2019
Summary of Enacted and Vetoed Legislation

New York State Conference of Mayors and Municipal Officials

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Table of Contents

Finance ......................................................................................... 1

Government Operations and Community Development ................. 5

Employee Relations and Public Safety ........................................... 9

Telecommunications, Environment and Energy ......................... 13
The following document summarizes the final status of bills of interest passed by both houses of the New York State Legislature in 2019. Organized by subject area, it includes those initiatives that directly affect cities and villages, beginning with those that were included in the 2019-20 State Budget. Questions on any of these initiatives can be directed to NYCOM Deputy Executive Director Barbara Van Epps or the appropriate staff person as indicated below.

Finance
Staff Contact: Barbara Van Epps

Enacted as Part of the 2019-20 State Budget

**AIM Funding** – Cities (outside of NYC) and the villages whose AIM funding was preserved under the Governor’s 2019-20 Executive Budget proposal will receive the same amount of AIM funding that they received last year. For those villages whose AIM funding was eliminated because their AIM amount was less than 2% of their local fiscal year 2017 expenditures, you will receive a payment from the State equal to the amount of AIM funding you received last year. This payment will be funded by the State intercepting an equivalent amount of your county’s sales tax collections. If you are a village with a fiscal year ending on May 31, you will now receive your AIM-related payment on or before May 15 in 2020 and each year thereafter. If you are a village with a fiscal year that ends on a date other than May 31, you will receive your AIM-related payment on or before December 15 in 2019 and each year thereafter.

**Internet Sales Tax** – The Adopted Budget includes the proposal to impose the sales tax on internet transactions on or after June 1, 2019 – specifically requiring marketplace providers to collect sales and use tax on the taxable sale of tangible personal property that they facilitate, as well as to compel out-of-state retailers whose sales in New York exceed $300,000 and 100 transactions to collect and remit sales tax. On an annualized basis, this will generate an increase in local sales tax revenue totaling approximately $390 million. Of this amount, approximately $14.5 million will go to cities (outside New York City) and an estimated $14 million will go to villages and towns. New York City is expected to receive an additional $170 million. However, in 2019-20, $127.5 million of New York City’s share will be used to help fund the MTA capital plan. That amount increases to $170 million in 2020-21 and then by an additional 1% each year thereafter. Local revenue generated by the internet sales tax outside New York City will not be intercepted for the MTA capital plan.

**Transportation Aid** – The Adopted Budget maintains CHIPS and Marchiselli Aid at current year levels of $438 million and $39.7 million. The $65 million in Extreme Winter Recovery funding was also included in a supplemental capital budget. The Budget also includes $100 million for PAVE NY and $100 million for BRIDGE NY. PAVE NY money is allocated according to the CHIPS formula and BRIDGE NY is competitively awarded.

**Permanent Tax Cap** – The Adopted Budget includes language repealing the expiration date for the tax cap, thereby making it “permanent.” No changes were made to the way the tax cap is calculated or administered. Local governments still have the same ability to override the tax cap if necessary.

**Water and Sewer Infrastructure** – An additional $500 million is available for drinking water and wastewater infrastructure, as well as water quality protection. This money supplements the amounts already available under the five-year $2.5 billion Clean Water Infrastructure Act that was created in 2017-18. In addition, the Adopted Budget allocates $350 million of that five-year $2.5 billion that was not explicitly directed to specific programs. Of that $350 million, $200 million is added to the Environmental Facilities Corporation to help local governments do water and wastewater projects with new language allowing it to be used to address emerging contaminants.
Elimination of ESCO Sales Tax Exemption – Cities (outside NYC) and villages that receive sales tax will experience an increase totaling $4.5 million annually due to the elimination of the sales tax exemption on the non-residential transmission and distribution of gas or electricity when purchased from an ESCO (Energy Service Company).

Plastic Bag Ban – The Adopted Budget bans plastic carryout bags (with limited exceptions) effective March 1, 2020. In addition, counties and cities will have the ability to impose a five-cent fee on carryout paper bags, of which 40% of the proceeds will go back to the county or city to be used for the purpose of purchasing and distributing reusable bags. The remaining 60% will go to the State’s Environmental Protection Fund. If a municipality has its own paper bag fee in place or enacted one before March 1, 2020, but not pursuant to this new law, such fee can remain in effect unless, after March 1, 2020, the county in which that municipality is located imposes its own fee, after which the municipality’s fee would expire in one year.

