement by ICE or any other agency that may be trying to, you know, capture information to as you know happens across our State go after families who may be undocumented.

MR. MANKTELOW: Sure. I understand. Well, Madam Assemblywoman, I thank you for taking my questions and I appreciate your time. Thank you.

MS. DE LA ROSA: Thank you.

ACTING SPEAKER AUBRY: Miss Giglio.

MS. GIGLIO: Good morning, Mr. Speaker. Will the sponsor yield?

MS. DE LA ROSA: Yes.

MS. GIGLIO: Good morning. So what is the notification process to all the contractors and medical professionals that are expected to report?

MS. DE LA ROSA: So in the original bill, listed in the original bill, it says that the Department of Labor basically -- it requires that the employer report their information such as the workplace fatality within 90 days upon being notified by the Department or a coroner in many counties of that individual died of workplace-related fatalities.

MS. GIGLIO: So the coroner will notify the contractor.

MS. DE LA ROSA: Correct. And then that contractor has 90 days to report that information to the Department.

MS. GIGLIO: Thank you.

ACTING SPEAKER AUBRY: Mr. Tague.

MR. TAGUE: Can you hear me now, Mr. Speaker?

ACTING SPEAKER AUBRY: Certainly can hear you, sir.

MR. TAGUE: Well, I'm sorry for all the --

ACTING SPEAKER AUBRY: No apologies necessary, sir.

MR. TAGUE: I would ask, would the sponsor yield please, sir?

ACTING SPEAKER AUBRY: Ms. De La Rosa, will you yield?

MS. DE LA ROSA: Certainly.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. TAGUE: Thank you very, very much. Just wondering, are you familiar with OSHA and MSHA?

MS. DE LA ROSA: I am familiar somewhat with -- I know what the agencies do. I am -- I am somewhat familiar to some of their investigatory powers for workplace safety, correct, yes.

MR. TAGUE: And let me ask you: Are you aware that all fatalities or hospitalized injuries sustained on a construction site or while performing duties related to a construction job or a contract are already reportable to OSHA and MSHA depending on their jurisdiction?

MS. DE LA ROSA: Yes. I am aware. And this bill does not supersede or interfere with OSHA's duty to investigate any of those workplace-related facilities. As I mentioned in the beginning of the bill - and I may be foreshadowing your question - if I may, this bill exists because there are so many counties that have different methods of reporting, and so we want to make sure that there is one central registry in the State of New York that is -- that is researchable that you can look at the data, have the data in front of you and will inform our decisions in the policymaking procedures.

MR. TAGUE: Well, that's kind of what I'm getting at, Ms. De La Rosa, is the fact that OSHA already does this, that you can go into New York and get all this information after the investigation is done. The reporting requirements by OSHA and MSHA are much more stringent than the reporting requirements in this bill, you know. And the reporting requirements in this bill require a fatality to be reported within 72 hours. OSHA and MSHA require reporting within 15 minutes. And you know, when it comes to investigation purposes, and just so you know, I am someone that has investigated construction site fatalities in the past. Seventy-two hours is an awful long time to be able to get to the point to where an investigation should start.

Are you aware that the incidents are thoroughly investigated by professionals and are subject to criminal liability, monetary fines and many times result in litigation, compensatory [sic] awards for families of the deceased or severely injured?

MS. DE LA ROSA: I am aware. And I also want to just clarify for the record that OSHA requires the reporting of the death if the employer deems that the worker passed away due to worker fatality. This requires the coroner to also -- to make that determination. So as I said, this does not supersede OSHA's jurisdiction. It simply allows us, as a State, to also collect the information. And the 72 hours, which you alluded to in your question, is the -- 72 hours is the amount of time where the report of such death should take place to the Department. So it doesn't necessarily mean



that the investigation will not take place in the designated OSHA time frame.

MR. TAGUE: Well, I disagree with you a little bit on what you said about OSHA in your previous comment. Any incident on a construction site that a fatality occurs it's not up to the -- it's not up to the employer to report whether it was a job-related fatality or not. That's up to the investigator to figure out. So, you know, you know, my problem here is is -- and first of all, I want to commend you. If OSHA or MSHA didn't already have these laws in existence I think this is a great bill. I commend you and especially your thoughtfulness and your caring for families of -- of men and women who -- who may have lost their lives or been severely injured. My problem with this bill is that it's like we're trying to reinvent the -- the wheel. This information is already available for the New York State Labor Department through MSHA, OSHA and instead of -- to me, this is putting an unfunded mandate on our businesses when the State should be just getting this information from OSHA or MSHA and they should be able to do -- put the information together. We shouldn't have to rely on the employers to do this. So I guess my question to you is, what exactly is this bill doing that isn't already being done that's -- that's in the law now?

MS. DE LA ROSA: Thank you for the question. As I mentioned several times before, this is about our State having the opportunity to also garner the data that we need in order to be informed about what is happening in construction sites across our

State. I believe that this procedure is not burdensome because as you --- as you well noted, many of these reporting mechanisms are already in place and already taking place. There's an additional step of letting the Department of Labor know that this incident occurred, and I don't think that that is burdensome given that, you know, the life of someone in our communities has been taken at a construction site. I think it allows for added accountability, added transparency for our communities and so this is the -- the intent of this legislation.

MR. TAGUE: Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. TAGUE: First of all, again, I would like to thank Ms. De La Rosa. I appreciate her thoughtfulness and caring for our working men and women of New York. And I also want to thank her for -- for answering my questions.

You know, for the points that I outlined during my questioning and the fact that this bill is just very redundant and will only create a database of potential targets among those in the construction industry and the fact that this information already exists and even bigger is that both union -- our union contractors and open shop contractors are wholeheartedly opposed to this bill. This bill, again, as I -- as I said in my questioning is a mandate on New York businesses. I would encourage all my colleagues to please join me in opposition to this bill to not make it harder for our businesses to do business. And one other thing. I believe that OSHA does contact New York Department of Labor when there is a fatality that's being

investigated by them, so the State Department of Labor would know when a fatality takes place within New York State. Again, I thank the sponsor. Mr. Speaker, I thank you for the time. I will be voting in the negative and, again, encourage my colleagues to do the same. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Simpson.

MR. SIMPSON: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER AUBRY: Ms. De La Rosa, will you yield?

MS. DE LA ROSA: Certainly.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. SIMPSON: Thank you. As a former business owner in the construction industry I've experienced accidents and injuries on the -- on the job site. And I can assure you that every one of those incidents are being reported. They're being reported to the Workers' Comp carrier, which in New York State, one of the largest ones is the New York State Insurance Fund. And I can assure you that they ask for all of the required information that's included in this bill. I just wonder why you wouldn't look at that as a way to get the information that you're looking for.

MS. DE LA ROSA: Thank you for the question. As I stated several times in the debate already, this is an additional registry for our State to have the information we need in order to make

our policy deliberations in order to ensure Department of Labor has the information it needs to make its deliberations. And none of the reporting that is happening in this bill will change the requirements that are already set forth by the Federal government or any other regulatory agency.

MR. SIMPSON: So is this bill correcting a problem within the agencies in New York State, because I believe that the Department of Labor is also aware of these accidents already.

MS. DE LA ROSA: This bill -- this bill will allow for us to collect information that we need that we have seen that has not been previously accessible for our communities. It has not been previously accessible to the Department of Labor and so we're looking to add transparency to this process through this legislation and the amendment at-hand simply speaks to a few technical changes in the original law which was already passed by our Chamber in December.

