

Dear Neighbor,

This has been a year of unprecedented challenges for New York State. We have lost over 32,000 New Yorkers to COVID-19 and many more have faced severe health consequences. The economic damage has impacted huge numbers of New Yorkers, with millions facing unemployment and businesses shuttered across the State. For so many, this has made meeting the basic needs of life difficult or impossible. For me and my colleagues in the Legislature, the focus of our legislative agenda became the emergency health and economic crises the State is facing. This has been made more challenging by declining tax revenues.

New York is also facing a period of reckoning with systemic racism. In the wake of the murder of George Floyd by police in Minnesota, the entire Nation has been swept by a new wave of activism aimed at addressing police violence. The COVID-19 pandemic has also highlighted what we already knew about health disparities, as the disease has disproportionately killed Black and Latinx people. The Legislature has responded by passing a number of reforms, and I hope we will continue to focus on the critical work of ensuring that all New Yorkers are truly treated equally - by the police, by our healthcare system, by our schools, in our housing policy, and in every other aspect of State policy.

This Albany Update will provide my usual review of major legislative action, but obviously in the very different context in which we find ourselves in 2020. In addition, unlike most years when Session ends in June, the Legislature is continuing to meet as needed, so this is more of an ongoing update. There will be more to report later in the year, as I am under no illusions that this crisis is close to over, and I know there will need to be more action by the State to address new issues. In the lists of bills below, I've included Chapter numbers for bills that have already been signed by the Governor.

Despite the pandemic, my offices have stayed open to respond to your needs and you should feel free to reach out to us by phone, email, postal service mail, etc. We have also increased our updates via email to keep you informed of all resources regarding COVID-19 and government programs. If you would like our email updates, send an email to lkrueger@nysenate.gov with "Add me to lizlist" in the subject line.



Legislation Responding to the Pandemic:

The pandemic has fundamentally altered all our lives, and in response, the State has necessarily updated its laws in a host of ways to effectively address this new reality. In March, the Legislature granted the Governor authority to modify many legal requirements in order to address this reality, subject to legislative review. I believe that granting the Governor additional authority was necessary in order to provide the flexibility for a timely response to the challenges presented by the pandemic.

However, it is also important for the Legislature to review these decisions and modify them or codify them into law when appropriate. Both through the budget process and subsequent legislative sessions, the Legislature passed a number of measures designed to improve access to healthcare, to protect the rights of New Yorkers, and to provide support for New Yorkers struggling financially because of the pandemic. Some of the key measures passed by the Legislature include:

Health

The COVID-19 pandemic has caused disruptions and exposed weaknesses throughout our healthcare systems. This Legislature passed a number of bills to prioritize protecting New Yorkers' health during this crisis and help New York prepare for future pandemics, including:

- **S.8362A (Ch. 115)** requires, to the greatest extent possible, that COVID-19 **contact tracers be representative of the cultural and linguistic diversity of our communities**. This will mean better and more complete information can be gathered, which will in turn help the entire State overcome this pandemic.

- **S.8450C protects confidential information collected by contact tracers** from being shared with immigration or law enforcement agencies or using identifying information collected beyond its intended scope.
- **S.8245A (Ch. 99)** requires the Department of Health to conduct a **study on the health impacts of COVID-19 on minorities in New York State**. This builds on the recent joint legislative hearing held on the disproportionate impact of COVID-19 on minority communities.
- **S.8182A (Ch. 110)** allows licensed **pharmacists to administer a vaccine for COVID-19** no sooner than 90 days after a vaccine has been approved by the United States Food and Drug Administration Center for Biologics Evaluation and Research and after the Department of Health and State Education Department certify that having pharmacists administer the vaccine is in the best interest of public health.
- **S.8416 (Ch. 124)** ensures **coverage for telehealth** and telemedicine services will be eligible for reimbursement from insurance companies. This will help ensure that individuals will continue to be able to access needed health care services while still maintaining proper social distancing to prevent spread of COVID-19.
- **S.8397A (Ch. 117)** provides **whistleblower protections to healthcare workers** speaking out about workplace safety or health violations including to the news media or on social media.
- **S.8835 (Ch. 134)** passed in July to **limit the immunity from liability of healthcare professionals who treat patients during the COVID-19 State of Emergency**. The State Fiscal Year 2020-21 Budget had included broader immunity language and this bill seeks to prospectively balance the protections afforded to our heroic health care workers while recognizing the rights of their patients when provided care.