Environmental Protection Fund (EPF) – The Adopted Budget maintains funding for the Environmental Protection Fund at $300 million, including $38.2 million for the Solid Waste Program, $88.4 million for the Parks and Recreation Program, $152.2 million for the Open Space Program, and $21.2 million for the Climate Change Mitigation and Adaptation Program.

Food Scraps Recycling – The Adopted Budget added the Food Donation and Food Scraps Recycling Law, which requires sizable food production entities, like supermarkets, hotels, colleges and universities, and large food service business, called “food scraps generators,” to either donate or recycle food waste. The law does not appear to have any impact on local governments. Hospitals, nursing homes, adult care facilities, and elementary and secondary schools are all explicitly exempted from the law. Any generator may request a waiver from the Department of Environmental Conservation based on undue hardship.

Downtown Revitalization Initiative – The Adopted Budget includes another $100 million for a fourth round of the Downtown Revitalization Initiative which will provide ten downtowns $10 million each to invest in transformative housing, economic development, transportation and community projects that will attract and retain residents, visitors and businesses. Similar to the first three rounds, one community’s downtown will be chosen by each of the 10 REDCs.

Regional Economic Development Councils (REDC) – The Adopted Budget continues the regional economic development approach and provides $220 million to support a ninth round of the REDC awards. This will include core funding of $150 million and $70 million in tax credits. This will be combined with a wide range of existing agency programs to provide a total of $750 million for this purpose.

Bail Reform – The Adopted Budget eliminates cash bail for misdemeanors and non-violent felonies and requires police to issue desk appearance tickets to most people charged with misdemeanors and Class E felonies. Additionally, the new law provides for the release of defendants under non-monetary conditions that will reasonably assure the defendants’ return to court. While local governments will see a reduction in the bail poundage they receive, they will also likely see a reduction in the costs of arresting individuals and having them appear before a judge with defense counsel. Additionally, the number of individuals remanded into custody is expected to decline substantially, which would lessen the need for facilities and employees to detain individuals. However, there are likely to be local government costs in the initial start-up of the system as well as costs associated with administering court issued securing orders, particularly for individuals who fail to return to court.
**Speedy Trial Access and Discovery Reform** – The Adopted Budget requires courts to take a more proactive role in advising litigants regarding how speedy trial time is charged. In addition, Criminal Procedure Law is amended to compel courts to inquire into the district attorney’s actual readiness for trial, including requiring a certification of good faith compliance with statutory disclosure requirements. As a result, cities and villages may need to dedicate more resources to prosecutions to ensure that cases are not dismissed because the prosecution is not ready for trial. These new speedy trial mandates may also alter how prosecutors handle cases, including dismissing cases and entering into plea deals to which the prosecution previously would not have consented. Finally, the Budget expands discovery material and dramatically accelerates the timing of discovery by tying it to the date of arraignment as opposed to the date of trial.

**Consolidation and Restructuring Programs** – The Adopted Budget includes $64 million to support the Citizens Empowerment Tax Credits, the Citizen Reorganization Empowerment Grants, Local Government Efficiency Grants and the Municipal Restructuring Fund.

- **Citizen Empowerment Tax Credits (CETC)** – Funding is available to incentivize local government consolidation or dissolution, providing a bonus equal to 15% of the newly combined local government’s tax levy. At least 70% of such amount must be used for direct relief to property taxpayers.

- **Citizens Reorganization Empowerment Grants** – Funding is available for grants up to $100,000 for local governments to cover costs associated with studies, plans and implementation efforts related to local government reorganization activities. The local match for planning or study grants initiated by the local government would be 50%. However, upon approval of the local government reorganization, 90% of the local match would be refunded.

- **Local Government Performance and Efficiency Grants** – Funding of $4 million will continue to cover costs associated with local government efficiency projects, such as planning for and/or implementation of a functional consolidation, shared or cooperative services, and regionalized delivery of services. The local match for planning grants or study grants is 50%. However, if a local government implements a previously completed planning project, the local match for the planning project would be refunded (up to the local share for implementation). The maximum implementation grant award is $200,000 per municipality/$1 million per grant, and the maximum planning grant award is $12,500 per municipality/$100,000 per grant.

- **Municipal Restructuring Fund** – Funding of approximately $11 million is available for local government projects that will substantially transform the delivery of services or consolidate government entities resulting in permanent property tax reductions.

In addition, the Budget includes $225 million in State match funding for those local governments that implemented shared services plans in 2018 and are eligible to receive matching funds in calendar year 2019.