MR. SIMPSON: Well, I appreciate your effort.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SIMPSON: Our small businesses are already complying with a burdensome amount of regulations, a lot of redundancies and especially when it comes to workplace safety. It's -- it's a good program, we're following the rules and when there's a accident it's being reported. The last thing we need is more redundancies especially when it's dealing with that. There is I can tell you a multitude of forums. It's very difficult to comply with State

agencies. I'm -- I'm totally opposed to this and I encourage all my colleagues to also oppose this. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Glick.

MS. GLICK: Will the sponsor yield to a question, please?

MS. DE LA ROSA: Yes.

MS. GLICK: Ms. De La Rosa, does this bill envision a reporting of fatalities or all injuries?

MS. DE LA ROSA: Fatalities.

MS. GLICK: Thank you.

On the bill.

I would hope that the burden on businesses would be somewhat limited because we are hoping that in the -- as we go forward that safety would become a more -- a priority for all businesses, especially in the construction industry where we have seen an inordinate number of deaths. So, it is my hope that most contractors would never have to make this report and it is a limited, one would hope, a limited number of reports that would be made. But it would also make it clear to those who are in the public who are either looking to hire a contractor or who are looking for work. If there is a particular contractor who has a terrible safety record, one might look for work elsewhere or one might look to hire a different company. And that would thereby force everyone to put safety of workers at their forefront. So I commend the sponsor. I really believe

the notion that this is an undue burden is way overblown and opposing the recording of fatalities for a registry would seem to me to be an unnecessary exercise in protecting people who perhaps don't deserve that protection. So I appreciate the sponsor's efforts. I, of course, will be voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Glick.

Ms. [sic] Rivera.

MR. JONATHAN RIVERA: I have a question. I just want to thank Assemblymember De La Rosa for putting this item forward. I think it does exactly what's needed.

Prior to this life of coming to the Assembly, I worked in the Department of Public Works back home and one of the functions that I had was an administrator for the Department in reviewing submissions that came in. And one of the last projects I had was a construction project wherein which the contractor, although submitted their OSHA paperwork, conveniently omitted a death, conveniently omitted a fatality from their submission. If this registry would've existed, it would've functioned in a way that I could have cross-checked whether their paperwork was matching the truth. If there was, you know, if there was anything omitted or anything missing and, you know, having a centralized database for this sort of thing has -- you know, can prove quite helpful. And in my experience of interacting with -- with contractors, this sort of -- you know I agree with Assemblymember Glick that -- that the idea that this is going to

be a tremendous inconvenience when in reality it's -- it's -- it procedurally how it would work out, it doesn't seem that way at all. It's just being blown out of proportion. But, again, I want to thank Assemblymember De La Rosa for bringing this forward and thank you for -- for, you know, guiding us in the direction towards more transparency. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Rivera.

Read the last section.

THE CLERK: This act shall take effect in 365 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print S1302. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. The Republican Conference will be generally in the negative. However, if there are any members who wish to vote yes on this Chapter Amendment bill, they should contact the Leader's office as soon as possible. Thank you.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If I can take this opportunity to remind my Majority colleagues that we will be voting in the affirmative on this one.

Should members decide to be an exception, they should feel free to contact my offices and we will make sure their vote is appropriately noticed.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes. Thank you, Ms. Walsh.

(The Clerk recorded the vote.)

Ms. De La Rosa to explain her vote.

MS. DE LA ROSA: Thank you, Mr. Speaker. To explain my vote. I just want to uplift the voices of the family members who have lost loved ones at construction sites across our City. I just heard in my district last year the loss of a young man who was crushed to death after a wall collapsed in our district. And so for me this is about bringing safety and transparency to an industry that is inherently one of the most dangerous industries in our State. We must do all we can to protect workers, especially workers who are putting their lives on the line to help build up our State. I want to also thank the New York State laborers and advocate organizations like NICE who have dedicated their lives to advocating for worker safety. If we ensure that workers are safe, then maybe we will never have a need for bills like this to come to the floor again. And so I want to uplift and remember with my vote the lives lost across our State. Thank you.

ACTING SPEAKER AUBRY: Ms. De La Rosa in the affirmative.

Ms. González-Rojas.



MS. GONZÁLEZ-ROJAS: Thank you so much. I rise today to explain my vote. I want to share a few names with you. Erik Mendoza, 23 years old. Juan Chonillo, 44 years old. Carlos Moncayo, 22 years old. Edgar Pazmino, 34 years old. All dead. All construction workers. Our construction workers put their lives on the line every day to construct the facilities that we need to live, work and generally operate in every day society. This registry will provide the much needed data to save lives. I've gone to vigils alongside advocates at New Immigrant Community Empowerment, NICE, an organization I founded over 20 years ago. And I don't want to go to any more vigils. We need to pass this, we need to pass this now. And I commend the sponsor for pushing this forward. Thank you all.

ACTING SPEAKER AUBRY: Ms. González-Rojas in the affirmative.

Ms. Fernandez.

MS. FERNANDEZ: Thank you, Mr. Speaker, for allowing me to explain my vote. I, too, want to commend the sponsor for this because every death that happens at a workplace, no matter where, but especially in the construction field should be properly reported and given the dignity of that life lost. So this is an incredibly important bill. We must utilize the information to create better safety environments at our construction sites and I happily support it. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Fernandez in the affirmative.

Mr. Durso.

MR. DURSO: Thank you, Mr. Speaker. I want to also thank the sponsor for pushing forth this legislation to protect our workers. I also want to thank the labor unions also for pushing forth this legislation. As the sponsor noted, there's no fiscal impact on anyone. This is not a law that's going to supercede OSHA in -- in any regard. This -- this is a law that's going to be in effect to protect our workers, to protect our people that are going to work and hold those accountable that don't put in the proper safety protocols.

So, again, I stand with my union brothers and sisters in pushing forward this legislation. I appreciate it and I'll be in the affirmative.

ACTING SPEAKER AUBRY: Mr. Durso in the affirmative.

Mr. Lawler.

MR. LAWLER: Thank you, Mr. Speaker, and thank you to the sponsor for putting this legislation forward. You know, construction -- the construction industry is a critical part of our economy here in New York. And as we look to recover and rebuild, we're going to need to put more investments towards construction and transportation and infrastructure projects across this State. This bill helps ensure that we have a full understanding when in fact fatalities occur on a construction site, that we have a full understanding of what occurred and to try and ensure that obviously that does not happen in the future. So I think this legislation is laudable to ensure the health

and safety of our workers and it's important that we are collecting as much information as possible to do just that and to -- and to ensure that we have safe workplaces especially in our construction industry across the State. So I will be voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Lawler in the affirmative.

Mr. Burdick.

MR. BURDICK: Thank you, Mr. Speaker, and on the bill.

ACTING SPEAKER AUBRY: You're explaining your vote, sir.

MR. BURDICK: Explaining my vote in favor and I commend the sponsor of this bill. It is so essential to provide workplace safety and especially as we come out of the pandemic the challenges are going to be monumental. And I thank the work that's done to bring this forward. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Burdick in the affirmative.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Would you please record the following members as a yes on this bill? Mr. Brabenec, Mr. DeStefano, Mr. Durso, Mr. Gandolfo, Mr. Mikulin, Mr. Montesano, Mr. Ra, Mr. Schmitt, Mr. Smith and Mr. Tannousis. Thank you.

ACTING SPEAKER AUBRY: So noted. Thank you, Ms. Walsh.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could now turn our attention to page 5 and go to Calendar No. 13 by Mr. Epstein on debate.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00977, Calendar No. 13, Epstein, Sayegh. An act to amend the chapter of the Laws of 2020, directing the Department of Financial Services to study, evaluate and make recommendations concerning lending practices by financial institutions to landlords acquiring property that includes small business tenants and/or rent-regulated tenants, as proposed in legislative bills numbers S.1476-B and A.3275-B, in relation to information for study.