Nursing and Adult Residential Homes

COVID-19 hit nursing homes particularly hard, and revealed weaknesses both in practices at nursing and adult residential homes and the State response to protecting this extremely vulnerable population. These mistakes resulted in far too many needless deaths. There was clearly a need for better regulation as well as legislative changes. The Legislature passed **S.8289B (Ch. 114)**, which requires residential health care facilities to prepare and comply with an annual pandemic emergency plan. This will help residential healthcare facilities, including nursing homes, ensure the safety of their staff and residents during pandemics like COVID-19. In addition, in August, I participated in joint legislative hearings on the impacts of the pandemic in residential health facilities that I expect will result in further legislation to improve health and safety. I was also a co-sponsor of **S.8633** which would create the "reimagining long-term care task force" to study the capacity and quality of existing long-term care services in New York State, and will plan to ensure that the State can meet the future needs of older New Yorkers so they can live in safety and with dignity. This legislation passed the Senate in July, but has not been acted on by the Assembly as of this writing.

Housing

Millions of New Yorkers are struggling to make rent or mortgage payments as a result of the pandemic and economic crisis. In the spring and summer, the Legislature passed several bills to address these issues, including:

- **S.8419 (Ch. 125)** establishes an interim **residential rent relief program for low-income tenants**. The program creates a subsidy for tenants who were rent burdened prior to the COVID-19 pandemic – or are paying more than 30 percent of their income toward rent – and experienced an even greater rent burden due to a loss of income.
- **S.8192B (Ch. 127)** **prohibits the eviction for nonpayment of rent of residential tenants** who have suffered financial hardship and were in arrears on rent while New York on PAUSE imposed restrictions in their county. The tenant would remain liable for the rent owed, but this legislation will ensure New Yorkers are not made homeless due to these extraordinary circumstances.

- **S.8243C (Ch. 112)** requires New York State regulated banking institutions to grant **180 days of mortgage forbearance**, with the option for an additional 180 days, on a residential mortgage on their primary residence to any mortgagor who can demonstrate financial hardship as a result of the COVID-19 pandemic.
- **S.8138B** permits municipalities to **defer certain property taxes** during the COVID-19 State of Emergency and will also permit installment payments to be determined by the local legislative body. No additional interest or penalties will accrue during such deferment.
- **S.8113A (Ch. 108)** prohibits a utility corporation or municipality from terminating or disconnecting services to any residential customer for the nonpayment of an overdue charge for the duration of the COVID-19 State of Emergency. This moratorium will last 180 days after the expiration of the COVID-19 State of Emergency.

Education

Faced with a large budget deficit, compounded by the COVID-19 crisis, the legislature ensured that **Foundation Aid was not cut**, and that education funding from the CARES Act could be used to provide school aid. While New York still owes schools funding, the Legislature was able to use federal funding from the CARES Act to directly fund our schools. The Legislature also passed **S.8014-C** to protect school districts from any reductions in aid as a result of shifting to remote learning for the 2019-2020 school year.

Support for Workers and the Unemployed

In March, the Legislature passed **S.8091, Ch. 125**, that provided for workers to receive **paid leave and guaranteed job security** if they have to undergo a mandatory or precautionary quarantine or isolation. This paid leave will last for the duration of their order, and is intended so that New Yorkers abide by these precautions and are not financially punished for helping to contain the coronavirus pandemic. The legislation ensures employees in New York State will be able to access paid leave if they are subject to a mandatory or precautionary quarantine due to the coronavirus pandemic (COVID-19). The bill also **waived the 7-day waiting period before New Yorkers can apply for Unemployment Insurance**.