**Leave Time for Voting** – The Adopted Budget includes language that grants all employees (public and private) who are registered voters up to three hours of paid leave to vote “at any election.” Employees may only take time to vote at the beginning or end of their working shifts and must notify their employer at least two working days before the day of the election that they require time off to vote. (Prior to this, employees were entitled to two hours without loss of pay when they did not have “sufficient time outside [their] working hours within which to vote.”) The expansion of time off for voting applies to all elections that are conducted pursuant to the Election Law. This includes village elections, which are conducted pursuant to Article 15 of the Election Law. However, the provisions do not apply to school board elections and special district elections that are conducted pursuant to the
Education Law and Town Law, respectively. The statute does not provide a method for an employer to deny an employee paid time to vote. Similarly, there is no procedure employees must use to demonstrate that the time is required. Determining misuse of paid time off to vote will be extremely challenging, and any misapplication of the time should be managed pursuant to the city or village employee policy.

**Property Tax Administration** – The Adopted Budget makes several changes affecting property tax administration, including: allowing a county to appoint members of an assessing unit’s board of assessment review at local option; allowing certain statutory notices currently mailed to assessors to be transmitted via email or by website posting; and, requiring electric generating facilities to file an inventory and income report to assist with the appraisals of such facilities.

**Union Member Privacy Protections** – The Adopted Budget makes it an improper practice for public employers, including local governments, to disclose personal information about their employees, except: 1) in matters under the jurisprudence of the Public Employment Relations Board regarding union enrollment and employee organization representation; or 2) where compelled to do so by lawful service of process, subpoena, court order, or as otherwise required by law. The Budget also includes language that would require public employers to provide employee organizations the name, address, job title, employing agency and work location of their members (upon request, and not more than quarterly).

**Binding Arbitration Extender** – The Adopted Budget extends binding arbitration for public safety unions for an additional five years, until 2024.

**Congestion Pricing** – Pursuant to language in the Adopted Budget, beginning in 2021, New York City will be the first American city to charge drivers entering into its busiest neighborhoods, specifically midtown and lower Manhattan south of 60th Street. Who will be charged and how much will be determined by a six-member Traffic Mobility Review Board and is expected to be known by November. The money raised will be used to fund the MTA.

**Nassau County Reassessment** – Language in the Adopted Budget allows for the five-year phase-in of Nassau County’s property reassessments.

**Census Outreach Funding** – The Adopted Budget includes $20 million in funding for the 2020 census outreach.

**Lead Level Blood Testing** – The Adopted Budget lowers the definition of “elevated lead levels” from ten micrograms to five micrograms for purposes of triggering identification and remediation actions mandated by Public Health Law.

**ENACTED**

**Fee Waiver for Marriage Licenses for Military Personnel – NYCOM Supported**
Waives the state fee for marriage licenses for active duty members of the armed forces and authorizes cities and towns to waive their fees for marriage licenses and certificates.  
*(Chapter 177, effective August 20, 2019)*

**Extension of Time Period for Delinquent Tax Payments – No Objection**
Extends the length of time to pay delinquent taxes in installments, from 24 to 36 months, at local option.  
*(Chapter 265, effective September 13, 2019)*
Comptroller Audits of Municipally Controlled Entities – No Objection
Authorizes the Office of the State Comptroller to conduct audits of local development corporations and other private organizations that are controlled by one or more municipal corporations, industrial development agencies, districts, or agencies.
(Chapter 710, effective December 20, 2019)

VETOED

Arterial Maintenance Reimbursement Rate Increase – NYCOM Supported
Would have increased the statutory reimbursement rate, from .85 to $1.87 per square yard, paid by the State to 38 cities that maintain State arterials passing through such cities. This legislation would have also provided for the rate to be increased each year by the percentage change in the consumer price index for all urban consumers (CPI-U).
(Veto No. 146, November 20, 2019)

Government Operations and Community Development
Staff Contacts: Wade Beltramo and Rebecca Ruscito

ENACTED

Authorization For Rent Stabilization Statewide – No Objection
Enacts the “Statewide Tenant Protection Act of 2019” to allow any city, town or village to opt-in to the Emergency Tenant Protection Act. (Previously the law applied only to New York City, Nassau, Rockland and Westchester counties.) If one or more cities, towns or villages within a county decides to opt-in, there shall be created (assuming one does not already exist) a rent guidelines board for that county whose nine members will be appointed by the Commissioner of Housing and Community Renewal upon the recommendation of the local legislative body of each such municipalities that opts in.
(Chapter 36 – Part G, effective June 14, 2019)