ACTING SPEAKER AUBRY: On a motion by Mr. Epstein, the Senate bill is before the House. The Senate bill is advanced.

Ms. Walsh.

MS. WALSH: An explanation is requested.

ACTING SPEAKER AUBRY: Mr. Epstein, an explanation has been requested, sir.

MR. EPSTEIN: Thank you, Mr. Speaker. This is a Chapter Amendment that was passed last year. It's only a small change that allows -- make sure that the government has (unintelligible) information we need to ensure that the report is accurate so we can get it back with enough information we can move forward on.

ACTING SPEAKER AUBRY: Mr. Lalor.

MR. LALOR: Will the sponsor yield for a few questions?

MR. EPSTEIN: I yield.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. LALOR: Can you review the goal of the study that was the study that was to be conducted after the bill was passed last year? What was the goal?

MR. EPSTEIN: Sure. The goal of the study and overall idea is we've had an influence of private equity money in the New York State real estate market. We don't really know what impact that's having. We've seen the impact in my district where we've seen private equity financing outpacing some traditional bank financing and we want to just make sure we understand what it's doing and what its implications are and to ensure that New York has sufficient oversight of money that at this point is really hard to track and understand how it's positively or negatively effecting the overall economy and the market.

MR. LALOR: Thank you for that. And the study is studying the impact of private equity funding for landlords for rent-controlled residential buildings and also landlords of small businesses. So how is small business defined?

MR. EPSTEIN: I mean it's really for the State to define it. The idea is we want to see the impact of the -- the private equity financing and if there's private equity financing that they can find, if the information's available, they'll study it. We just didn't want to look at only rent-stabilized units in case there was an impact on the commercial market as well.

MR. LALOR: But the study and the legislation that was passed specifies small business so that must have a specific definition. It doesn't say *business* or *commercial*. It says specifically *small business*.

MR. EPSTEIN: Well, the small businesses under the State statute means for a hundred and fewer employees, that's a New York State defined small businesses. So the definition -- there's no specific definition here in the statute to (unintelligible) apply the same definition.

MR. LALOR: Thank you. And when we passed this bill last year, I remember in the committee and I believe on the floor, there were some bipartisan opposition to this legislation. One of the concerns that was raised was that if we -- we study this bill and this is a stepping stone to making it more difficult for landlords of rent-stabilized properties and property that has small business tenants,

if we make it more difficult for them to get financing it will have the unintended consequence of having landlords who are unable to upkeep the property and the tenants would be the ones that suffer. Do you see that as a potential unintentional consequence?

MR. EPSTEIN: I -- I actually see the opposite. I see what we're going to do is study this information. What we're going to do is help property owners who traditionally invest in, you know, property with a traditional market, mortgage financing market to make it easier for them to be competitive in a global economy.

Right now the private equity money is really available to a small select few landlords and companies who can, for whatever reason, have access to the private equity market. It makes most of the landlords less competitive in the market, because let's say I want to go buy a house and I have to go to the bank and get financing and you want to go buy a house and you have private equity money, we're both borrowing the same amount of money but you have private equity financing which is not seen, not taxed, not regulated where you have private equity financing that is much more available and makes other people much more less competitive. This will just help us get more information around that to ensure that regular people have access to financing that helps them buy homes, buildings and commercial properties.

MR. LALOR: So are -- are landlords and trade groups that represent landlords and property owners, are they behind this bill, did they request this bill?

MR. EPSTEIN: I have no idea what trade groups you're referencing. I guess you could ask them, but I have not seen opposition memos from any of those entities that you've referenced.

MR. LALOR: Are there any support memos from property owners?

MR. EPSTEIN: I don't recall any support memos from property owners either.

MR. LALOR: And we passed this bill, I believe it was March 19th or March 20th of last year. So I guess technically the pandemic had started but we hadn't felt the full effects and we didn't anticipate the long-term nature of the pandemic at this point and its impact on landlords.

Given what landlords, both commercial and residential, have gone through in the last year and they're continuing to go through and other legislation that we've passed, is there a reason to revisit this study?

MR. EPSTEIN: First of all, we haven't had the study yet. We're trying to get the study bill done to evaluate the impact that private equity money is having on the real estate market. And based on that study we'll have more information. You're raising claims that the past year potentially has had a negative impact on the real estate market. We don't really know if that's true in relationship to private equity financing. It could be opposite. We've seen an additional influx of private equity money so maybe the, you know, some parts of the State, you know, the economy's doing well, maybe other parts is



doing less well, we don't really know but we will know how private equity is influencing the market with this study bill.

MR. LALOR: Thank you for that. And the bill says it's going to -- going to study financial institutions. What's the definition of a financial institution as it relates to this study in this bill?

MR. EPSTEIN: Financial institutions are mostly just banks so they're going to study banks and other private equity financing organizations that they have access to information from. Some of it's not publicly available so it's hard to get, but a lot of these private equity companies are publicly-traded.

MR. LALOR: Will the financial institution have to voluntarily give you the information?

MR. EPSTEIN: If it's publicly available that's what the State's going to do. So they can't -- if it's publicly available to the agency they will find the information.

MR. LALOR: Thank you very much.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LALOR: On the surface this seems like a well-meaning bill. It is a Chapter Amendment to a study bill, but I believe the long-term goal or the long-term impact will be to make it harder for landlords, both commercial and residential, to finance their properties, to buy properties, to upkeep their properties. And this study would be a stepping stone towards making it more difficult to be

a landlord in the State of New York and for those reasons I'm opposing this bill and I encourage my colleagues to oppose it, also. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Gallagher.

MS. GALLAGHER: Hello. I would -- on the bill, sir.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. GALLAGHER: I'm very much looking forward to this study. I think it's very important in my district where rents have skyrocketed over the last 20 years and where many folks who once dreamt of owning a home now are bought out by international investors who -- who do not live in our community or even in our State or country. I'm very interested to see the results of this study and I think it is really important for those who do aspire to homeownership or -- or becoming a landlord or becoming a tenant. I think this is going to help everyone really see the landscape and help us build better laws that help to keep, you know, homeownership a possibility. We have so much displacement in my community and so much of homelessness epidemic and I think a lot of this is fueled by predatory equity that creates a system of -- of deep inequality in my district. So I am in favor of the bill and I -- I vote yes. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Gallagher.

Ms. Mitaynes.

MS. MITAYNES: Thank you.

On the bill, please.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. MITAYNES: Can you hear me?

ACTING SPEAKER AUBRY: Please. Proceed.

MS. MITAYNES: Thank you. I think that it is making it difficult for landlords but we want to distinguish between corporate landlords and small mom and pop landlords, especially in gentrifying communities like mine. They are buying up a bunch of property making it difficult for people from working-class to move in and buying -- buying homes themselves so I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you so much.

Read the last section.

Ms. Walsh. I'm sorry.

MS. WALSH: I apologize. I had my light on, you didn't see me, that's okay. Will the sponsor yield for just a couple quick questions?

MR. EPSTEIN: Yes. I'll yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. WALSH: Thank you, Mr. Epstein. So just in a nutshell, what does this Chapter Amendment do in terms of the scope of the study that's going to be done?

MR. EPSTEIN: The one change for this Chapter Amendment is to ensure that if the information isn't readily available

they don't have to subpoena or look in other ways to try to collect this information. It makes it easier for the study to happen.

MS. WALSH: I did note that in the Governor's approval memorandum he said that he would -- he directed Homes and Community Renewal, HCR, to provide assistance with data-sharing to help facilitate the study. What type of information will they be bringing to this study do you think?