When the Legislature returned to Albany in May, we also passed:

- **S.8275A (Ch. 97)**, which **suspends the forfeiture of unemployment benefits** that were previously imposed on claims based on false statements or representation for the duration of the declared COVID-19 State of Emergency.
- **S.8427 (Ch. 89)**, establishes a COVID-19 **pension benefit for families of public employees who die due to their workplace exposure to the disease**.

Support for Small Businesses

Many businesses have been forced to lay off or furlough workers since the pandemic began, causing unemployment to skyrocket and millions of New Yorkers to struggle to make ends meet. The Legislature passed several bills to better allow State and local governments to help workers and businesses that have been impacted, including **S.8181A (Ch. 109)**, which authorizes Industrial Development Agencies (IDAs) to create a **COVID-19 State of Emergency Loan Program** to provide capital funding for small businesses and not-for-profits, and to provide grants for the acquisition of personal protective equipment to prevent the spread of COVID-19.

Protecting New Yorkers' Rights

The Senate and Assembly passed a number of measures to protect the rights of New Yorkers during this pandemic, including:

- **S.2665 prevents third-party companies from adding deceptive charges or fees** to consumers' cell phone bills without authorization.
- **S.7082 (Ch. 130)** extends the period of time to file civil claims under the **Child Victims Act** by one year.
- **S.8189 (Ch. 90)** updates New York's **anti-price gouging** law to include medical supplies and services as well as goods and services used to promote public health.
- **S.8415 (Ch. 98)** repeals an archaic prohibition on the **wearing of costumes and masks in public**, which would advance the public effort to prevent the spread of the coronavirus.

In addition to these bills dealing with issues specific to the pandemic, the Legislature also passed additional measures to address endemic issues of discrimination and rights violations, including:

- **S.6874A (Ch. 131)**, which penalizes licensed real estate brokers and salespersons by revoking or suspending their licenses, or issuing a fine, if they violate the Human Rights Law, which includes housing discrimination. This legislation was developed after a series of hearings to address **systemic racial discrimination in housing** on Long Island.
- **S.425A bans Immigration and Customs Enforcement (ICE) agents from making arrests in New York courthouses**. This bill protects New Yorkers from civil arrests while going to court and conducting or returning from a court proceeding. No New Yorker should fear accessing the justice system.
- **S.52A offers legal protection to any individual or entity sued for exercising their free speech rights**. Strategic Lawsuits Against Public Participation ("SLAPP suits") are suits brought by well-financed corporations and individuals to discourage public criticism. This bill broadens New York's existing anti-SLAPP statute by revising the definition of an "action involving public petition and participation" to include a broader definition of matters in the "public interest." Under this bill, if a defendant's speech or activity falls under the protection of the statute, judges will have the ability to dispose of meritless claims quickly and also require that victims of SLAPP lawsuits receive an award of costs and attorneys' fees, thus strongly discouraging those who attempt to limit free speech.

Voting Reforms

The Legislature began to address New York's outdated election system last year and that work continued throughout this legislative session, with additional major reforms passed in January and July. Below are key voting reforms that passed both houses of the Legislature:

- **S.8806** implements the **New York Automatic Voter Registration Act** of 2020 and creates an automatic voter registration system through qualified New York State government agencies and departments.
- **S.8130D (Ch. 91)** enables New Yorkers to **apply for absentee ballots through an electronic application**. This would ensure more New Yorkers are able to vote and participate in the democratic process despite the ongoing pandemic.
- **S.8370B** gives voters notice of any deficiencies in their absentee ballot envelopes and an **opportunity to fix errors to ensure their votes are counted**.
- **S.8015D (Ch. 139)** defines the term "**illness**" for the purposes of absentee voting to include instances where a voter is unable to appear personally at a polling place because there is a risk of contracting or spreading a disease-causing illness to the voter or to other members of the public.
- **S.8799A (Ch. 140)** provides that **any absentee ballot shall be presumed to be timely** even if it does not bear a dated postmark if such ballot was received and timestamped by the day after Election Day. As the Post Office no longer postmarks prepaid envelopes, existing New York State law requiring a postmark needed to be updated.
- **S.8783A (Ch. 138)** allows the **processing of absentee ballot applications prior to 30 days before the election** in order to reduce delays in getting ballots to voters.
- **S.8782** requires that in each county, the municipality with the largest population contains at least one early voting location.