Statewide Housing Security and Tenant Protection Act of 2019 – No Objection
Establishes extensive new protections for tenants across the State of New York. Specifically, the Act provides for remedies for breach of warranty of habitability, allowing for the awarding of attorney’s fees and costs when the landlord has violated the tenant’s rights; requires landlords to provide written notice when rent increase will equal or exceed 5%; prohibits landlords from recovering attorney’s fees when the tenant does not contest an eviction and the landlord wins a default judgment; prohibits landlords from charging application fees, except the actual cost of background checks and credit checks; limits late fees to $50 or 5% of the monthly rent, whichever is less; requires landlords to make written demands for rent with 14 days’ notice before beginning an eviction proceeding for non-payment of rent and allows tenants to pay the full amount of rent due before the hearing on an eviction petition to avoid eviction; allows tenants to answer the petition at eviction hearings, rather than providing an answer three days before the hearing, and tenants are entitled to at least one adjournment of an eviction proceeding of at least 14 days, as of right; extends the notice of an eviction requirement from 72 hours to at least 14 days before the execution of an eviction warrant and allows tenants to pay the full amount of rent due before the execution of the warrant to avoid eviction;
requires courts to stay eviction proceedings if utilities have been cut off to the building due to the landlord's failure to pay for utilities; creates the crime of unlawful eviction; and limits security deposits to one month's rent and requires the return of the deposit within 14 days of the end of occupancy with an itemized statement for any portion of the deposit withheld.  
(Chapter 36 - Part M, various effective dates)

**Immigrant Driver License – No Position**
Known as the “Driver's License Access and Privacy Act,” this law allows New York State to issue driver licenses to individuals regardless of their immigration status.  
(Chapter 37, effective December 14, 2019)

**Decriminalization of Cannabis – No Position**
Amends the NYS Penal Law to decriminalize the possession of marijuana. Specifically, the amendment makes knowing and unlawful possession of marijuana a violation punishable by a fine of not more than $50 and it makes knowing and unlawful possession of more than one ounce of marijuana or of more than one ounce of a product containing marijuana a violation punishable be a fine of not more than $200. Additionally, this act allows for vacating previous minor marijuana convictions, provides for automatic sealing of criminal records, and establishes a procedure for expunging records. Finally, the law subjects marijuana to the same restrictions currently in place under New York State law for smoking cigars, cigarettes, and pipes.  
(Chapter 131, effective August 29, 2019)

**Campaign Funds for Childcare Expenses – No Objection**
Authorizes the use of campaign funds to pay for childcare expenses when such expenses are incurred during the campaign or in the execution of the official duties of public office.  
(Chapter 136, effective September 28, 2019)

**Municipal Gun Buyback Program – No Objection**
Establishes within the Division of the State Police a municipal gun buyback program and a municipal gun buyback program fund. The Superintendent of State Police shall promulgate rules and regulations for such program. Any local police agency may participate in the program or establish their own gun buyback program provided it conforms to the rules and regulations promulgated by the Superintendent.  
(Chapter 139, effective January 27, 2020)

**Stop Arm Camera Authorization – No Objection**
Authorizes counties, cities, towns and villages to adopt a local law providing for the installation and operation of a stop arm camera program for school buses. Such local laws may also impose fines between $200 and $300 on the owner of any vehicle that fails to abide by the stop arm. The system cannot be installed until the school district and the county, city, village and/or town enter into an agreement. In addition, the cost of such program is the responsibility of the municipality. The new law also requires annual reporting by the participating municipality about certain aspects of the program and its results. Due to the overlapping nature of school district boundaries, where a district enters into an agreement with a county, cities (except those with a school district that is wholly contained within the city), villages and towns are precluded from doing so but are still responsible for adjudicating offenses that occur within their jurisdiction. Under these circumstances, those cities, villages and towns would receive 10% of the fine imposed by the local law adopted by the county. The law has an expiration date of December 1, 2024.  
(Chapter 145, effective September 5, 2019)
Liability for Failing to Enforce Domestic Violence Orders of Protection – *NYCOM Opposed*
Removes the limited liability protections of Article 16 of the Civil Practice Law and Rules (CPLR) for parties that fail to enforce orders of protection. Stated differently, if police departments fail to enforce orders of protection, the local government may now be liable to individuals who are injured by attackers who were subject to the orders of protection.
*(Chapter 180, effective October 20, 2019)*