MR. EPSTEIN: In HCR, our State housing agency has access to a lot of information on housing across the board. You know, they finance lots of development across the State and so they're going to be a partner in this conversation as we move forward.

MS. WALSH: Okay. Thank you very much.

MR. EPSTEIN: Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print S.887. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. The Republican Conference will be generally in the negative on this Chapter Amendment. As there were -- there was and somebody else noted 43 no votes last year, there was some bipartisan opposition. If,

however, there are members who wish to be recorded in the affirmative, they should contact the Minority Leader's office as soon as possible. Thank you.

ACTING SPEAKER AUBRY: Thank you so much.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. As you so noted this is a Party vote. The Majority members will be voting in favor of this measure. Should members decide to do otherwise, they should feel free to contact the Majority Leader's office and we will so record your response.

ACTING SPEAKER AUBRY: Thank you, Mrs.

Peoples-Stokes.

To explain her vote, Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. To explain my vote. I wish to commend the sponsor. We are neighbors and we have both seen private equity firms provide financing to questionable entities of who have in a number of instances gone belly-up and in -- the private equity firm then becomes the owner of a substantial amount of property in our districts which does not benefit either the commercial or the residential tenants and so they operate in a -- in a different world with much less scrutiny. And so I believe this is an appropriate bill and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Kim to explain his vote.

MR. KIM: Thank you, Mr. Speaker. I want to commend the sponsor for continuing to push this bill forward. This is a study bill to send a strong signal to the predatory private equity firms that have exploited underserved communities for far too long. And we see that more around us whether it be, you know, tenants that are getting harassed and some of these big companies that should be punished but are getting away, doing all sorts of bad activities. Now this bill is telling those firms that we are directing our top regulating body to take a deep dive look into their practices and we hope that that will be enough for them to stop prying on our vulnerable populations.

And I do want to also say that this also intersects with some of our healthcare, long-term healthcare facilities because many of our nursing homes and long-term facilities are owned by landlord private equity firms and financed by private equity firms so they're hedging their bets that if these facilities do fail, they're right there to turn these facilities into luxury condos and hotels to -- to make more profits. So we should be investigating all of those practices to make sure that our money and our lending facilities are acting in an ethical and moral way moving forward. Thank you, Mr. Speaker, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Kim in the affirmative.

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. And this is a really crucial piece of legislation for

New York. We really need to understand what's going on in the New York housing landscape and the impact that private equity financing is happening. We've seen big developments like in my district the Stuy Town where \$3 billion of private equity financing has gone into a development that beat out local tenant-owned purchase options where the tenants wanted to make it into an affordable co-op. What are the negative impacts? What are the positive impacts and what will have long-term impacts on the New York real estate market? Real estate's the most important thing we have in New York. It's something that will never go away. So it's critical we study what's happening. Critical that we know and its influence so that we can, as we move forward as New York, ensure that we have enough insufficient oversight to have a healthy, strong market. I appreciate your time, Mr. Speaker, and I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Would you please record Mr. Montesano in the affirmative on this bill, please.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Please acknowledge Ms. Buttenschon as a negative on this one.

ACTING SPEAKER AUBRY: Say that again. I'm

sorry. Mrs. Peoples-Stokes, again the names of the members.

MRS. PEOPLES-STOKES: Other than Ms. Buttenschon?

ACTING SPEAKER AUBRY: Thank you. So noted.

MRS. PEOPLES-STOKES: That was it.

So if we can continue our work, Mr. Speaker, we're going to stay on --

ACTING SPEAKER AUBRY: One minute.

MRS. PEOPLES-STOKES: -- page 5 and go to Calendar No. 14.

ACTING SPEAKER AUBRY: We're not finished with this one, Mrs. Peoples-Stokes.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. We are going to continue our work with Calendar No. 14. It's on page 5. It's by Mr. Zebrowski.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Senate No. S00898, Calendar No. 14, Senator Thomas (Zebrowski-A00979). An act to amend the Financial Services Law, in relation to exempting certain commercial financing transactions from certain disclosure requirements; and to amend a



Chapter of the Laws of 2020 amending the Financial Services Law relating to requiring certain providers that extend specific terms of commercial financing to a recipient to disclose certain information about the offer to the recipient, as proposed in legislative bills numbers S.5470-B and A.10118-A, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: An explanation, please.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Zebrowski.

MR. ZEBROWSKI: Sure. Thank you, Mr. Speaker. This bill is a Chapter Amendment to a bill we passed last year, Chapter 369 of the Laws of 2020 which is the Small Business Truth in Lending Act. So in many ways, not to go back through the prior debate, but I'm certainly, I guess, willing to if the questions relate to the prior bill. But just to focus a little bit on this bill.

In many ways it strengthens what we passed last year. It increases the exemption amount from \$500,000 to 2.5 million meaning that it's any loan that would be up to 2.5 million. It also clarifies certain things in terms of, you know, Federal law. It clarifies to make sure that -- that regardless of if some things change on the Federal level that this still requires these disclosures. It does make a -- a small exemption for a specific type of product which comes from car companies to large dealerships that have a -- that have a relationship between, you know, the car companies and how the large dealership

and floor plans work. So it makes some technical corrections there but overall I think it strengthens what we passed which was a -- a bill people should be proud of - the Small Business Truth in Lending Act which gave many businesses throughout New York State when this finally goes into effect the ability to adequately analyze loan products.

MS. WALSH: Thank you. Will the sponsor yield for just a couple of questions, please?

ACTING SPEAKER AUBRY: Will you yield, sir?

MR. ZEBROWSKI: Yes. I'll yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. WALSH: Thank you, Mr. Zebrowski. So I -- I did review the transcript of the debate from last year and I found it a little bit confusing and I'm just hoping that you could help by offering -- just offer a typical example of a transaction where this Truth in Lending statement or financial statement will come into play.

MR. ZEBROWSKI: Sure. Well, there are a host of different products, right and we actually also leave room for additional products, so just to give you a sense of some of the products out there and, I guess, if you want me to drill down on some of those let me know. But there's, you know, closed-end financing, open-end financing, which are two different types of lending products, there's factoring. And for all of these it requires a set of disclosures so that people can compare products. Probably what you would hear the most about is the requirement that -- that APR being disclosed to small businesses regardless of the product, right. So if I could just

give you an example of -- of what that would mean. If you just give me a second, I have so many papers in front of me right now, I'm looking for my example, Ms. Walsh.

MS. WALSH: Of course.

MR. ZEBROWSKI: All right. So let's take -- let's take an example where someone requests \$10,000 in -- in financing and the total repayment amount is 12,000, okay. And the way this financial product works is that they take ten percent of the daily sales, okay and - so stay with me here - we've got \$10,000 you're borrowing or you want your total repayment amount is 12,000 and they're going to take a percentage of your sales, this is a product that has become prevalent. So say your average monthly volume of sales is \$40,000, okay, that's what you're doing in a month. Well, that means your average daily sales is \$1,333 and your estimated daily payment would be \$133, okay. So under this product, which may -- may work or may not work for a business, the total time of repayment would be 90 days, okay. So under this bill, a business would be able to look at this, see that their total repayment amount and their cost and capital is \$2,000 but also see that their repayment time period is 90 days and therefore their APR is 151 percent. Now that's relevant to a business, right because they may want to go and get a more traditional loan product where that APR is far less, or they may want to go along with this product because they like the idea of knowing that they're going to pay -- repay \$12,000, it's going to be a percentage of sales, they're going to pay it back in 90 days. What this bill does is it allows small

businesses to take these complicated terms that are being presented to them now without a landscape to compare and give them a comparison technique, so I hope that answers your question.