Several additional reforms passed the Senate but have not yet been acted on by the Assembly, and I will be working with my Assembly colleagues to get these reforms adopted as well:

- **S.6930**, which I sponsored, will **exempt school buildings from being used as early voting polling sites**.
- **S.6926A** increases opportunities for early voting by providing counties, at local option, with the authority to **allow early voting at portable polling locations**.
- **S.4378** provides that election districts shall not be drawn partly on or off a college campus. It also **requires a polling location on the grounds of the college or university when there are 300 registered voters or more on the campus**.
- **S.6886D** requires electors to vote for the **Presidential and Vice Presidential candidate who received the highest number of votes** in New York State.

Criminal Justice Reforms

In June, the Legislature passed significant policing reforms, including the repeal of section 50-a and other important bills to help implement real improvements in the relationship between law enforcement in New York and the people they are sworn to serve and protect.

Though these bills represent progress, they go only a very small way toward righting the wrongs our current systems inflict on Black people and other people of color on a daily basis. Our housing policies, our public health policies, our education policies, and our environmental policies, all create the conditions that perpetuate widespread segregation in our country, our State, and our City. That segregation has a direct human cost for individuals and communities of color – we see it clear as day in the disparity of deaths caused by COVID-19 in those communities. Going forward, we must continually recommit ourselves to addressing the structural, systemic racism that results in significantly diminished outcomes for people of color in education, healthcare, employment, the criminal justice system, and many other fronts.

Let me be very clear – these pieces of legislation are not an attack on police officers or any police department. Police officers, like elected officials, are public servants. Elected officials, because we have been given the power to make laws and to allocate public funds, should be held to a higher standard than other citizens. After all, nobody forced us to take this job. Similarly, police officers, because they are given the power to make arrests and use deadly force when necessary, must also be held to a very high standard of conduct and oversight. That is the goal of these bills.

The bills passed by the Legislature and signed by the Governor include:

- **S.8496 (Ch. 96) repeals section 50-a of the Civil Rights Law**, which withholds from the public important information in the personnel records of police officers, firefighters, and correction officers. This statute has been interpreted to include withholding of disciplinary records of law enforcement officers. This repeal would subject these records to FOIL, as are all other records kept by public agencies, while **protecting the sensitive personal contact and health information of these officers**.
- **S.3253B (Ch. 100)** clarifies that a person not under arrest or in police custody has the **right to record police activity** and to maintain custody and control of that recording, and of any property or instruments used to record police activities.
- **S.6670B (Ch. 94)**, the “**Eric Garner Anti-Chokehold Act**,” prohibits the use of chokeholds by law enforcement and establishes the crime of aggravated strangulation as a Class-C felony. Chokeholds have been against NYPD policy for decades, and they are not necessary to deal with non-cooperative suspects.
- **S.1830C (Ch. 102)**, the **Police Statistics and Transparency (STAT) Act**, will require courts to compile and publish racial and other demographic data of all low-level offenses, including misdemeanors and violations. The bill also requires police departments to submit annual reports on arrest-related deaths to the Department of Criminal Justice Services and to the Governor and the Legislature.
- **S.2574C (Ch. 95)** creates an **Office of Special Investigation under the Attorney General**, which will investigate, and, if warranted, prosecute any incident of a person whose death was caused by a police officer or peace officer.
- **S.3595C (Ch. 104)** establishes the **Law Enforcement Misconduct Investigative Office** within the Department of Law to review, study, audit and make recommendations regarding operations, policies, programs and practices of local law enforcement agencies.
- **S.8492 (Ch. 93)** establishes a **private right of action** for a member of a protected class when another person calls a police or peace officer on them without reason to suspect a crime or an imminent threat to person or property existed.
- **S.6601A (Ch. 103)** amends the Civil Rights Law by adding a new section that affirms New Yorkers’ **right to medical and mental health attention while in custody**.
- **S.8493 (Ch. 105)**, the **New York State Police Body-Worn Cameras Program**, will direct the Division of State Police to provide all State Police officers with body-worn cameras that are to be used any time an officer conducts a patrol, and prescribes mandated situations when the camera is to be turned on and recording.

