



## **Albany Report - May 2022**

Dear Friends,

While there is much to report from Albany, I must first turn to the leaked draft Supreme Court decision which would overturn *Roe v. Wade*. This decision is a heinous assault on the rights of Americans to make the most deeply personal decisions about their own bodies. It threatens the lives and health of millions of women in an attempt to undo fifty years of progress towards equality. Last Tuesday there were rallies and protests across the country, and I and many of my legislative colleagues joined in raising our voices against this decision at rallies at the Capitol.

This imminent Supreme Court action will make it even more important that New York State continue to ensure abortion rights are fully protected in our state.

Liz

### **Senior Roundtables:**

The final meeting of this year's virtual Senior Roundtable series will take place tomorrow, Thursday, May 19th from 10 to 11:30 a.m. and will focus on Advocacy. Presenters include Alison Nickerson, Executive Director, LiveOn New York, Elana Kiefer, Acting Director of the Center on Healthy Aging at NYAM, her colleague Mario Rubano, policy associate, and Alden Prouty, who volunteers at Carnegie Hill Village, an older adult community initiative, and Councilmember Crystal Hudson, Chair of the Aging Committee, New York City Council.

### **Updates from Albany:**

Below is a summary of recent legislative actions, as well as a review of the final budget that passed in early April.

### **Protections for Survivors of Sexual Assault and Domestic Abuse:**

In April, the Senate Democratic will passed legislation to support survivors of sexual abuse and domestic violence by strengthening protections for victims in New York State. The legislation that has been advanced builds previous legislation to provide greater protections to all survivors of domestic violence and sexual abuse to ensure they are treated fairly and have the needed resources to seek accountability.

The legislative package includes:

- **Adult Survivors Act:** S.66A creates a one-year window for the revival of otherwise time-barred civil claims arising out of sexual offenses committed against people who were 18 or older at the time of the conduct. Those who have had justice denied them as a result of New York's formerly insufficient statutes of limitations should be given the opportunity to seek civil redress against their abuser or their abuser's enablers in a court of law.
- **Establishes Public Housing Waiting List Priority for Domestic Violence Survivors:** S.1681, establishes priority preference for survivors of domestic violence at public housing authorities that maintain a uniform priority waiting list for disenfranchised populations.
- **Redefines the Term Physically Helpless:** S.2115 redefines the term physically helpless to mean an individual who is physically unable to communicate affirmative consent through words or clear actions that offer permission and a willingness to engage in sexual activity.
- **Relief from Contracts:** S.7157A allows individuals to break contracts with utility, phone and television providers when fleeing instances of domestic violence.
- **Identifying the Location of Firearms:** S.6443A requires the court to inquire of the defendant and the protected party, outside of the presence of the defendant, as to the existence and location of any firearm owned or possessed by the defendant or the protected party whenever an order of protection is issued.
- **Establishing a Study on Domestic Violence:** S.5940 requires the Office For The Prevention of Domestic Violence to conduct a study on domestic violence in the transgender community.
- **New York State Phoenix Act:** S. 3020A enacts the New York State Phoenix Act which extends the statute of limitations for felony family offenses to ten years and misdemeanor family offenses to five years.
- **Purple Alert System:** S.7562 creates a "purple alert system" for missing victims of domestic violence.
- **Prohibit Discrimination Against Domestic Violence Survivors:** S. 8417B prohibits discrimination based on status as a victim of domestic violence.
- **Access To Past Protection Orders in Domestic Violence Cases:** S.404 amends the criminal procedure law to ensure that prosecutors 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.

### **Protecting the Environment:**

In April the Senate passed a package of legislation to better protect the environment, support renewable energy, and strengthen regulatory standards across New York. The proposed bills include agreements related to renewable energy development rights on reforestation areas, an exemption from requirements for the alienation of parkland for certain renewable energy generating projects, directives for the state to study and make recommendations on renewable energy resources at decommissioned or dormant electric generating sites. The legislation passed by the Senate includes:

- **Cumulative Impacts Bill:** S8830 ensures equity of treatment for minority communities, economically distressed areas, and disadvantaged communities while siting environmental

facilities. It requires environmental impact statements to assess whether the siting of a facility will cause or increase a disproportionate burden on the location.

