



Albany Report - March 2022

Below is a summary of some of the legislation that has been acted on in the Senate over the past month:

Protections for Tenants, Homeowners and Small Businesses

The Senate advanced legislation to extend the state's eviction and foreclosure moratorium, as well as the Protect Our Small Business Act until August 31 2021, to ensure New York renters and homeowners can stay in their homes if they are facing hardships due to the pandemic. This legislation also provides support for struggling small businesses facing eviction and foreclosure. Relieving the burden of fear and uncertainty that the COVID-19 has brought New York's families and small businesses.

[S.6362](#), extends the [COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020](#) and the [COVID-19 Emergency Protect Our Small Businesses Act of 2021](#) which will:

- **Prevent Evictions:** The Eviction and Foreclosure Prevention Act created a Standardized Hardship Declaration Form, which tenants can submit in court or to their landlords to prevent or halt an eviction if they experience financial hardship due to the COVID-19 pandemic that prevents them from being able to pay their rent in full, or move; or if someone in the household is at increased risk of severe illness from COVID. Landlords are required to serve a copy of the Hardship Declaration on the tenant in the tenant's primary language along with any other type of notice required by lease, agreement, or law, prior to initiating an eviction proceeding.
- **Protect Against Foreclosure and Tax Lien Sales For Residential Property Owners:** The Eviction and Foreclosure Prevention Act provides protections against foreclosure and tax lien sales to any residential property owner that owns ten or fewer dwelling units, including their own primary residence. The same general procedures and protections provided to tenants apply to homeowners, and protect homeowners with a financial hardship from foreclosure and tax lien sales until August 31, 2021.
- **Prohibit Negative Credit Reporting and Discrimination in Extending Credit:** The Eviction and Foreclosure Prevention Act protects a property owner from credit discrimination if the owner has fallen behind on mortgage payments on the property at which they reside or because they have received a stay of mortgage foreclosure, tax foreclosure, or tax lien sales on the property.
- **Enacts an extension on the COVID-19 Emergency Protect Our Small Business Act** to protect small businesses with COVID-19 related financial hardships from eviction and foreclosure until August 31 2021.

The Senate also passed [S.5742](#), which:

- **Expands protections in the COVID-19 Emergency Protect Our Small Businesses Act of 2021** to include businesses with up to 100 employees, or up to 500 employees if the

business was shut down by state order for two or more weeks between May 15, 2020, and May 1, 2021.

The budget passed in early April invests \$2.4 billion in the COVID-19 Emergency Rental Assistance Program which provides that, regardless of immigration status, eligible individuals or families can receive up to 12 months of rental and utility arrears assistance, three prospective months of rent, and a year of eviction protection. Households above 80% of AMI, and landlords whose tenants moved out with arrears accruing after March 12, 2020 or whose tenants are uncooperative in applying for rental assistance may also be eligible for assistance through allocated state funds.

Hospital and Nursing Home Safety

Earlier this month the Senate passed a legislative package that outlines hospital and nursing home staffing standards and protocols. This legislative package builds on legislation [passed in March](#) to better support and protect nursing home residents. The 2021-2022 State Budget also required nursing homes to spend at least 70% of their revenue on direct patient care and 40% on resident-facing staffing, and included \$64 million for increased staffing. The legislation includes:

- **Nursing Home Minimum Staffing Standards:** [S.6346](#) will:
 - Require the Commissioner of Health to establish staffing standards for nursing home minimum staffing levels and impose civil penalties for nursing homes that fail to adhere to the minimum standards.
 - Nursing homes must meet a daily average of 3.5 hours of nursing care per resident per day with no less than 2.2 hours of care for certified nurse assistants and 1.1 hours for LPN/RN's.
 - The nursing home must post information regarding nurse staffing at the facility.
 - Regulations promulgated by the Department of Health to establish the civil penalties will include mitigating factors to account for 1) extraordinary circumstances facing the facility such as officially declared emergencies or natural disasters, 2) the frequency of the violations of the facility, and 3) the existence of a nurse labor shortage in the area of the nursing home.
- **Establishment of Hospital Clinical Staffing Committees:** [S.1168A](#) will:
 - Mandate each hospital to establish a Staffing Committee no later than January 1, 2022 and that each hospital shall adopt and submit its first hospital staffing plan no later than July 1, 2022. Beginning January 1, 2023 and annually thereafter, each hospital shall implement the staffing plan adopted by July 1 of the prior calendar year. DOH will post the plans on its website no later than July 31 of each year.
 - Require the Committees to develop and oversee the implementation of annual clinical staffing plans for nurses and non-nurse support staff at each hospital in the state.
 - The Staffing Committee will be made up of “at least” 50% of nurses (registered nurses, licensed practical nurses, and ancillary members) and “up to” 50% will be hospital administrators (CFO, chief nursing officer, and unit directors). If there is a collective bargaining agreement, the selection must follow what is laid out in the agreement.