- **S.2575B (Ch. 101)** requires State and local law enforcement officers, as well as peace officers, to **report, within six hours, when they discharge their weapon** where a person could have been struck, whether they were on or off duty.

As part of the State Budget, the Legislature and Governor agreed to several **changes to the bail law**, including making several high level offenses eligible to be held in custody for bail including certain sex crimes, high level drug offenses, domestic violence felonies, crimes resulting in a death, and offenses directly related to an individual’s flight risk. The budget also creates a mechanism to address individuals who repeatedly commit crimes, while maintaining the existing bail structure where most misdemeanors and non-violent felonies are not subject to being held in custody for bail. In addition, the Budget provided \$40 million to support the **implementation of discovery reforms**.

Environmental Protection

The Legislature also acted on several important measures to protect our environment and respond to climate change, including:

- **S.3392 (Ch. 133)** requires any **waste from oil and gas extraction, including fracking, to be treated as hazardous** if it meets existing State definitions. This waste can contain hundreds of known and suspected carcinogenic chemicals and high levels of radioactivity. This bill requires waste from fracking to be tested and more closely tracked and places restrictions on its use.
- **S.6502A prevents the use of glyphosate on State land**. Glyphosate is the active ingredient in many weed-killers, and is a probable carcinogen according to the World Health Organization. This will ensure that nobody is exposed to cancerous chemicals on State parks, playgrounds, and land.
- **S.6829B prohibits the use of trichloroethylene (TCE) for a variety of manufacturing uses**. TCE is a carcinogen that is one of the most frequently detected groundwater contaminants and has been the cause of some of the Nation’s most high-profile environmental disasters, including the Grumman plume on Long Island.
- **S.8817 bans the use of PFAS chemicals in food packaging**.
- **S.5612A expands protections for smaller waterways that support fisheries and non-contact recreation**, known as Class C streams. The measure applies protections to about 40,000 miles of waterways, including permit requirements for any course modifications, bank disturbances or infilling.

The Budget also included new environmental protections, including:

- Authorization of the \$3 billion “**Restore Mother Nature Bond Act**.” Unfortunately, the Governor has made a determination, with authority granted to him in the Budget, that the Bond Act will not go before the voters in this year’s election due to the economic impacts of the pandemic. I am hopeful we can revisit this important proposal next year.
- **Banning polystyrene** (commonly called Styrofoam) food packaging and polystyrene packaging peanuts beginning January 1, 2022.
- Creating a new **Office of Renewable Energy Siting**, a NYSEDA build-ready program, and an electric power transmission plan to **accelerate the development of renewable energy**, while ensuring community input and benefits and environmental protections.

In addition to these measures, the Senate also passed my bill (**S.2649C**) to tackle counterproductive State fossil fuel subsidies, shining a light on and potentially halting tax breaks, credits, and refunds for the use of dirty fossil fuels. The legislation requires the Governor to submit an annual analysis of all fossil fuel-related tax expenditures, including recommendations regarding continuation, modification, or repeal of some of the worst offenses. It also **implements a 5-year sunset provision for the expiration of all current and future fossil fuel-related tax expenditures**. The State-level measure is the first in the country to specifically target fossil fuel tax subsidies and create a regular public review process. We spend \$1.6 billion every year on tax subsidies that support the use of dirty fossil fuels, with barely any information about the effects of this spending. We need a process in place to regularly analyze and review these subsidies, so that we can strengthen those that actually benefit hard-working New Yorkers, and get rid of those that waste taxpayer dollars and make our climate crisis worse. I will be working with my Assembly colleagues to get this bill passed in the Assembly this year.