Election Worker Ballots – *No Objection*
Expands the requirement to provide special ballots to board of election employees so that such voters are afforded sufficient time to cast such ballots prior to the close of polls on Election Day.
*(Chapter 257, effective September 13, 2019)*

Right of Tenants to Call Police/Emergency Assistance – *No Objection*
Establishes the right of victims of domestic violence to call police or emergency assistance to request assistance and not be penalized, directly or indirectly, for accessing such assistance. Also prevents local governments from taking actions against the property owner, pursuant to a local nuisance law.
*(Chapter 263, effective September 13, 2019)*

Limited Liability Company Ownership Disclosure – *NYCOM Supported*
Amends New York State Tax Law § 1409 to require real estate transfer tax joint return filings to include the names and business addresses of all members, managers, and any other authorized persons and the names and business addresses of all shareholders, directors, officers, members, managers and partners of any limited liability company that is a grantor or grantee of a deed for residential real property containing one- to four-family dwelling units.
*(Chapter 297, effective September 19, 2019)*

Requires Electronic Campaign Finance Reporting – *No Position*
Requires all candidates and committees required by Article 14 of the Election Law to file statements of campaign receipts, contributions, transfers, and expenditures to do so electronically.
*(Chapter 416, effective December 15, 2019)*

Filing Petitions of Designation or Nomination in Westchester County – *No Position*
Requires petitions of designation or nomination for public office to be accepted until midnight on the last day such petitions are due in Westchester County.
*(Chapter 439, effective October 30, 2019)*

Prohibition Against Rent Without a Certificate of Occupancy – *NYCOM Supported*
Prohibits landlords from collecting rent or commencing an action for possession for nonpayment if the dwelling or structure does not have a certificate of occupancy as required by Multiple Residence Law § 302.
*(Chapter 444, effective November 6, 2019)*

Parking Ticket Fix – *NYCOM Supported*
Gives parking tickets the necessary validity in law as an accusatory instrument in criminal court. This legislation is intended to address problems identified in recent appellate court decisions (*People v. Carrillo*, 55 Misc 3d 147(A)) and (*People v. Tarnoff*, 54 Misc 3d139(A)), which invalidated parking tickets for lack of jurisdiction because the ticket was the functional equivalent of an appearance ticket and therefore insufficient under criminal law as an accusatory instrument.
*(Chapter 450, effective November 8, 2019)*
Time for Compliance with New State Regulations – NYCOM Supported
Requires State agencies proposing regulations that affect local governments or small businesses to assess the minimum time such entities would need to come into compliance with any new regulatory requirements.
(Chapter 577, effective November 1, 2019)

Zombie Property Remediation Act of 2019 – NYCOM Supported
Allows local governments to initiate legal proceedings seeking a court order compelling a mortgagee to either complete a mortgage foreclosure proceeding or to issue a certificate of discharge of the mortgage for any property which has been certified abandoned pursuant to Real Property Actions and Proceedings Law § 1971.
(Chapter 682, effective December 18, 2019)

Prohibits Telemarketing Sales Calls During a State of Emergency – NYCOM Supported
Prohibits any telemarketer from knowingly making unsolicited sales calls during a State declaration of disaster emergency or local state of emergency.
(Chapter 680, effective December 18, 2019)

Shortened Redemption Period for In Rem Tax Foreclosure on Abandoned Properties – NYCOM Supported
Shortens the tax redemption period, from two years to one year, for properties that have been certified as vacant and abandoned by the local government.
(Chapter 704, effective January 1, 2020)

 Expedited Appeals in Freedom of Information Law Cases – No Objection
Provides for expedited judicial review of denials of FOIL requests. Specifically, State law would be amended to provide that an appeal taken from an order of the court requiring disclosure of records pursuant to a FOIL request must be given preference and would authorize the presiding justice to impose conditions and terms on the appeal.
(Chapter 707, effective June 17, 2020)

Additional Information to Employees of Public Work Contracts – No Objection
Requires contractors and subcontractors of public works projects to provide employees with written notice of the benefits for their particular job classification in addition to the prevailing rate of wages in English and in the language identified by the employee as his or her primary language. The fiscal officer of every municipality and civil division of the State would also be required to prepare templates for contractors and subcontractors to use to comply with the notice requirements that are dual language that include English and one additional language determined by fiscal officer.
(Chapter 774, effective June 23, 2020)