MS. WALSH: No, that really did, it helped. So I guess -- so the groups of people or individuals or businesses that you're trying to help here through this legislation are small businesses, perhaps, rather than individual purchasers. So, you know, like I would think, you know, if somebody goes to buy a car and there's financing through GMAC or Ford Motor Credit Corp. or a place like that or they're going to buy furniture and they're going to finance it for a few years, that's not -- that's not what this bill is covering, they're not covering those kinds of transactions. They're covering business -- business transactions with lenders and they're trying to give those businesses more information so that they can make a wise business decision, is that correct?

MR. ZEBROWSKI: Right. Because the Federal government has a consumer Truth in Lending Act so they occupy much of that space. There is nothing for -- for commercial businesses and as I'd often said, you know, throughout this bill and other times, you know, I feel like there's an erroneous assumption that small businesses across New York State have a team of lawyers and a team of accountants. And I'm sure you know, like I do, you know walk through our districts and talk to a lot of businesses whether it's, you know, the pizza shop or any type of other small business, you know, the cake shop or something like that, you know, these are small

businesses that are trying to figure out if they need capital financing. They're going on line at night after they work a long day and they're presented with all these sort of like confusing metrics, so because the Federal government and the Truth in Lending Act doesn't deal with commercial financing, that was the impetus for this bill.

MS. WALSH: Thank you very much. That's very helpful.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, Ms. Walsh.

MS. WALSH: So I really do appreciate Mr. Zebrowski's explanation, that helped me, I don't know if it helped anybody else, but I would just note that the Chapter Amendment something significant that it does is it exempts most auto dealers from State-imposed Truth in Lending disclosure requirements. However, it doesn't make any such provision for RV and boat dealers. So last year we did have some individuals in the negative, but I do appreciate the sponsor's explanation and I voted in the affirmative last year and my plan would be to vote in the affirmative on the Chapter Amendment. I do think that it improves it so thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on S00898. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or

Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Would you please record the following members in the negative: Mr. DiPietro and Mr. Walczyk. Thank you.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can now go to page 9 on the main Calendar and take up Calendar No. 66 by Mr. Zebrowski on the debate.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Senate No. 00881, Calendar No. 66, Senator Brooks, (Zebrowski- A00964). An act to amend the Executive Law, in relation to violations of the Uniform Fire Prevention and Building Code.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Zebrowski.

MR. ZEBROWSKI: Sure. Thank you, Mr. Speaker and my colleagues. This next bill is also a Chapter Amendment to a bill we passed last year and this -- this bill deals with strengthening

our building and fire codes, a bill we passed last year required that in any situation where a -- there has been a building altered in a way that is a violation of the building code and it would impede a person's egress during a fire or other emergency, it created an increased penalties for that. So this is a Chapter Amendment which strengthens that bill by also including folks like a builder, an architect, a contractor, subcontractor, construction superintendent or agent thereof who had knowledge of the alteration. And it also makes some other technical language amendments to the bill which were negotiated with the Executive.

ACTING SPEAKER AUBRY: Ms. Giglio.

MS. GIGLIO: Will the sponsor yield, please?

ACTING SPEAKER AUBRY: Mr. Zebrowski, will you yield?

MR. ZEBROWSKI: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields, ma'am.

MS. GIGLIO: Thank you, Mr. Sponsor. So I like the intent coming from a district where we have several overcrowded houses and we have a lot of people living in those homes, sometimes improvements are made to those homes by the tenants themselves and I cannot see any liability in this amendment for the tenants that actually perform work without building permits, without insurance and without any consideration for the landlord. So I'm just wondering why the tenant liability was not included in this bill.

MR. ZEBROWSKI: You're correct. This bill generally deals with the landlord and any, you know, like I said, any subcontractors or contractors that are doing work in a way that is in violation of the code and would create a very dangerous situation. Certainly I'd be happy to work with you on additional legislation because there can be from time to time tenants that create that type of situation. You would hope that at some point during inspection or something like that a landlord would be made aware of that, but that perhaps is something that we could work together on to come up with a separate bill.

MS. GIGLIO: I look forward to that. Thank you for your response.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER AUBRY: Mr. Zebrowski, will you yield?

MR. ZEBROWSKI: Yes. I'll yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Zebrowski. Under the proposed Chapter Amendment I think you mentioned, and I'm looking at the language right now, any builder, architect, contractor, subcontractor or construction superintendent or agent thereof who has knowledge of a violation would be subject to a \$7,500 - and the active verb, of course, is *knowledge, has knowledge*. There's no



requirement, is there, that any - under the statutory language - that any of those individuals actually be involved in construction activities that block the exit. It's just their knowledge that make them liable under the terms of this language; is that correct?

MR. ZEBROWSKI: Yes, that's correct, Mr. Goodell. If you want, I can -- I can talk about it a bit further. And you and I have had conversations and I can say and I think I get your -- I mean I could let you -- you make your objection but, you know, I certainly think I understand, right. And I believe that the knowledge component of this statute would ensure that it's folks that should be aware of the condition that would create, you know, the dangerous condition that could possibly result in injury or death.

MR. GOODELL: Following up on my colleague's question. The entities or the people that would have the most knowledge by far of a dangerous housing violation would be the tenants. Why were the tenants not included in any liability even though they have daily knowledge of a potential problem?

MR. ZEBROWSKI: Well, I think it's a bit tricky and like I said to your prior colleague, I'd be happy to work on legislation but I think it's a bit tricky to put tenants perhaps with the same exact knowledge and -- and require them to have the same reporting knowledge of specific building or fire codes. Now certainly if you're in a situation where the tenant is affirmatively doing something in making the alterations, then perhaps we could, you know, draft a bill that we could all agree on. If you are on the other hand relying on a

tenant coming into a building that has been altered by a landlord and having the requisite knowledge to know that that violates the building code, then I think we may have a divergent opinion because I'm not sure we can rely on tenants to have that level of building code knowledge.

MR. GOODELL: The -- the language, as we've discussed earlier, makes anyone who is a contractor, subcontractor, architect, construction superintendent or agent who has knowledge of a violation liable for up to \$7,500. Does the language of the statute provide any exemption from liability if for example the architect, contractor, subcontractor, construction superintendent or agent advises the owner of a potential problem or advises the local municipality of a potential problem? Does that then exempt them from liability under the language of this statute or this proposed bill?

MR. ZEBROWSKI: I think it would be up to the given fact pattern how it's presented to a court, right. So, you know, one fact pattern could be somebody comes into a structure and sees something that they think might be in violation and tells the owner and doesn't do any work that is, you know, not -- doesn't do anything, work that is against code or that would violate this section.

MR. GOODELL: Okay.