- The committee will be responsible for developing and overseeing the implementation of a clinical staffing plan that will include specific guidelines or ratios, matrices, or grids indicating how many patients are assigned to each nurse and the number of ancillary staff in each unit.
- The staffing plans must be posted in a publicly conspicuous area and posted on the DOH hospital profile website.
- Require the creation of an advisory commission to oversee the effectiveness of the Clinical Staffing Committees with an initial report due to the Legislature and the Governor by October 31, 2024.

Protecting New York’s Environment

Earlier this month the Senate passed legislation in honor of Earth Day and Water Week to continue protecting the state’s environment. The bills reduce plastic pollution, increase enforcement of the state’s environmental laws, protect state forests, decrease greenhouse emissions, increase the use of state-operated electric vehicles, bolster the state’s solar production, expand electric vehicle recharging, provide protections for Native nations and tribes, and combat biodiversity and climate crises on state land. These legislative packages include::

- **Reducing Plastic Pollution At Hotels:** [S.543](#) reduces plastic pollution by converting hotels from using individual small bottles to refillable bulk dispensers for hospitality personal care products.
- **Expands Environmental Enforcement:** [S.1237](#) amends the Environmental Conservation Law (ECL) to provide injunctive relief for ECL violations for which there is no specifically stated penalty in law.
- **Prohibits Leasing of Certain State-Owned Lands For Gas Production:** [S.1421](#), prohibits the lease of state forests, wildlife management areas and unique areas for the purpose of gas production.
- **Decreases Greenhouse Gas Emissions from the Transportation Sector:** [S.2758](#), sets a goal of 100 percent of in-state sales of new passenger cars and trucks being zero-emission vehicles (ZEVs) by 2035, and for 100 percent of medium-duty and heavy-duty vehicle sales to be ZEVs by 2045.
- **State Purchase of Zero Emission Vehicles:** [S.2838A](#) requires preparation of a state fleet procurement plan to ensure that zero emission vehicles will be purchased for state agencies.
- **Expands the Market for the State’s Solar Production:** [S.3521A](#) directs the Public Service Commission to create a system to allow solar energy credits to be transferred between utility territories, making it easier for consumers to access renewable energy.
- **Electric Vehicle Recharging:** [S.3929](#) requires utilities to file an electric vehicle charging tariff with the Public Service Commission that allows a customer to purchase electricity for the purpose of recharging an electric vehicle.
- **Makes “30 by 30” Part of the State’s Land Acquisition Policy:** [S.6191](#) combats the biodiversity and climate crises by setting a goal to conserve at least 30 percent of New York’s land by 2030.
- **Pollinator Friendly Roadways:** [S.660](#) encourages the redevelopment and rehabilitation of medians along state highways and other roadways into pollinator friendly zones through new planting practices, mowing routines, and expansion of adopt-a-highway programs.

- **Water Testing for Lead In Public Parks:** [S.1256A](#) will require testing for lead contamination in drinking water in public parks at least once every three years to ensure proper continual monitoring and remediation of drinking water quality in public parks.
- **Children's Camp Pesticide Ban:** [S.4478A](#), prohibits the use of pesticides at children's overnight or summer day camps that will help protect the water supply at these facilities and neighboring properties.
- **Coal Tar Ban:** [S.4095B](#) prohibits the sale and use of oil pavement products containing coal tar, a toxic material that can contaminate surface waters and groundwater.
- **Recovery Cost Restrictions:** [S.956](#), prohibits parties found to be responsible for pollution that exceed federal and state water goals and standards from benefiting from state assistance payments or reimbursements granted to municipalities that expend these funds to clean up contamination caused by polluters.
- **List of Emerging Contaminants:** [S.1759](#) adds additional chemicals to the list of emerging contaminants that will be required to be tested for in drinking water.

Combating Domestic Violence and Human Trafficking

Earlier this month the Senate advanced a legislative package to support survivors of domestic violence and combat human trafficking. The legislation being passed by the Senate, includes:

- **Relief from Contracts:** [S.1557A](#) allows individuals to break contracts with utility, phone and television providers when fleeing instances of domestic violence.
- **Domestic Violence Records for Prosecutors:** [S.404](#) allows prosecutors to have access to past orders of protection in domestic violence cases so they can charge abusers with criminal contempt if they violated a past order of protection.
- **Seizure of Firearms Following an Order of Protection:** [S.6363](#) requires the court to order a search and immediate seizure of certain firearms when a defendant refuses to surrender firearms upon the issuance of an order of protection.
- **The Phoenix Act:** [S.3020A](#), expands the statute of limitations for domestic violence cases.
- **Voter Record Confidentiality:** [S.1555](#) permits a person who is a victim of domestic violence to have their voter registration records sealed upon delivering an affirmation to a board of elections, instead of applying to court.
- **Sealing Voting Records For Domestic Violence Victims:** [S.3855](#) allows victims of sexual violence protection against their attacker by enabling them to have their voter records sealed in the same manner as victims of domestic violence.
- **Expand Eligibility for the "Non-Parent" Grant:** [S.2586](#) removes the requirement of establishing paternity or a child support order for certain applicants or recipients of aid to dependent children.
- **Posting Human Trafficking Hotline Information:** [S.3374](#), requires signs developed by the State Liquor Authority to be posted providing human trafficking information and referral hotline numbers in all establishments selling alcoholic beverages and adult entertainment establishments.
- **State Contractors to Submit a Statement on Human Trafficking:** [S.1216](#) will require all parties submitting bids for competitively bid state procurement contracts to affirm under penalty of perjury that the goods, work or services will be supplied or performed without doing business with any organization, person or entity engaging in human trafficking and to submit their written anti-human trafficking policy, if any.