- **Discourages Major Violations of the Environmental Conservation Law:** [S1237](#) provides that in addition to the fines, a person in violation of the Environmental Conservation Law may be enjoined from continuing such violation and any permit or certificate issued may be revoked or suspended, or a pending renewal application may be denied.
- **Electric Landscaping Equipment Rebate Program:** [S7453A](#) which I sponsored, establishes the electric landscaping equipment rebate program to reduce greenhouse gas emissions, improve air quality, and reduce noise pollution by promoting the adoption of quieter, zero-emission landscaping equipment. It also provides for rebates at the point of sale for applicants purchasing or leasing certain equipment.
- **Bottle Redemption Fraud Task Force:** [S1103A](#) establishes the bottle redemption fraud task force to provide the governor and the legislature with information on the fraud, enforcement, and reporting requirements related to the New York state returnable container act.
- **Advanced Building Codes, Appliance and Equipment Efficiency Standards Act:** [S7176](#) establishes the "Advanced Building Codes, Appliance and Equipment Efficiency Standards Act of 2021." It adds the promotion of clean energy and the implementation of the climate agenda set forth in the New York state Climate Leadership and Community Protection Act to the state energy conservation construction code. It also increases the efficiency standards of appliances and equipment by the state energy conservation construction code, while increasing the energy efficiency standards of appliances and equipment.
- **Smart-Share Energy Credit:** [S6919](#) allows certain customer-generators who generate solar electricity to donate credit for such electricity to low-income families. It also requires electric corporations to create a low-income energy assistance pool for the donation of such credits.
- **State Parking Plug-In Requirements:** [S370A](#) requires certain state-owned and operated parking garages, open parking lots and other parking facilities to install and maintain charging stations for plug-in electric vehicles.
- **Expanding Vehicle Charging Stations:** [S23A](#) requires the construction of certain parking facilities to be capable of supporting electric vehicle charging stations.
- **Parkland Renewable Energy Projects:** [S2995](#) provides an exemption from requirements for the alienation of parkland for renewable energy generating projects with a generating capacity not exceeding two megawatts and which are located above real property currently used for vehicle parking.
- **Carpet Collection Program:** [S5027B](#) establishes a carpet collection program and creates a carpet stewardship advisory board.
- **Renewable Energy on Forested Lands:** [S659](#) allows the state to provide leases or easements for siting or connecting renewable energy installations on portions of the state's forested lands.
- **Extending Energy Tax Abatement:** [S3229A](#) extends an existing tax abatement for New York City residents who have electric energy storage equipment installed on their homes on or after January 1, 2024 and before January 1, 2026.
- **Zero Emission State Fleet Plan:** [S2838C](#) directs the Office of General Services, the Department of Environmental Conservation, and the New York State Energy Research and Development Authority, to prepare a state fleet procurement plan for the purchase or lease of state agency

vehicles. This will help ensure state agency vehicles will be zero emission vehicles over a certain period of time.

- **Land Protection from Gas Production:** S1421 prohibits the lease of state forests, wildlife management areas and unique areas for the purpose of gas production.
- **Second Chance Renewable Energy Sites:** S1829A directs the New York State Energy Research and Development Authority to study and make recommendations regarding siting renewable energy resources at decommissioned or dormant electric generating sites.

### **Supporting Veterans:**

In honor of Veterans Hall of Fame Day, the Senate passed legislation designed to promote the wellbeing and success of our veteran community. The legislative package includes:

- **Veteran Career Assistance Program:** S1288A establishes the veteran career assistance program within the SUNY and CUNY systems to provide veterans with assistance in resume writing and employment placement services.
- **Combat Veteran Tax Exemption:** S1378A creates a real property tax exemption for property owned by certain persons performing active duty in a combat zone.
- **Service Disability Tax Exemption:** S2918A establishes a real property tax exemption for veterans with a 100 percent service connected disability.
- **Veteran Cohabitation Exemption:** , S3402 provides additional tax exemptions for two qualified veterans living in the same household.
- **Bill to Disclose Veterans on Housing Lists:** S8500 requires the publication of the number of veterans or surviving spouses of veterans on certain housing waiting lists

### **Budget Summary:**

Below is a summary of key components of the state budget that passed earlier this month. No budget is perfect, and this one is no exception. Yet for all that I would have liked to have seen certain additions or omissions in the final product, this is one of the better budgets in my two decades serving in Albany. It makes historic investments in our people, our workforce, our students, our businesses, and our environment, all while lowering taxes on hardworking families and putting money aside for future contingencies. Here are some the the key provisions:

### **Education**

- The budget continues the second year of the three-year Foundation Aid phase-in the Senate won in last year's budget, a \$1.5 billion increase over last year's levels.
- The Adopted budget will also include \$100 million in mental health grants for school districts and BOCES, over two years, \$58 million in STEM funding for nonpublic schools, and \$20 million in capital funding for libraries.
- Higher Education
- The budget will fully reimburse colleges for the TAP Gap (which is the difference between funding for students in the state Tuition Assistance Program and the actual cost of tuition), resulting in payments of \$48.8 million to SUNY and \$59.6 million to CUNY. The budget also includes \$53 million each for SUNY and CUNY for additional full-time faculty. The Senate fought for and won an additional \$60 million each in operational support for SUNY and CUNY. While I was pleased we were able to secure this additional funding, I believe New York still has a long way to go towards providing necessary support for our public colleges and universities.