MR. ZEBROWSKI: Now, I could give you a completely different fact pattern where that would not be okay, you know. So -- so let's try to like bring this to a situation or a hypothetical that perhaps is going on in people's districts. You know

and certainly what I've seen in and around Rockland County at various times, you know, where like a basement is chopped up into several apartments or an attic's chopped up into several apartments. There's not -- you know, one is -- backs up another and there's no ability for folks to get out. You know, unfortunately in Rockland, you know, and in many parts of the State we've had some close calls and some horrific incidences of injuries. So, you know, if you take a contractor that goes in and -- and cuts -- actually is the person that builds those bedrooms, if you will, in the attic, now that person should have liability, right. But let's take another contractor, perhaps the electrician who wires those. Or let's take an electrician who just merely -- they've already built and maybe like goes through this labyrinth of bedrooms to the back one to install a outlet. You know, those are all different fact patterns but I would say in the -- in the last two, you know, certainly if you're wiring illegal apartments even though you didn't -- or illegal rooms, even though you didn't build them, under your license and being the fact that you are a -- a contractor or something you should -- you should bear some liability there and, quite frankly, we're not even looking for liability. We're looking for you not to do the work, right. We're looking for you to say this: *I can't do this work*. Not to -- we shouldn't give landlords or anybody else the ability to sort of piecemeal a project to -- in order to avoid, you know, a contractor feeling like they shouldn't do illegal work or even, I would say, you have somebody that's, you know, doing a -- a minor alteration but one that is clearly in a very dangerous

situation, well, then that prior person shouldn't be doing that either. Even if they didn't particularly build out the, you know, the alteration if you --

MR. GOODELL: As you -- as you noted earlier, though, Mr. Zebrowski, this is not triggered by any construction activity that relates to the violation, right. It's triggered by knowledge. So using your hypothetical and the actual language of the bill we're considering, if you were called as an electrician and when you arrived you saw that there was a violation of the housing code. You now have knowledge. And under the language of this bill you could be subject to a \$7,500 fine even if you refuse to do any more work, right. Even if you said, *sorry. I am out of here*, because you have knowledge. This language is not limited to someone who actually does any work that's in any way related, right. It's all based on knowledge. So if you have knowledge, even though you're not the owner, even though you didn't do any work on it, even though you didn't have anything to do with it other than the fact that you were a contractor or an architect or a subcontractor or a construction superintendent or an agent, if you have knowledge, you could be subject to a \$7,500 fine under the language of this bill, correct?

MR. ZEBROWSKI: I'm not sure I agree, Mr. Goodell and, you know --

MR. GOODELL: The language gives them a exemption from liability.

MR. ZEBROWSKI: First of all, there's a civil fine

that would have to be charged, you know, and enforced in a court of law. So, you know, if we're going to go through hypothetical scenarios, right, and so your hypothetical scenario is this contractor is what? Walking down the street or sort of comes in, sees something and says this isn't up to code, I'm not doing the work? And then how -- and they walk away, that person is the person that you believe is going to be charged and then go before a judge in a court of law and say I didn't do the work, I told the person. You think that, under the language of this law, is the person that's going to be charged? I -- I don't believe so.

MR. GOODELL: Well, I would hope not, but it's also my hope that as legislators we draft language and laws that leave no ambiguity on that issue.

Thank you very much, Mr. Zebrowski. I appreciate your comments.

Sir, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: I absolutely share my colleague's desire to make sure that apartments are safe. And if we're serious about making sure that apartments are safe and that there's a way to get out in the event of a fire or -- or other event of that nature, I think it's appropriate to hold the people who block the exit responsible. I'm absolutely 100 percent in agreement in holding people who block an emergency exit responsible. And I don't have a problem holding those who condone that dangerous situation responsible. For example, the

tenant who puts a dresser in front of an emergency exit who knows every single day that their apartment violates the housing code. But that's not what this bill does. This bill doesn't state that those who create a dangerous situation are held liable, it doesn't say that those who know about it every single day are liable. What it says is if you're a -- if you're an architect or a contractor or subcontractor or construction superintendent or agent and you acquire knowledge of the violation even if your knowledge had nothing whatsoever to do with creating or maintaining that dangerous situation, then under this bill you would be liable for a \$7,500 fine. Now, a general matter, if we need electrical work done in an apartment we want a licensed electrician who has got the skill and ability to make sure that when the wiring is done there's no risk of a fire. And if the kitchen sink is clogged, we want to be able to call a competent plumber to fix it. And we want all of our tradesmen to come at our request and do a professional job. But what this legislation says is that every single tradesman who is called into an apartment to do work, if they discover while they're there that there's something wrong with the entrance or exit, they're facing a \$7,500 fine and there's no safe harbor. It doesn't say that if you report it you're exempt from the fine, no. So it doesn't matter that you didn't create it. It doesn't matter that you had nothing to do with maintaining it. It doesn't matter if you report it. Just your very knowledge could submit you to a \$7,500 fine. I support our tradesmen. I mean God bless our plumbers and our electricians and our contractors who come in and help us live in a safe apartment with

solid electrical wiring and great plumbing and all the other things they do. And the last thing I think we should do is subject our tradesmen to potential liability based on simply acquiring the knowledge that somebody else at some other time is doing something inappropriate in some other part of the apartment, yet that's what this language does. For that reason, I'll oppose it and I would recommend that my colleagues likewise oppose it and support our tradesmen and a reasonable balancing of liability. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Zebrowski on the bill.

MR. ZEBROWSKI: Thanks, Mr. Speaker. Just to address a few things. One, some of my colleagues earlier talked about tenants and as I said earlier, I'd be happy to work on legislation. I do want to point out that under Section 382.2, tenants do have some liability if they partake in certain activities but we can have that conversation going forward to see if there's a bill, as I mentioned before. I think there are various things you'd have to consider.

Mr. Speaker, I think this is a pretty simple bill. It requires that -- it increases what I believe are much-needed penalties should somebody alter a building in a way that - remember what we're dealing with here. They alter it in a way that it impedes the egress during a fire and an emergency. Those are the type of violations that result in injury or death. I -- I don't agree that, you know, somebody coming in and seeing, you know, a dresser that's near a door and a door is an alteration of a building in a way that's going to have liability

here. And quite frankly, I also don't agree that this is something that is somehow against our tradespeople. Quite frankly, I think if you talk to a lot of the members of the trades in any of our communities around the State, what you'll hear from many of them is that they know the members of the trades that are willing to perform these type of illegal alterations and they feel that they are at a disadvantage because they feel that they have to follow the law and follow the code so therefore they don't get the job. And we want to make sure that everybody's on a level playing field and that we are all looking to follow the law which, quite frankly, in this case, following the law means safety. Safety of first responders, safety of tenants, safety of, you know, any -- any resident of New York State that may be in this. So, you know, and I think that you have to -- you have to have a little bit of common sense as to how this would actually play out in a court of law, you know. I don't -- like I've heard throughout talking about this bill with various groups and various people like, you know, well, what if somebody was across the street and looked out a window and saw something that they may -- that they thought may be in violation. I mean come on. Like who's charging somebody that's across the street that looking out a window and seeing maybe a violation. I mean that -- I don't -- I don't believe anybody's getting charged, anybody's being brought before a court of law or anybody's fulfilling the knowledge requirement that is contained within this bill. Now, however, weaken this bill, don't do this bill, we'll continue to have a proliferation of what we've seen around the State which there is alteration of buildings



in a way that creates a real present danger to the heros that we have run in in the case of an emergency and also the folks that are in those buildings. Many times, many times I want to point out that in the buildings that are altered in this illegal way, they prey upon folks that don't have the means to stand up for themselves. And that's why we need to have laws in the State of New York to make sure that landlords, if they're going to alter a building, they do it in the safest and most legal way possible. Because without laws like this, what ends up happening is buildings are chopped up into ways that maximize profits. So that's why I think this bill is necessary. Like I said, this is a Chapter Amendment that I think strengthens it, but I would ask all my colleagues to when you're considering this, consider it in the context of your own districts and what you possibly heard within your area and not what I believe to be hypotheticals that would not play out in any -- any court of law around this State. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lawler.

MR. LAWLER: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Mr. Zebrowski, will you yield?

MR. ZEBROWSKI: I was muted. Yes. I'll yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. LAWLER: Thank you. And thank you, Mr. Zebrowski for putting this -- this bill forward. Just two quick

questions: Within the bill, is there a reporting requirement so if you -- if you gain knowledge or -- or perform any of these services that actually impede, is there a reporting requirement within this bill?