VETOED

NYS Intermodal & Capital Transportation Plan – NYCOM Supported
Would have required the State’s Transportation Commissioner to develop and present to the Governor and Legislature a twenty-year intermodal, long-range State transportation plan and a five-year capital plan, with defined projects, that is subject to public review prior to the passage of the State Budget. Would also have required semi-annual reports from the Transportation Commissioner.
(Veto No. 140, November 20, 2019)
Restriction on Retainage Payments – *NYCOM Opposed*
Would have restricted the ability of public entities to hold a small portion of payment for an existing construction project when a portion of the building can be occupied or otherwise available for its intended use.
*(Veto No. 212, December 13, 2019)*

Cemetery Abandonment – *NYCOM Supported*
Would have established cemetery abandonment notification procedures as well as require the State’s Cemetery Board to work with the cemetery corporation and the host local governments to avoid the abandonment of the cemetery.
*(Veto No. 128, November 8, 2019)*

Authorization for Electric Bicycles and Scooters – *NYCOM Supported*
Would have authorized electric-assist bicycles and electric scooters to operate in New York State, subject to local regulation.
*(Veto No. 280, December 26, 2019)*

Recovery of Judgments Directly From Third Party Defendants – *NYCOM Opposed*
Would have permitted a plaintiff, as a judgment creditor against a defendant, to recover and collect an unsatisfied judgment or portion of a judgment directly against a third-party defendant found liable for contribution or indemnification.
*(Veto No. 287, December 26, 2019)*

Clarification of FOIL Denial – *No Objection*
Would have required that any denial of a FOIL request made under the law enforcement exception include a particularized and specific justification for the denial.
*(Veto No. 252, December 26, 2019)*

Prevailing Wage for Building Service and Utility Employees – *NYCOM Opposed*
Would have expanded the definition of building service employee for the purposes of applicability of the State’s prevailing wage. The expansion would have included workers at facilities, not just buildings. The expansion would have also included utility workers. Note, however, that municipal corporations are not included in the definition of covered utilities.
*(Pocket Veto, February 1, 2020)*

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**Employee Relations and Public Safety**

*Staff Contact: John Mancini*  

**ENACTED**

Gender Discrimination – *No Position*
Amends the Executive Law, the Civil Rights Law and the Education Law to prohibit discrimination based on a person’s gender identity.
*(Chapter 8, effective January 24, 2019)*
Injunctive Relief in Improper Practice Cases – NYCOM Opposed
Extends for another two years the authorization for a party filing an improper practice charge to petition the Public Employment Relations Board (PERB) for injunctive relief. This law permits a court to circumvent the entire adjudicatory function of PERB and in effect eliminates the right of a respondent to secure a hearing on the merits of the charge before an administrative law judge, to be followed by the opportunity for an appeal to the Board, and if appropriate, an appeal to the courts.
(Chapter 64, effective July 3, 2019)

Expansion of Pay Equity Provisions – NYCOM Supported
Amends the NYS Labor Law to expand existing pay equity provisions to require equal pay for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under substantially similar working conditions and prohibits pay differentials based on an individual’s status as a member of a protected class, which include age, race, creed, color, national origin, sexual orientation, gender identity and expression, military status, disability, predisposing genetic characteristics, familial status, marital status, and domestic violence victim status.
(Chapter 93, effective October 8, 2019)

Prohibits Salary History Inquiries from Job Applicants – No Objection
Prohibits municipal employers among others from asking prospective hires for their prior salary history.
(Chapter 94, effective January 6, 2020)

Prohibits Discrimination Based on Natural Hair or Hairstyles – No Position
Expands the Human Rights Law to prohibit race discrimination based on natural hair or hair styles.
(Chapter 95, effective July 12, 2019)

Prohibits Discrimination Based on Religious Attire and Facial Hair – No Position
Expands the Human Rights Law to prohibit discrimination based on a person’s religious attire and/or facial hair.
(Chapter 154, effective October 8, 2019)

New Sexual Harassment Protections – No Objection
Amends the sexual harassment prevention law to make it easier for victims of workplace harassment to file claims. Specifically, the law now eliminates the requirement that the harassing conduct be “severe or pervasive” in order to be an actionable claim. As a result, it is expected that there will be an increase in the number of sexual harassment claims filed as well as an increase in the potential liability for employers, thus increasing their exposure to litigation. The new law also extends the statute of limitations from one year to three years for the time allowed in which a victim can file a claim with the Division of Human Rights. Municipal employers are also now required to provide annual notice to employees about the municipality’s sexual harassment prevention policy in English as well as in the employee’s primary language. The law also requires that specific language be included in all non-disclosure agreements informing employees of their legal right to file a complaint of harassment or discrimination with a State or local agency and participate in a governmental investigation.
(Chapter 160, effective date for most provisions is October 11, 2019)