- The budget also includes \$16 million to establish childcare centers on each SUNY and CUNY campus that does not currently have one. It also includes \$5 million in TAP funding for incarcerated individuals and \$150 million for part-time students.
- The Legislature rejected the Governor's proposal to extend Mayoral control of the NYC school system for four years as part of the budget process because there was not sufficient time to discuss potential reforms. This issue will be addressed before the end of session.

## **Health**

- The Senate fought for and won a significant increase in assistance for safety-net hospitals, providing \$800 million more than the Executive's insufficient \$350 million proposal. The budget also includes \$1.6 billion in health transformation capital grants.
- The Senate fought to strengthen the Executive budget's proposal to ensure that health insurance covers reproductive health services, including services relating to abortions.
- The budget also includes an increase in home care worker wages, securing an increase of \$3 per hour phased in over two years. This would represent a raise of approximately 20 percent and an investment by the State of \$1.1 billion. This will begin to address the chronic shortage of home health care workers that provide essential support for many older New Yorkers and people with disabilities. While this increase is an important step, New York will need to do much more to ensure our aging population has the support services it needs.

## **Human Services**

- The budget provides \$1.66 billion to immediately increase eligibility for child care vouchers to 300 percent of the Federal Poverty Level (or \$83,250 for a family of four), to increase reimbursement rates from 69 percent of the market rate to 80 percent, and to provide additional compensation to child care workers. There will also be an allotment of \$50 million in capital money for child care facilities.
- The budget also includes \$10.4 million for a 5.4 percent cost of living increase for workers in various Office of Children and Family Services programs, including foster care and adoption services.

## **Housing**

- The budget includes \$4.5 billion in spending as part of a total \$25 billion five-year Housing Capital Plan, which also includes tax incentives and private investment, that will create and preserve 100,000 affordable homes and electrify an additional 50,000 homes. The budget also includes an additional \$350 million in capital funding for NYCHA.
- The budget also includes a reappropriation of last year's \$100 million for the Housing Our Neighbors with Dignity Act (HONDA) and adds a new appropriation for \$100 million. HONDA provides financing for the acquisition of distressed hotels and office buildings for conversion to affordable housing.
- Additionally, the budget includes \$250 million to eliminate COVID-era residential utility arrears.
- The budget also includes \$800 million to replenish the pool of money available for the Emergency Rental Assistance Program (ERAP), in addition to \$146 million in recently awarded federal funds. The budget will also provide an additional \$125 million for the Landlord Rental Assistance Program (LRAP).

- I am pleased that the Legislature rejected the Governor's proposal to extend the 421a tax abatement program with only minor changes. I have long argued that the 421a program is a boondoggle that creates little truly affordable housing at an enormous cost to taxpayers and that it should be replaced by more targeted affordable housing subsidies and reforms of the New York City property tax system.

### **Criminal Justice**

- The Adopted budget includes an additional \$110 million to public protection agencies to support the following programs: gun violence prevention, legal services, pretrial services, alternatives to incarceration, and discovery reform.
- The budget also includes revisions to the 2019 criminal justice reforms, including clarifying which repeat offenders can be subject to bail, ensuring that discovery errors made in good faith do not lead to cases being dismissed, getting guns off of New York streets, closing a loophole in Raise the Age, and updating Kendra's Law. The Senate and the Assembly worked together to ensure that these changes were narrowly tailored to protect the important measures we passed in 2019 that protect our constitutional rights when accused of a crime, and to focus on providing access to services for mentally ill people rather than criminalizing them.

### **Energy & Environment**

- The budget provides a \$4.2 billion Environmental Bond Act. \$1.5 billion of that is specifically lined out for climate change mitigation, including \$500 million for electric school buses and related charging infrastructure. Language in the budget requires all new school buses to be zero-emissions beginning in 2027, with 100% of school buses zero-emissions by 2035. The Bond Act will now be on the ballot for voters to approve in November.
- The budget also expands the Department of Environmental Conservation's jurisdiction over wetlands to those at least 7.4 acres in size (down from 12.5 acres), as well as those designated as being of unusual importance, a measure long-sought by environmental advocates that will enhance the ability of the state to protect these vital resources from development.
- Additionally, the budget increases the transfer from real estate taxes to the Environmental Protection Fund (EPF) from \$119.1 million to \$257.4 million, for a record total of \$400 million invested in the EPF
- The budget also includes an additional \$500 million investment to develop the state's offshore wind supply chains and port infrastructure, which will create 2,000 jobs while helping to make New York the offshore wind capital of the country. Offshore wind holds enormous promise to help NY quickly transition to reliable, low cost electricity production.