- **Statute of Limitation Extension:** [S.672](#). extends the statute of limitations from 10 years to 15 years to give human trafficking victims more time to file a civil cause of action.
- **Human Trafficking Training and Awareness:** [S.244A](#) requires lodging facilities to provide a human-trafficking recognition training program to all employees.
- **New York State Transparency in Supply Chains Act:** [S.748](#) establishes the "New York State Transparency in Supply Chains Act" requiring businesses within the state to disclose their preventative measures against human trafficking.
- **Increases the Age of Consent for Marriage:** [S.3086](#) increases the age of consent for purposes of marriage to the age of eighteen.

Workplace Protections

The Senate also passed legislation to protect the rights and benefits of domestic workers by further prohibiting discrimination, improving Temporary Disability Insurance Access and raising employee awareness regarding their workplace protections. This package recognizes the broad set of circumstances that may compel a domestic worker to take time off and seeks to lessen the burden imposed by such situations. It simultaneously looks to revamp workplace dynamics by allowing for greater work-from-home flexibility, particularly in light of a health emergency or local crisis. This legislative package includes:

- **Expanding Human Rights Law to Domestic Workers:** [S.5064](#) addresses the lack of comprehensive Human Rights Law protections for domestic workers. The current law only prohibits sexual harassment. This bill would adopt the full breadth of protections to also address age, sex, race, religion, sexual orientation and disability-based discrimination.
- **Improved Access to Temporary Disability Insurance:** [S.3291A](#), amends the Domestic Workers Bill of Rights to grant Temporary Disability Insurance to domestic workers who work 20 hours a week, rather than the previous threshold of 40.
- **Personal Care and Lawful Absence Assurance:** [S.1958](#), which I sponsor, protects employees from being punished for lawful work absences. Such absences could include: tending to prenatal care; assisting a sick family member; responding to an emergency, or observing a religious commitment. This provision would allow people to prioritize the health and wellbeing of themselves and loved ones without risking their income.
- **The Caregiver Protection Act:** [S.5063](#) increases caregiver protections by prohibiting employers from discriminating against people based on their caregiver status. Recognizing that 75% of caregivers are women, this provision would grant better job security to those who are frequently displaced from the workforce.
- **Provision to Protect Working Families:** [S.5065](#) allows for greater work from home flexibility during a health crisis or local disaster that results in the closure of schools and childcare centers. This would prohibit employers from penalizing those who request greater leeway to work from home and creates benchmarks to ensure productivity and trust.
- **Study to Assess and Promote the Continuum of Caregiving:** [S.5734](#) authorizes a multi-agency study on the issues impacting caregivers in the state of New York. Although caregiving remains a necessary social system, the industry has been deeply threatened by COVID-19. This study would analyze the causes of caregiver decline and recommend solutions.

Animal Rights

In recognition of National Pet Week, the Senate passed legislation to improve the health and safety of domestic animals, building on the conference's continued advocacy for animal welfare. This package will establish a ban on the sale of puppy mill animals, better define the crime of aggravated cruelty to animals, enact a property inspection requirement to check for abandoned animals, and ensure the best interest of pets is considered during divorce or separation.

The legislation passed by the Senate includes:

- **Puppy Mill Sales Ban:** [S.1130](#) prohibits the sale of dogs, cats, and rabbits by retail pet shops. Creating a barrier against the puppy mill supply chain and encouraging pet shops to partner with local animal shelters to showcase animals available for adoption.
- **Clarifies Aggravated Cruelty to Animals:** [S.960](#), which I sponsor, eliminates the word "serious" from the "serious physical injury" language of the crime of aggravated cruelty to animals, to ensure appropriate penalties when a person intends to cause extreme physical pain to an animal, even if the animal makes a full recovery.
- **Abandoned Animal Property Inspections:** [S.4081A](#) requires landlords of vacated properties to inspect the property for abandoned animals within three days if they knew or should have known that the property had been vacated.
- **Companion Animal Consideration:** [S.4248](#) requires the best interest of a companion animal to be considered when awarding possession in a divorce.

Liz