MR. ZEBROWSKI: The bill language doesn't have a reporting requirement, no.

MR. LAWLER: Okay.

MR. ZEBROWSKI: But I would say -- can I just expand on that?

MR. LAWLER: Yes.

MR. ZEBROWSKI: I mean all our -- if you're talking about our tradespeople they all have licenses and everybody operates within their current license structure, so even though there may not be a particular requirement in this bill, that's not to say that this would supercede and take away a reporting requirement on how a trade is supposed to operate independent of this.

MR. LAWLER: Okay. And then when we're talking about the -- the expanded list of people that -- that are subject to this civil penalty, does it include any municipal inspectors or people who work in -- in, you know, municipal building departments? You know, in other words let's say they're made aware, they have knowledge and they choose not to act on that knowledge. Would they be subject to some sort of civil penalty under -- under this law?

MR. ZEBROWSKI: That's not this bill. I sponsored a host of other bills and actually we passed a law a couple years back which -- which strengthened the regulatory powers over municipal

inspectors that don't follow the law based upon some other incidents so I would say that this doesn't deal with that, but a prior statute that I passed and is now law dealt with that and I'd be happy to send that out to you.

MR. LAWLER: Okay, great. Thank you.

On the bill.

ACTING SPEAKER ABINANTI: On the bill.

MR. LAWLER: So, I think this -- this bill that my colleague from Rockland County has put forth is important. The bottom line is that people need to follow the law. And when making alterations to an existing building there is a process by which you do that and it's critically important that whether it is the contractor or whether it is the homeowner or obviously even the tenant as that was raised, it's -- it's critical that people follow the rules. If for no other reason than the safety of our first responders and to ensure that they are not impeded in doing their duties and -- and helping save lives potentially in the case of a fire. Too many times, you know, in our community in Rockland County we've seen where there have been instances where people alter -- make alterations to their -- to their homes, to apartment buildings and, you know, they do not do it in the proper channels, they do not go through the building departments to get permits, they don't adhere to, you know, getting an architect or a licensed contractor to ensure that the work is performed safely and up to code and standards. So, this law that my colleague has put forth, I'm happy to support because, you know, it's just -- it is ensuring that

those who have the ability to make these alterations, whether it is the homeowner, whether it is the landlord, whether it is the contractor that they adhere to the rules, that they follow the rules. So I support this bill and its intent and I thank my colleague for putting it forward.

Thank you, Mr. Speaker.

ACTING SPEAKER ABINANTI: Mr. Montesano.

MR. MONTESANO: Thank you, Mr. Speaker. To echo the comment of the last speaker, you know, a number of years ago I was involved with drafting legislation like this and on the heels of a situation that happened in the Bronx with a multiple family housing fire where several firefighters lost their lives because they were trapped in upper stories in the building and the building had been so reconfigured as nobody could find their way with separate bedrooms, doorways and everything. Several firemen lost their lives. Many had to throw themselves out the window to get away and that resulted in different laws with ropes for firemen and different, you know, equipment.

And this is an ongoing problem throughout the State. We see it a lot on Long Island when people do renovations to their homes or to houses, you know, three, four, five families. These things do not happen in a vacuum. The -- the tradesmen that come in know very well of whether or not the project is being built to code or renovated to code because they're all involved in the commit process even if they're subcontractors, the contractor's name is on a permit and then he has the subcontractors and everybody carries insurance.

Architects certainly know when they're doing a drawing that they have to do it in compliance with the law. Same thing with surveyors that prepare surveys for property if there's going to be a renovation or an addition. So none of this happens in a vacuum. If anybody's doing this type of work and they're not doing it with the proper permits or they're not doing it in accordance with the State building code or the local municipality's building code then they should all be held responsible. You know, a lot of these are cash adventures. You know, they bring in guys who work on the side who do things and are willing to do everything and anything to pick up an extra dollar and it's to the detriment to the people that live there. Sometimes the owners themselves have no idea that what's being done is not up to code and things of that nature. But more so, it effects tenants. We had incidents here on Long Island that in basements of houses, seven, eight, nine bedrooms were built, little, you know, 4x4s, smaller than a jail cell with locked doors serving as bedrooms for people. Somebody had to do that work. And many people lose their lives in properties where illegal renovations have go on. We've had a couple of situations out here in my county in my district this past summer where not involving a building but involving the cesspools on the properties were being done without the proper permits and documents. They were not shored up properly and we had two or three incidents in different locations where the workers lost their lives because of cave-ins. So this has to stop. The people have to be held accountable and everything needs to be done in accordance with the law. And so

therefore, I wholeheartedly support this bill as I supported the original bill-in-chief and I would encourage my -- my colleagues to think about this strongly because this is really protective of -- of -- of tenants and some property owners themselves who sometimes are taken advantage of. Thank you, Mr. Speaker.

ACTING SPEAKER ABINANTI: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ABINANTI: The Clerk will record the vote on Calendar No. 66. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. On this particular vote, the Republican Conference will generally be in the negative. Although, last year there were -- there was a mix of yes and no votes from our Conference but we'll generally be in the negative. If anybody disagrees, they can contact the Speaker's office and -- and indicate that. Thank you.

ACTING SPEAKER ABINANTI: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will be in the affirmative on this one. Members deciding to be an exception, should please feel free to

contact my office and we will duly note. Thank you.

(The Clerk recorded the vote.)

ACTING SPEAKER ABINANTI: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Would you please record the following members in the affirmative: Mr. Byrne, Mr. DeStefano, Mr. Durso, Mr. Fitzpatrick, Mr. Gandolfo, Mr. Lawler, Mr. Mikulin, Ms. Miller, Mr. Montesano, Mr. Morinello, Mr. Reilly, Mr. Salka, Mr. Smullen and Mr. Walczyk. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh. So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, do you have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: We have a privileged resolution. The Clerk will read by Ms. Niou.

THE CLERK: Assembly Resolution No. 50, Ms. Niou.

Legislative Resolution commemorating the Asian American Community Celebration of the Lunar New Year, the Year of the Ox on February 12, 2021.

ACTING SPEAKER AUBRY: Ms. Niou on the resolution.

MS. NIOU: Thank you, Mr. Speaker for the

opportunity to speak on this resolution. Today is actually the day that we begin our celebration of the 4,719th Lunar New Year taking place on February 12, 2021. Each Lunar New Year corresponds, as folks know, with one of 12 animal signs each with its own traits. And this year is the Sign of the Ox and so folks who probably recognize the symbol - Dick Gottfried - it is actually my last name. So Niou is the Sign of the Ox. Those born under the Sign of the Ox are hard-working, intelligent, reliable and humble. They value stable jobs. They never seek praise and expertly navigate tricky and frustrating situations. And of course, it is also symbolic of the year that this is the year that we must work hard.

And so several years ago New York State passed legislation which designated Lunar New Year as a school holiday so that students could spend the day how it should be spent with friends and family. And though the painful realities of this pandemic means that many families haven't been able to spend that much time together over the last year, Lunar New Year actually offers us the chance to share joy with those we love even if we're connecting over a Zoom call like all of you. And so Lunar New Year is the perfect time to reflect on our past year, appreciate our blessings and of course give thanks to our loved ones. This has never been more important than now when so many people are in need of compassion and kindness and love. That's especially true for the Asian-Americans, for our Black and Brown brothers and sisters and those who are struggling with racism and xenophobia all around them.