### **Economic Development**

- One provision of the budget I strongly opposed was the inclusion of \$600 million in funding for the Buffalo Bills Stadium, which is a particularly egregious example of our state's misguided economic development priorities. I made my opposition very clear to the Governor and my colleagues, and joined a group of legislators, academics, and advocates at a briefing on the ineffectiveness of stadium subsidies as an investment in economic development. Details on the event that I attended critiquing the proposed deal are available here: <https://www.fieldofschemes.com/2022/03/30/18642/ny-state-senator-bills-1b-subsidy-is-terrible-way-to-use-the-taxpayers-money-but-this-is-going-through/>
- I was pleased that the budget includes \$1.45 billion in federal and state funding for broadband related projects along with the Working to Implement Reliable and Equitable Deployment of

Broadband Act (WIRED Broadband Act) which will help to address inequities in access to high speed internet services.

- I was also pleased that Senate priorities to enhance the transparency of economic development expenditures were included in the budget. These include expanding and improving the Empire State Development Corporation's database of deals detailing all economic development benefits, loans, grants, subsidies, and tax incentives, and providing for an independent economic impact analysis of the return on investment of economic development related tax credits, deductions, and incentives.

### **Taxes**

- The budget includes a small business tax cut of \$100 million each year and includes \$250 million in credits for businesses to offset their expenses incurred from complying with Covid safety protocols.
- Homeowners will receive \$2.2 billion in tax rebates, calculated as a percentage of a homeowners' STAR benefit.
- Additionally, the budget includes a one-time additional Earned Income Tax Credit payment of 25 percent of the current benefit, providing \$200 million in credits to low wage New Yorkers. New York City taxpayers will also see an increase of the City's EITC from 5 percent of the federal benefit to 30 percent.
- The Senate also fought for and won the inclusion of \$287 million in child tax credits for families making less than \$100,000.
- The budget also includes an acceleration of the previously enacted middle-class tax cuts.

### **Small Business**

- The budget includes a three-year authorization for on-premises alcohol retailers like restaurants and bars to sell wine and liquor drinks for take-out. While I have mixed feelings about the inclusion of this in the budget, I recognize its importance to struggling restaurants, and was pleased that the Senate was able to add a number of restrictions to the Governor's original proposal.

### **Cannabis**

- The budget includes a \$50 million investment into a Cannabis Social Equity Fund, which, matched by \$150 million in private investment, will finance capital costs for cannabis dispensaries operated by social equity licensees. The Senate successfully negotiated stronger provisions establishing the rights of social equity licensees, as well as oversight, transparency, and state control of the private fund. I believe this funding will help ensure that the implementation of the Marijuana Regulation and Taxation Act meets the equity goals that were at the center of that legislation.

### **Ethics Reform**

- The budget replaces the Joint Commission on Public Ethics (JCOPE) with a new Commission on Public Ethics in Government to increase Commission member standards; streamline the candidate requirements for Executive Director; include victim statement confidentiality requirements; and to specify that unfounded complaints are not FOIL-accessible. The new Commission does away

with the absurd JCOPE rules allowing the Governor's or Legislative leaders' appointees to control outcomes of votes to move forward or stop investigations.

### **Land Use**

- I was pleased that two proposals by the Governor were not included in the final budget. The proposal to remove the 12 FAR density cap on residential development was rejected as was the proposal to change the regulation and taxation of the short-term rental industry, which would have undermined New York City's ability to protect its housing from conversion to short-term rentals. I believe this issue will be considered outside the context of the budget, as there are improvements to regulation that could be made to help other regions of the state without undermining New York City's well established regulatory structure.
- The budget also modifies the Executive proposal to authorize the issuance of additional casino licenses with a number of changes, the most important being the establishment of local community advisory boards that must approve casino siting by a  $\frac{2}{3}$  vote. The boards will have six members, one each appointed by the governor, the local state senator, assemblymember, and city councilmember, the relevant borough president, and the mayor. There is significant community opposition to casino siting in some areas, and this will ensure that the state cannot impose a casino in a locality or neighborhood that doesn't want one.