



2021 ANNUAL  
REPORT

# NEW YORK STATE SENATE STANDING COMMITTEE ON JUDICIARY



**SENATOR  
BRAD HOYLMAN**  
CHAIR



**CHAIRMAN**  
JUDICIARY

**COMMITTEES**  
CITIES I

CULTURAL AFFAIRS, TOURISM, PARKS  
& RECREATION  
DISABILITIES  
FINANCE  
HEALTH  
LIBRARIES



**SENATOR**  
**BRAD HOYLMAN**  
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December 17, 2021

The Honorable Andrea Stewart-Cousins  
Temporary President and Majority Leader  
New York State Senate  
Albany, NY 12247

Dear Senator Stewart-Cousins:

I am pleased to transmit the Annual Report of the Senate's Standing Committee on Judiciary for the 2021 Legislative Session. As Chair, I am proud to continue to lead our efforts to address important matters under my committee's jurisdiction, particularly the advancement of the Adult Survivors Act, legislation to protect consumers from unfair debt collection and judgment interest, proposals to protect victims of workplace sexual harassment, and bills to combat the scourge of discrimination in the real estate industry.

During the 2021 session, this committee met ten times in session and reported seventy-nine bills. The Committee also participated in the Finance Committee budget hearings and approved two nominees to the Court of Appeals and eight nominees to the Court of Claims.

I thank my colleagues who served on the Committee for their efforts and support of the work that was done in the committee this year, and I thank you for the continued support from the Majority Conference in the committee's operations.

Sincerely,

A handwritten signature in black ink that reads "Brad Hoylman". The signature is written in a cursive, flowing style.

Brad Hoylman  
State Senator  
27th District

## **2021 LEGISLATIVE SESSION REPORT**

### **NEW YORK STATE SENATE STANDING COMMITTEE ON JUDICIARY**

**Senator Brad Hoylman, Chairperson**

#### **COMMITTEE MEMBERS**

Senator Jamaal T. Bailey	Senator Philip Boyle, <i>Ranking Member</i>
Senator Alessandra Biaggi	Senator Thomas O'Mara
Senator Neil D. Breslin	Senator Andrew Lanza
Senator Andrew Gounardes	Senator Anthony H. Palumbo
Senator Anna Kaplan	Senator Peter Oberacker
Senator Zellnor Myrie	
Senator James Skoufis	
Senator Toby Ann Stavisky	
Senator Kevin Thomas	

#### **COMMITTEE STAFF**

Nic Rangel – Second Deputy Counsel, Senate Majority Conference  
Kenan Kurt – Albany Chief of Staff & Counsel, Senator Hoylman

## **COMMITTEE JURISDICTION AND OVERVIEW**

The New York State Senate Standing Committee on Judiciary has legislative oversight responsibilities for issues concerning New York's civil justice system, debtor and creditor laws, domestic relations laws, estates, powers and trusts laws, general obligations laws, real property laws, and the judicial branch of state government. The Judiciary Committee also has the special responsibility of considering resolutions to amend the State Constitution, and to consider and approve certain gubernatorial judicial appointments, including appointees to the New York State Court of Claims and Court of Appeals.

During the 2021 Legislative Session, three hundred fifty bills were referred to the Committee for its review. Of these bills, seventy-nine were reported from the Committee, the Senate passed seventy-seven, and forty-four passed in both houses. This work was conducted through a series of nine committee meetings. A list of all bills that were reported from the committee is provided at the end of this report.

The Committee also held a meeting to approve two nominees to the Court of Appeals and eight nominees to the Court of Claims.

## COMMITTEE HIGHLIGHTS

The following key bills were acted on by the committee in 2021:

- **S.66 (Hoylman):** An act to amend the civil practice law and rules, in relation to the statute of limitations for civil actions related to certain sexual offenses committed against a person eighteen years of age or older, reviving such actions otherwise barred by the existing statute of limitations and granting trial preference to such actions; and to amend the judiciary law, in relation to directing the chief administrator of the courts to promulgate rules for the timely adjudication of certain revived actions. **PASSED SENATE, DIED IN ASSEMBLY.**
- **S.74A (Hoylman):** An act to amend the estates, powers and trusts law, in relation to the payment and distribution of damages in wrongful death actions. **DIED IN FINANCE.**
- **S.153 (Thomas):** An act to amend the civil practice law and rules and the judiciary law, in relation to consumer credit transactions. **SIGNED, CHAPTER 593 OF THE LAWS OF 2021.**
- **S.528 (Jackson):** Concurrent Resolution of the Senate and Assembly proposing an amendment to article 1 of the constitution, in relation to the right to clean air and water and a healthful environment. **RATIFIED BY VOTER REFERENDUM.**
- **S.538B (Kaplan):** An act to amend the real property law, in relation to requiring real estate brokers and salespersons to receive implicit bias training as part of their license renewal process. **PASSED BOTH HOUSES, DELIVERED TO GOVERNOR.**
- **S.738 (Biaggi):** An act to amend the general obligations law, in relation to violations of nondisclosure agreements in certain settlement agreements. **PASSED SENATE, DIED IN ASSEMBLY.**
- **S.766 (Gounardes):** An act to amend the civil practice law and rules, in relation to the statute of limitations for actions based upon unlawful discriminatory practice in employment. **PASSED SENATE, DIED IN ASSEMBLY.**
- **S.945B (Gaughran):** An act to amend the real property law and the state finance law, in relation to establishing the anti-discrimination in housing fund and allocating moneys from fines thereto. **PASSED BOTH HOUSES, DELIVERED TO GOVERNOR.**
- **S.1957A (Hoylman):** An act to amend the judiciary law, in relation to authorizing the chief administrator of the courts to establish veterans treatment courts; and to amend the criminal procedure law, in relation to the removal of certain actions to veterans treatment courts. **SIGNED, CHAPTER 91 OF THE LAWS OF 2021.**
- **S.2131A (Skoufis):** An act to amend the real property law, in relation to requiring the secretary of state to promulgate regulations requiring real estate brokers to institute standardized operating procedures for the prerequisites prospective homebuyers shall meet prior to receiving any services. **PASSED BOTH HOUSES, DELIVERED TO GOVERNOR.**
- **S.2132B (Skoufis):** An act to amend the real property law, in relation to increasing required training for real estate brokers and real estate salespeople to prevent discrimination. **PASSED BOTH HOUSES, DELIVERED TO GOVERNOR.**
- **S.2133A (Skoufis):** An act to amend the real property law, in relation to adding a surcharge to

the fee paid for issuing or reissuing a real estate broker or salesmen license. **PASSED BOTH HOUSES, DELIVERED TO GOVERNOR.**

- **S.2157A (Thomas):** An act to amend the real property law, in relation to associate real estate brokers acting as office managers. **PASSED BOTH HOUSES, DELIVERED TO GOVERNOR.**
- **S.3086 (Salazar):** An act to amend the domestic relations law, in relation to increasing the age of consent for purposes of marriage to the age of eighteen; and to repeal certain provisions of such law relating thereto. **SIGNED, CHAPTER 306 OF THE LAWS OF 2021.**
- **S.3280B (Cooney):** An act in relation to enacting the Rochester housing court act. **SIGNED, CHAPTER 464 OF THE LAWS OF 2021.**
- **S.5724A (Thomas):** An act to amend the civil practice law and rules, in relation to the rate of interest applicable to money judgments arising out of consumer debt. **PASSED BOTH HOUSES.**
- **S.5923A (Thomas):** An act to amend the civil practice law and rules, the banking law and the debtor and creditor law, in relation to exempting COVID-19 stimulus relief for individuals and families with children from money judgments. **SIGNED, CHAPTER 107 OF THE LAWS OF 2021.**
- **S.6498 (Bailey):** An act to amend the family court act, in relation to use of restraints on children appearing before the family court. **SIGNED, CHAPTER 474 OF THE LAWS OF 2021.**

## TWO HOUSE BILLS

In 2021, forty-four of the three hundred fifty bills referred to the Standing Committee on Judiciary passed both houses of the Legislature, including five concurrent resolutions to amend the state Constitution that did not require further action by the Governor. Of the bills passed by both houses, the Governor has signed twenty-four and vetoed none, while fifteen await gubernatorial action.