Access to Records for Firearms – No Position
Requires firearm applicants who apply for a permit and reside in New York State but are domiciled outside of the State to sign a waiver allowing State officials access to their out-of-state mental health records.
(Chapter 242, effective November 2, 2019)
Law Enforcement Access to Firearm Licensing Information – No Position
Clarifies the legislative intent of the Safe Act to allow local and State law enforcement officials access to firearm applicant information that may otherwise be exempt from disclosure pursuant to the Freedom of Information Law.
(Chapter 244, effective September 3, 2019)

Municipal Reimbursement for World Trade Center Sick Leave – NYCOM Supported
Provides a procedure for local governments to obtain reimbursement for employees utilizing sick leave for a qualifying World Trade Center condition. This amends Chapter 273 of the Laws of 2017 regarding the reimbursement of municipalities for this qualified leave.
(Chapter 251, effective September 11, 2019)

Expansion of World Trade Center Benefits to Non-Uniformed Retirees – NYCOM Supported
Expands eligibility for World Trade Center disability benefits to include Tier 3 and 4 public employees who are members of the State and Local Employees’ Retirement System.
(Chapter 252, effective September 11, 2019)

Expands Time to File for an Accidental Death Benefit – No Objection
Expands, from two years to five years, the time beneficiaries of a former member of the New York state and local employees’ retirement system or the New York state and local police and fire retirement system beneficiaries have to file for an Accidental Death Benefit.
(Chapter 253, effective January 1, 2020)

Expands Pregnancy-Related Condition Under the Human Rights Law – No Position
Amends the NYS Human Rights Law by expanding the definition of “pregnancy-related condition” to include lactation.
(Chapter 271, effective September 13, 2019)

Reproductive Health Decision-Making – No Position
Prohibits employers from discriminating against employees based upon their reproductive health decision making.
(Chapter 457, effective November 8, 2019)

Volunteer Firefighter and Volunteer Ambulance Squad Service Award Contribution – No Objection
Increases, from $700 to $1,200, the maximum contribution a municipality could make toward a volunteer firefighter’s or volunteer ambulance squad member’s defined contribution service award program.
(Chapter 474, effective November 8, 2019)

Paid Leave for Health Related Services for Public Officers and Employees with Military Combat Experience – NYCOM Supported
Amends the NYS Military Law to authorize local governments to provide additional paid leave to municipal officers and employees with military combat experience for health services related to their combat duty.
(Chapter 476, effective March 10, 2020)
Increase Public Retiree Salary Cap to $35,000 – NYCOM Supported
Increases from $30,000 to $35,000, the amount of money a public retiree under 65 years of age can earn from a public employer without a reduction to their retirement benefits. This allows local governments and other public sector employers to hire retirees without the added expense of paying for costly fringe benefits that are frequently associated with non-retiree employment positions. (Chapter 589, effective December 6, 2019)

Allow Police and Fire to Carry “Epi-Pens” – NYCOM Supported
Adds firefighters, police officers and peace officers to the list of professionals who are authorized to carry and legally administer epinephrine since they are often the first on the scene of an emergency. (Chapter 633, effective December 26, 2019)

NYS Civil Service Wage Disparity Study – NYCOM Opposed
Amends Chapter 403 of the laws of 2018 which requires the State Civil Service Commission to study and issue a report regarding wage disparities in the public sector, including municipalities. Specifically, local governments are required to assist the State’s Civil Service Commission, if requested, in the collection of public employee wage data. In addition, public employees are permitted up to four hours per year during their normal work schedule to participate in the Commission’s study to evaluate wage disparities among public employers. (Chapter 637, effective December 12, 2019)

Fire Chief Qualifications – NYCOM Opposed
Requires volunteer firefighters interested in becoming the fire chief in a combination department, with six or more paid firefighters, to meet the same training requirements as a paid fire chief. This may make it difficult for local volunteer firefighters to achieve the rank of fire chief in a combination department. (Chapter 678, effective June 13, 2020)

Whistleblower Protections – NYCOM Supported
Allows whistleblowers to assert any other legal claim permitted under the law in addition to their whistleblower claim. Currently, whistleblowers lose this right once they bring a whistleblower claim. (Chapter 684, effective December 20, 2019)