Animal Rights

Both houses of the Legislature passed **S.8750** which **preserves endangered and threatened species designations** in New York State for any species removed from these lists by the Federal Department of the Interior. In addition, the Senate passed **S.4234A**, which prohibits the sale of dogs, cats, and rabbits by retail pet shops in order to **remove the financial incentive for puppy mills and encourage pet adoption**. This bill has not yet been acted on by the Assembly.



One of my last “in-person” events in February was a community budget hearing where I was joined by my Senate colleagues who represent Manhattan, and we heard testimony on a host of issues facing our State.

State Budget

In April, the Legislature and the Governor reached agreement on a 2020-2021 State Budget that addresses the needs of New York residents and businesses, especially in light of the ongoing coronavirus pandemic. The Budget is a crisis budget. It is not what we expected to be passing when we came to Albany in January, but it is what the moment called for. It recognized the reality of our fiscal problems and keeps New York State solvent and functioning, while devoting resources to meet the reality of the pandemic. This Budget was not the final word either for this year or long term. We will need to continue to address the budget impacts of the pandemic, and will undoubtedly face the need for more tough decisions later this year. We must begin to chart a path for New York in which no one is left behind or sacrificed, in which everyone pitches in their fair share, and in which we make the hard and complex decisions to ensure a bright future for all New Yorkers.



New York State Senate, Albany, NY 12247



State Senator Liz Krueger's Albany Update – Summer 2020



PRSRT-STD
U.S. POSTAGE
PAID
NEW YORK SENATE

Albany Office:

416 State Capitol
Albany, NY 12247
(518) 455-2297

District Office:

211 East 43rd Street
Suite 1201
New York, NY 10017
(212) 490-9535

E-Mail: lkrueger@nysenate.gov

Website: krueger.nysenate.gov

Census 2020 – Get Counted for New York!

It is 2020, and it is critical that everyone complete the census. Both funding and legislative districts are based on census data, so an undercount will mean less money for education, healthcare, housing and many other vital programs, as well as less representation in government.

As of this writing, there is a significant undercount for New York City, including Manhattan, where 56% of households have responded, compared to 63% nationwide. **The undercount is due in part to residents leaving the area as a result of the pandemic and completing the census, but indicating that they live in the area where they are currently staying, instead of in New York City.**

If you left NYC because of COVID or any other reason for a temporary stay at a weekend or seasonal home, you should still respond to Census2020 based your usual residence, not necessarily where you were on April 1, 2020. **If you already responded mistakenly that this temporary home was your residence, you can still make the correction.**

If you have not completed the census or need to make corrections, **go to my2020census.gov or call 844-330-2020.** The Census Bureau will identify and correct duplicate responses.

SAVE THE DATE

OCTOBER 15TH 2 PM – 5 PM

SENATOR KRUEGER'S VIRTUAL SENIOR RESOURCE FAIR

This year, we are holding our Annual Senior Resource Fair online. We will have virtual sessions on exercise and meditation, virtual services offered at senior centers and organizations that serve older people, employment, and arts and culture. Along with other major arts and cultural organizations, the Temple Emanu-El Streicker Center will share information about their Fall 2020 programming.

This is the link to **Temple Emanu-El Streicker Center's** new fall calendar, giving you access to an array of virtual events: <https://streicker.nyc/catalog-fall-2020>. Use the link to find out about extraordinary speakers, including Jane Fonda, renowned chef Ina Garten, and Gail Collins, journalist and author who will discuss her newest book, “No Stopping Us Now: The Adventures of Older Women in American History,” scheduled on the evening of October 15, after Senator Krueger’s Virtual Senior Resource Fair.