<b>Bill</b>	<b>Sponsor</b>	<b>Summary</b>	<b>Action</b>
S.69	Hoylman	Makes provisions regarding small claims jurisdiction where claimant is a tenant or lessee of real property owned by defendant that is situated within certain limits	Signed, Chapter #485
S.153	Thomas	Enacts the “consumer credit fairness act”	Signed, Chapter #593
S.290	Myrie	Exempts a debtor's interest in his or her rent-stabilized lease from bankruptcy proceedings	Signed, Chapter #489; Approval Memorandum #24
S.294A	Myrie	Removes the prohibition on individuals convicted of a felony that prevents them from being appointed fiduciary of an estate	Signed, Chapter #486
S.297B	Thomas	Relates to the discontinuance of LIBOR as the benchmark for short-term interest rates	Signed, Chapter #94
S.360	Comrie	Authorizes ballot by mail by removing cause for absentee ballot voting	Rejected By Referendum
S.473	Hoylman	Relates to interest upon judgment	On Governor’s Desk
S.514A	Sepulveda	Relates to the jurisdiction over the classes of actions and proceedings which shall be originated in the New York city civil court	Ratified By Referendum
S.515	Gianaris	Relates to the functioning of the independent redistricting commission; repealer	Rejected By Referendum
S.517	Gianaris	Removes ten day advance voter registration requirement	Rejected By Referendum
S.523A	Hoylman	Revises and clarifies the uniform foreign country money judgments recognition act	Signed, Chapter #127
S.528	Jackson	Relates to the right to clean air and water and a healthful environment	Ratified By Referendum



<b>Bill No.</b>	<b>Sponsor</b>	<b>Summary</b>	<b>Action</b>
S.538B	Kaplan	Requires real estate brokers and salespersons to receive implicit bias training as part of their license renewal process	On Governor's Desk
S.945B	Gaughran	Establishes the anti-discrimination in housing fund and allocates moneys from fines thereto	On Governor's Desk
S.979A	Gaughran	Requires real estate brokers to receive training in cultural competency	On Governor's Desk
S.997	Hoylman	Prohibits contracts for the purchase or lease of consumer goods from restricting venue in an action relating to such contract	Signed, Chapter #556
S.1789	Sanders	Establishes that domestic violence advocates may not disclose any communication made by a client to the advocate except in certain circumstances	Signed, Chapter #309
S.1957A	Hoylman	Authorizes the chief administrator of the courts to establish veterans treatment courts; and relates to the removal of certain actions to veterans treatment courts	Signed, Chapter #91
S.2131A	Skoufis	Relates to requiring the secretary of state to promulgate regulations requiring real estate brokers to institute standardized operating procedures for the prerequisites prospective homebuyers shall meet	On Governor's Desk
S.2132B	Skoufis	Increases required training for real estate brokers and real estate salespeople to prevent discrimination	On Governor's Desk
S.2133A	Skoufis	Adds a surcharge to the fee paid for issuing or reissuing a real estate broker or salesmen license	On Governor's Desk
S2157A	Thomas	Relates to associate real estate brokers serving as real estate office managers	On Governor's Desk
S.2929B	Parker	Relates to designating certain zip codes as cease and desist zones	Signed, Chapter #581
S.3086	Salazar	Increases the age of consent for purposes of marriage to the age of eighteen; and repeals certain provisions of law relating thereto	Signed, Chapter #306
S.3280B	Cooney	Relates to enacting the Rochester housing court act	Signed, Chapter #464
S.3666	Comrie	Eliminates unreasonable fees levied on tenants for reproductions of keys	Signed, Chapter #345
S.3934	Bailey	Relates to the state commission on prosecutorial conduct	Signed, Chapter #153

