



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

## Assembly Member Weinstein And Senator Hoylman-Sigal Respond To Governor Hochul's Op-Ed On The Grieving Families Act

BRAD HOYLMAN-SIGAL January 30, 2023

| ISSUE: **GRIEVING FAMILIES, GOVERNOR HOCHUL**

**Assembly Member Helene Weinstein And Senator Brad Hoylman-Sigal** said, “As the deadline for the Governor to sign our Grieving Families Act is only hours away, we’re extremely disappointed that the Governor hasn’t engaged in any serious discussion with her partners in the State Legislature. Instead, the Governor has proposed a half-baked compromise that would only delay long overdue reforms to this archaic 175-year-old law while protecting negligent corporations and institutions from any accountability.

New York’s wrongful death statute predates the Civil War and is widely regarded as the most regressive of its kind in the nation. The Grieving Families Act brings our wrongful death statute in line with the vast majority of states in three ways. First, it acknowledges noneconomic damages suffered by family members when a loved one dies due to misconduct. Second, it expands the definition of family to include modern, non-traditional relationships that the law does not currently recognize. Third, it extends the statute of limitations for bringing a wrongful death action to allow the families more time to grieve before turning their attention to arcane legal proceedings. Importantly, our bill would apply immediately and to pending claims, so as to provide maximum protection to grieving families.

Today, with the deadline for her to act looming, the Governor claims the Grieving Families Act wasn’t subject to careful analysis because it was passed on the last day of the legislative session. However, the Governor fails to acknowledge that this bill had been carried by Assemblywoman Weinstein for over 29 years, during which time it has been considered and approved by several committees in both houses, in addition to having been debated on the floor of the Assembly and Senate. The truth is this legislation has been considered more carefully than almost any other bill passed during our time in Albany!

The Governor now claims that she wants more analysis of the Grieving Families Act. But since the State Legislature passed the bill in June, the Governor had over seven months to review it. With the resources of the entire state government at her disposal, it’s inexplicable the Governor failed to review the bill during this seven-month period, and waited until the eleventh hour to raise the need for further statistical analysis, which would seem to be a tactic to gut the legislation or delay its implementation indefinitely.

The Governor now says she put forward a ‘fair proposal’ over a month ago, but she doesn’t explain that her counterproposal to the Grieving Families Act only addresses the wrongful deaths of persons under 18 years, and conspicuously exempts deaths that ‘involve or give rise to any actual or potential claim for medical malpractice of any kind.’ Moreover, the Governor’s proposal doesn’t expand the definition of family, nor does it extend the statute of limitations or apply to pending claims.

Under the Governor’s proposal, countless New Yorkers would be *excluded* from the Grieving Families Act, including the families of:

- The victims of the racist massacre at the Topps grocery store in Buffalo;
- The victims of the Schoharie limousine crash;
- All elderly victims of negligence;
- Adult Black and brown victims of negligence;
- Victims of police violence;
- Children lost to the negligence of hospitals;
- Homemakers and those whose non-financial contributions to families are immeasurable.

Despite the staggering inadequacy of her proposal, we offered to negotiate to find common ground, only to be turned away by the Governor, who presented her proposal as “take it or leave it.” The victims of wrongful death and their families deserve better the status quo, and they certainly deserve better than the Governor’s proposal, which will help virtually no one.

The bottom line is simple. The Governor’s proposal is woefully inadequate to assist grieving families in New York State.”

###