Between March and August of last year, the watchdog group Stop AAPI Hate received over 2,600 reports of Asian -- of anti-Asian hate crimes across the country. And that's just the people that spoke up and reported it. The racism and xenophobia isn't new but because of the leadership of this country and the normalization of hate and racism, there was an amplification and an increase in hate crimes towards Asian Americans. We know stories about people like Yang Song, a sex worker raped by an undercover vice squad officer in 2017 who then mysteriously died during a sting by the same vice squad of her workplace. We know stories like the one of the elder who was brutalized when he didn't understand what the police were trying to say to him as he crossed the street. We are called names. We are told we eat bats. We are called Kung Flu and blamed for the pandemic. We are physically attacked for wearing a mask and physically attacked for not wearing a mask. We are sprayed with cleaning chemicals while just riding on the train. We read about Christian Hall and he's an Asian American teenager suffering -- who was suffering a mental health crisis who was executed by responding officers. We see incidents like the New York City bus attack where four 15-year-old females attacked a middle-aged Asian-American woman on a bus with an umbrella while blaming her for the pandemic. Asian Americans see and feel and live the 300 percent spike in anti-Asian hate crimes since the arrival of the coronavirus. And even if most stories of anti-Asian hate incidents never make the news like New Yorker riders, you know, personal stories

(unintelligible) she's a friend of mine who was facing racial slurs from strangers while taking out her garbage or -- or Tiffany Ma, a New Yorker who shared on Facebook that a stranger tried to tackle and beat her all while shouting *I'm going to kill you and get out of this country*, or even of my own where someone called my office multiple times and told me to fry up a cat or a dog in a wok, or told me to eat baggy bats and another said they hope that I was stabbed 27 times. This is the ugly face of White supremacy and the racism that seeks to divide and terrorize our community and to pit our many communities against one another. And the sad truth is that this has been going on long before coronavirus. Without action, the virus of racism will continue to poison our society long after we've beaten back COVID-19. I am grateful that we have in our Body the newly-formed APA Task Force that was formed by our Speaker in 2017. And we have to thank the Speaker for being the first to form such a task force. And I want to thank the former Chair of the task force and the current Executive Director for again and again addressing a lot of these incidents as they come up. And I'm also grateful for the Black Latino Hispanic and Puerto Rican and Asian Caucus that we have here in our Body to be able to make sure that we are actually working as a community at-large. And we must do better for our Asian communities who call New York home. It is clear we are not doing enough and every time in the new year that we look for -- out for our neighbors we're inviting them into our family. Every time we --

ACTING SPEAKER AUBRY: Ms. Niou?

MS. NIOU: Yes.

ACTING SPEAKER AUBRY: You have elapsed your time.

MS. NIOU: Okay. Can I just finish the one sentence? We are deepening the bonds that help us weather even the darkest times. As we celebrate the Year of the Ox we must ensure that all New Yorkers feel welcome in our State and celebrate our diversity. (Speaking foreign language). I hope everyone can stay happy, healthy and well and prosperous. Happy New Year.

ACTING SPEAKER AUBRY: Thank you.

Mr. Kim on the resolution.

MR. KIM: Thank you, Mr. Speaker and thank you to my colleague for sponsoring this resolution every year. When I first got elected I fought hard to make the Lunar New Year a recognized holiday in New York State public schools. I remember working with the Chair of the Education Committee back then and the Speaker and he was getting voted out of the committee and it was about to be signed into law by the Governor when the Mayor of New York City was calling me panicky saying, please, don't get it on the committee. We will do it in the City. You don't need a bill. And we had so many struggles with the City but we got it done and it was a very proud moment for all the Asian-American elected officials. The reason why I felt so strongly about including our holiday into the public schools of New York City was two-fold. First, I felt that if we as a State normalized our holiday it would help Asian Americans gain

acceptance into the fabric of our City and State. And second, I thought it was important for my daughters to see that their heritage held up in the same way as others so they could feel included instead of feeling like perpetual foreigners in their own country. Now I'm not naive enough to think that inclusion happens by a simple gesture like the holiday and unfortunately Asian Americans aren't either. We put our head down, work hard, blend in and accept the fate that is put in front of us. But no matter what our contribution is to our American experiments, it feels like there's only a matter of time before we're scapegoated, muted, canceled or vilified from all sides of the political spectrum. And the data supports this.

Last week in New York City an old Asian man was violently assaulted on his way to work. In Oakland, an older adult was knocked over, hit his head on the pavement for no reason whatsoever. In the United Kingdom anti-Asian attacks are up by 300 percent. It seems like most of the public are used to Asian Americans going about our business without drawing you into the emotional toll this is taking in our communities. So let me share. These are our grandmothers, our grandfathers, our ancestors. Each others represent attributable wisdom that we pass down from generation to generation. They created the sauce that you all sworn and gained us acceptance but now they're afraid to leave their homes and it's traumatizing our younger generations. If I'm completely honest, I'm beginning to despair over the fact that so many brilliant, young Asian-American activists are losing hope that they'll ever be included in this America.

Their spirits are being broken by anti-Asian sentiments exacerbated by a broken economy. Most Asian Americans are recognizing that no matter how hard they try to fit in it's nearly impossible to beat those who are born on third base. And as a result, younger Asians are becoming more empathetic, less compassionate, less collaborative and more cutthroat toward other communities. All (unintelligible) total struggles around identity as well as our own elitism result in anti-Asian sentiment and more targeted hate crimes. The easy path and the knee-jerk reaction is to respond back with more (unintelligible) violence. Catch every attacker, charge them, make examples out of them, take a dominating stance. The harder path is try to figure out where this violence is coming from and spend the necessary resources, time and energy to forge an ally-ship with communities that suffer the same oppression from the dominant culture. In my teens and my early twenties, I saw an older -- if I saw an older Asian American woman or man being assaulted I would immediately intervene and respond forcefully. But as a lawmaker I started asking the questions, what are the conditions that led to such violent acts and how can we confront them with solutions. The obvious most immediate solution is to invest in our people, generate more revenue into the State so others have a sense of security and control over their lives. This pandemic has led our social fabric as non-existent, that every man for himself or herself will almost certainly create more social unrest. We need to attack the social and economic conditions that fuel violent behaviors and not just reduce

these attacks to individual hatred toward Asians. So this Asian Lunar New Year, go out, support your local Asian restaurants, share your bubble tea pictures on Instagram and also do the deep work, the work that catches your tongue before you dehumanize another. The work that sacrifices your stature for others stands a chance. Mr. Speaker, I am proud to support this resolution and I hope that we can get to a better place very soon. Happy Lunar New Year everyone. Thank you.

ACTING SPEAKER AUBRY: Thank you.

On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Ms. Hyndman.

MS. HYNDMAN: Mr. Speaker, please go to Assemblymember Pam Hunter to be recognized.

ACTING SPEAKER AUBRY: Ms. Hunter, for the purposes of an announcement.

MS. HUNTER: Yes, Mr. Speaker, thank you. At the conclusion of our Session today we will be holding an immediate Majority Conference.

ACTING SPEAKER AUBRY: Majority Conference immediately following Session.

Ms. Hyndman.

MS. HYNDMAN: Mr. Speaker, do we have further housekeeping or resolutions?

ACTING SPEAKER AUBRY: No, we do not, Ms.

Hyndman.

MS. HYNDMAN: I now move that the Assembly stand adjourned until Thursday, February 11th, tomorrow being a legislative day and that we reconvene at 2:00 p.m. February 22nd, that being a -- that Monday being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 1:44 p.m., the Assembly stood adjourned until Thursday, February 11th, Thursday being a legislative day, and to reconvene on Monday, February 22nd at 2:00 p.m., Monday being a Session day.)