<b>Bill No.</b>	<b>Sponsor</b>	<b>Summary</b>	<b>Action</b>
S.4248	Skoufis	Relates to requiring the best interest of a companion animal to be considered when awarding possession in a divorce	Signed, Chapter #509
S.4350A	Gounardes	Relates to establishing Angelina Liu as the genetic child and distributee of Wenjian Liu for purposes of the estates, powers and trusts law	Signed, Chapter #467
S.4379	Hoylman	Makes technical changes to provisions providing for certification for service as a retired judge of the court of appeals or a retired justice of the supreme court	On Governor's Desk
S.4455A	Krueger	Relates to stipulations in summary proceedings to recover possession of real property	On Governor's Desk
S.4467B	Mannion	Relates to support orders for adult dependents	Signed, Chapter #437; Approval Memorandum #23
S.4777B	Mannion	Replaces certain instances of the word mentally ill person with person with a mental illness or mental disability; repealer	Signed, Chapter #351
S.5105C	Liu	Relates to grounds where no landlord-tenant relationships exist in cooperative apartments	On Governor's Desk
S.5724A	Thomas	Relates to the rate of interest on money judgments in certain actions involving consumer debt	On Governor's Desk
S.5923A	Thomas	Exempts COVID-19 stimulus relief for individuals and families with children from money judgments	Signed, Chapter #107
S.6392	Reichlin-Melnick	Extends the effectiveness of certain provisions of chapter 329 of the laws of 2009, relating to removing special powers granted to the society for the prevention of cruelty to children	Signed, Chapter #175
S.6494A	Hoylman	Relates to extending the authorization for the New York city marshals to exercise the same functions, powers and duties as sheriffs with respect to the execution of money judgments	Signed, Chapter #117
S.6498	Bailey	Prohibits the use of certain restraints on children appearing before family court	Signed, Chapter #474
S.6622	Hoylman	Extends provisions of law relating to the use of electronic means for the commencement and filing of papers in certain actions or proceedings	Signed, Chapter #118

<b>Bill No.</b>	<b>Sponsor</b>	<b>Summary</b>	<b>Action</b>
S.6656A	Sanders	Relates to creating an action for the recovery of damages for personal injury caused by exposure to toxic burn pits while serving as a member of the armed forces	On Governor's Desk
S.7052	Gouardes	Enacts the comprehensive insurance disclosure act	On Governor's Desk
S.7093	Hoyleman	Relates to admissibility of an opposing party's statement	On Governor's Desk
S.7103	Ramos	Extends expiration of provisions of judiciary law authorizing referees to determine applications for orders of protection while family court is in session	On Governor's Desk

## SUMMARY OF COMMITTEE ACTIVITY

<b>Bill</b>	<b>Sponsor</b>	<b>Summary</b>	<b>Significant Action</b>
S.41B	Hoylman	Enacts the "pandemic self-storage act"	Reported To Calendar
S.66	Hoylman	Relates to the statute of limitations for civil actions related to certain sexual offenses committed against a person eighteen years of age or older	Passed Senate Only
S.69	Hoylman	Makes provisions regarding small claims jurisdiction where claimant is a tenant or lessee of real property owned by defendant that is situated within certain limits	Signed, Chapter # 485
S.74A	Hoylman	Provides for the types of damages that may be awarded to the persons for whose benefit an action for wrongful death is brought	Reported To Finance
S.76	Hoylman	Relates to certain notice requirements; and prohibits landlords from including incorrect information re rent decontrol in certain leases and renewals pertaining to units in the Affordable New York Housing Program	Passed Senate Only
S.153	Thomas	Enacts the "consumer credit fairness act"	Signed, Chapter #593
S.161	Gouardes	Relates to veterans' preferences with respect to civil service promotions	Passed Senate Only
S.271	Myrie	Authorizes the mortgagee or lienor of an abandoned multiple dwelling to apply for the appointment of a receiver to bring the building into compliance	Passed Senate Only
S.290	Myrie	Exempts a debtor's interest in his or her rent-stabilized lease from bankruptcy proceedings	Signed, Chapter #489; Approval Memorandum #24
S.294A	Myrie	Removes the prohibition on individuals convicted of a felony that prevents them from being appointed fiduciary of an estate	Signed, Chapter #486
S.297B	Thomas	Relates to the discontinuance of LIBOR as the benchmark for short-term interest rates	Signed, Chapter #94
S.360	Comrie	Authorizes ballot by mail by removing cause for absentee ballot voting	Rejected By Referendum