Volunteer Firefighter Proof of Eligibility for Cancer Benefit – No Objection
Allows a municipal fire department to submit alternate documentation as proof that a volunteer firefighter meets the eligibility standard for the enhanced cancer disability benefit. This legislation would assist municipalities who no longer have the records necessary to be able to verify that a firefighter applying for the benefit has met the minimum standards to qualify for the benefit. (Chapter 738, effective December 23, 2019)

Fair, Non-Biased Compensation Structure – NYCOM Opposed
Would give certain public employees the right to sue their public employer for allegations of unfair and biased compensation structures. This legislation could open the floodgates for potential litigation against local governments. The public would be better served by assisting municipalities in their efforts to ensure a fair compensation structure for all public employees. (Chapter 743, effective December 26, 2019)
Special Retirement Plan for Certain State and Local Police and Fire System Members – **NYCOM Opposed**
Allows any member of the New York State and Local Police and Fire Retirement System who became a member after July 1, 2009 and before January 9, 2010 to join a special retirement plan subject to Article 11 of the Retirement and Social Security Law open to them pursuant to a collectively negotiated agreement. It is anticipated that this amendment will affect 231 active members of the retirement system.
*(Chapter 751, effective January 1, 2020)*

**VETOED**

Civil Service Protections to Non-Competitive and Labor Class Positions – **NYCOM Opposed**
Would have extended Civil Service Law protections to municipal employees in labor class and non-competitive titles, granting them the same reduction-in-force and recall provisions currently afforded only to those in the competitive class. NYCOM believes that the proper forum for addressing reduction-in-force and recall provisions for municipal employees in labor class and non-competitive titles is in local negotiations between a municipal public employer and those unionized employees concerned about this particular matter.
*(Veto No. 222, December 13, 2019)*

Police and Fire Mandatory Retirement Age – **NYCOM Opposed**
Would have increased the mandatory retirement age, from 62 to 65 years old, for police officers and firefighters who are covered under section 384 of the Retirement and Social Security Law, resulting in an increased cost to taxpayers.
*(Veto No. 254, December 20, 2019)*

**Telecommunications, Environment and Energy**

*Staff Contact: Rebecca Ruscito*

**ENACTED**

Climate Leadership and Community Protection Act – **No Position**
Creates the New York State Climate Action Council to oversee the State’s climate change mitigation plan and would require statewide greenhouse gas emissions be reduced to 60% of 1990 levels by 2030 and 15% of 1990 levels by 2050.
*(Chapter 106, effective January 1, 2020)*

Statute of Limitations for Water Contamination by Water Suppliers – **NYCOM Supported**
Provides a three-year statute of limitations on causes of action against entities that have caused or contributed to the presence of a contaminant in a source water supply by a public or wholesale water supplier.
*(Chapter 442, effective November 4, 2019)*

Posting Public Water Supply Permits – **No Position**
Requires the Department of Environmental Conservation to post information related to the maximum pumping capacity and the results of well monitoring for each permit issued for a public water supply system on the Department’s website.
*(Chapter 458, effective February 6, 2020)*
5G Wireless Technology Study – *NYCOM Supported*
Requires the NYS Office of Information Technology Services to study and evaluate the implementation of 5G and future generation wireless systems technology in the State.
*(Chapter 653, effective December 16, 2019)*

Paint Collection Program – *NYCOM Supported*
Establishes a postconsumer paint collection program in which manufacturers of interior and exterior paint must create a plan to keep used paint out of municipal landfills by collecting, recycling, disposing of, and processing paint products using environmentally sound management practices.
*(Chapter 673, effective December 16, 2019)*

Disclosure of Gas and Electric Utility Information to Prospective Tenants – *No Objection*
Requires gas and electric utilities, including municipal utilities, to disclose certain information relating to the gas and electric charges incurred at residential rental premises upon the request of a prospective tenant at no cost.
*(Chapter 705, effective April 18, 2020)*

**VETOED**

High Local Environmental Impact Zones – *No Objection*
Would have required the NYS Department of Environmental Conservation to publish a biennial list of high local environmental impact zones based on the existence of harmful environmental containments in the area as determined by the Department. Local impact zones would have been identified in as specific detail as practicable by either census tract, census block group, or nine-digit zip code.
*(Veto. No. 136, November 20, 2019)*

Municipal Broadband Study – *NYCOM Supported*
Would have required the Department of Public Service to study and evaluate the feasibility of a municipal broadband study within the State and determine the estimated costs of a municipal broadband program, the resources available to municipalities to undertake such a program, and the expertise necessary for a municipality to administer such a program.
*(Veto. No. 190, December 6, 2019)*