<b>Bill No.</b>	<b>Sponsor</b>	<b>Summary</b>	<b>Significant Action</b>
S.436	Kaminsky	Permits a grand jury to inspect medical records pursuant to subpoena duces tecum powers	Passed Senate Only
S.473	Hoylman	Relates to interest upon judgment	On Governor's Desk
S.514A	Sepulveda	Relates to the jurisdiction over the classes of actions and proceedings which shall be originated in the New York city civil court	Ratified By Referendum
S.515	Gianaris	Relates to the functioning of the independent redistricting commission; repealer	Rejected By Referendum
S.517	Gianaris	Removes ten day advance voter registration requirement	Rejected By Referendum
S.523A	Hoylman	Revises and clarifies the uniform foreign country money judgments recognition act	Signed, Chapter #127
S.528	Jackson	Relates to the right to clean air and water and a healthful environment	Ratified By Referendum
S.536	Kaplan	Relates to replacing all instances of the word or variations of the word salesman with the word salesperson or variation thereof	Passed Senate Only
S.538B	Kaplan	Requires real estate brokers and salespersons to receive implicit bias training as part of their license renewal process	On Governor's Desk
S.562	Hoylman	Relates to prohibiting agreements between employers that directly restrict the current or future employment of any employee	Passed Senate Only
S.700	Hoylman	Repeals section 470 of the judiciary law relating to allowing attorneys having offices in the state to reside in an adjoining state	Passed Senate Only
S.719	Hoylman	Waives the biennial attorney registration fee for New York attorneys who meet the federal public service loan forgiveness program employment qualifications	Reported To Finance
S.720	Hoylman	Relates to the disqualification of a surviving spouse	Passed Senate Only
S.738	Biaggi	Relates to violations of nondisclosure agreements in certain settlement agreements	Passed Senate Only
S.739	Biaggi	Designates lay individuals as one-day marriage officiants in order to solemnize marriages	Passed Senate Only

<b>Bill No.</b>	<b>Sponsor</b>	<b>Summary</b>	<b>Significant Action</b>
S.766	Gounardes	Relates to the resolution of certain claims by certain employees	Passed Senate Only
S.849A	Gounardes	Relates to the statute of limitations for actions based on employment discrimination	Passed Senate Only
S.945B	Gaughran	Establishes the anti-discrimination in housing fund and allocates moneys from fines thereto	On Governor's Desk
S.949	Gaughran	Relates to excusing prospective jurors who are over the age of 75 or have a health condition putting such person at greater risk for severe illness from COVID-19	Reported To Calendar
S.997	Hoylman	Prohibits contracts for the purchase or lease of consumer goods from restricting venue in an action relating to such contract	Signed, Chapter #556
S.1068A	Biaggi	Relates to evidence of lost earnings or impaired earning capacity	Passed Senate Only
S.1106	Stewart-Cousins	Prohibits the termination of tenancy in certain housing occupied by senior citizens and/or persons with disabilities	Passed Senate Only
S.1143	Benjamin	Relates to claims for unjust conviction	Reported To Finance
S.1448	Hoylman	Requires certain signatures on real estate documents	Passed Senate Only
S.1789	Sanders	Establishes that domestic violence advocates may not disclose any communication made by a client to the advocate except in certain circumstances	Signed, Chapter #309
S.1945	Akshar	Provides a testimonial privilege to critical incident stress management/crisis response/peer support team members	Reported To Calendar
S.1957A	Hoylman	Authorizes the chief administrator of the courts to establish veterans treatment courts; and relates to the removal of certain actions to veterans treatment courts	Signed, Chapter #91
S.2131A	Skoufis	Relates to requiring the secretary of state to promulgate regulations requiring real estate brokers to institute standardized operating procedures for the prerequisites prospective homebuyers shall meet	On Governor's Desk
S.2132B	Skoufis	Increases required training for real estate brokers and real estate salespeople to prevent discrimination	On Governor's Desk
S.2133A	Skoufis	Adds a surcharge to the fee paid for issuing or reissuing a real estate broker or salesmen license	On Governor's Desk

<b>Bill No.</b>	<b>Sponsor</b>	<b>Summary</b>	<b>Significant Action</b>
S.2142A	Kavanagh	Requires the disclosure of lead-based paint test reports in real estate transactions	Reported To Calendar
S2157A	Thomas	Relates to associate real estate brokers serving as real estate office managers	On Governor's Desk
S.2525A	Kavanagh	Requires real estate brokers and salespersons to compile and disclose client demographic data to the secretary of state	Passed Senate Only
S.2762	Ramos	Relates to securing payment of wages for work already performed; creates an employee lien	Reported To Calendar
S.2901	Kavanagh	Provides for children under the age of eighteen to wear protective headgear while skiing or snowboarding	Reported To Calendar
S.2929B	Parker	Relates to designating certain zip codes as cease and desist zones	Signed, Chapter #581
S.3049	Rivera	Provides that an affirmation of a health care practitioner may be served or filed in an action in lieu of and with same force and effect as an affidavit	Passed Senate Only
S.3057A	Rivera	Relates to the rate of interest on a judgment for medical debt	Reported To Calendar
S.3086	Salazar	Increases the age of consent for purposes of marriage to the age of eighteen; and repeals certain provisions of law relating thereto	Signed, Chapter #306
S.3280B	Cooney	Relates to enacting the Rochester housing court act	Signed, Chapter #464
S.3666	Comrie	Eliminates unreasonable fees levied on tenants for reproductions of keys	Signed, Chapter #345
S.3683B	Felder	Relates to the hours of operation for family courts	Passed Senate Only
S.3934	Bailey	Relates to the state commission on prosecutorial conduct	Signed, Chapter #153
S.3995	Reichlin-Melnick	Relates to the protection and promotion of the mental health of the residents of New York state	Reported To Calendar
S.4248	Skoufis	Relates to requiring the best interest of a companion animal to be considered when awarding possession in a divorce	Signed, Chapter #509
S.4350A	Gounardes	Relates to establishing Angelina Liu as the genetic child and distributee of Wenjian Liu for purposes of the estates, powers and trusts law	Signed, Chapter #467

<b>Bill No.</b>	<b>Sponsor</b>	<b>Summary</b>	<b>Significant Action</b>
S.4379	Hoyleman	Makes technical changes to provisions providing for certification for service as a retired judge of the court of appeals or a retired justice of the supreme court	On Governor's Desk
S.4455A	Krueger	Relates to stipulations in summary proceedings to recover possession of real property	On Governor's Desk
S.4696	Breslin	Prohibits mortgagees from requiring mortgagors of certain real property to purchase flood insurance exceeding certain limits	On Senate Calendar
S.4777B	Mannion	Replaces certain instances of the word mentally ill person with person with a mental illness or mental disability; repealer	Signed, Chapter #351
S.4784A	Mayer	Allows acknowledgments and proofs by any officer in active service of the armed forces authorized to act as a notary	Passed Senate Only
S.4834A	Biaggi	Prohibits using possession of reproductive or sexual health devices as evidence in a trial, hearing or proceeding in certain circumstances	Reported To Codes
S.5040	Parker	Increases the value of homesteads which are to be exempt from civil judgments	Passed Senate Only
S.5333	Stec	Authorizes the state to convey certain forest preserve land	Passed Senate Only
S.5377	Cooney	Relates to special proceedings to convey title to abandoned real property to cities, towns or villages	Passed Senate Only
S.5472	Hoyleman	Requires disclosure of information concerning flood insurance on property condition disclosure statements; repealer	Passed Senate Only
S.5724A	Thomas	Relates to the rate of interest on money judgments in certain actions involving consumer debt	On Governor's Desk
S.5923A	Thomas	Exempts COVID-19 stimulus relief for individuals and families with children from money judgments	Signed, Chapter #107
S.6027A	Brisport	Establishes a tort cause of action for the wrongful injury or death of a companion animal	Reported To Calendar
S.6074	Salazar	Relates to the right to assistance of counsel for custody and guardianship proceedings	Passed Senate Only
S.6193A	Gounardes	Designates April twentieth as a day of commemoration to be known as New York state constitution day	Passed Senate Only



<b>Bill No.</b>	<b>Sponsor</b>	<b>Summary</b>	<b>Significant Action</b>
S.6392	Reichlin-Melnick	Extends the effectiveness of certain provisions of chapter 329 of the laws of 2009, relating to removing special powers granted to the society for the prevention of cruelty to children	Signed, Chapter #175
S.6498	Bailey	Prohibits the use of certain restraints on children appearing before family court	Signed, Chapter #474
S.6499	Hoylman	Relates to the computation and allocation of the commissions of trustees of charitable trusts; repealer	Passed Senate Only
S.6500	Ryan	Relates to the attorney licensing fund	Passed Senate Only
S.6503	Kaplan	Relates to the revocatory effect of divorce	Passed Senate Only
S.6622	Hoylman	Extends provisions of law relating to the use of electronic means for the commencement and filing of papers in certain actions or proceedings	Signed, Chapter #118







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**NEW YORK STATE SENATE**  
**STANDING COMMITTEE**  
JUDICIARY